

DIRECTOR OF SCIENCE POLICY report
WSSA Summer Board Meeting, July 25-26, 2009. Denver, CO

Finances

The Science Policy Committee (SPC) has a \$5000 travel fund that can be used towards science policy activities in Washington DC, or sending people to attend events that advance the objectives of the Science Policy Committee. To date, I used \$477 of the SPC fund for the EPA fact finding tour in Florida. Bill Curran traveled to DC in April to attend the Co-FARM Congressional Visits day and did not ask for any reimbursement for his travel. Travel to the regional weed science meetings, APMS, and other speaking requests are reimbursed to me through the host society or organization.

Office & Equipment- The Tri-Societies, Ag Economics and WSSA share office space near Union Station in Washington DC. We are currently looking for new office space due to space limitations for interns, poor maintenance by management, and having our Amtrak passes revoked. We also want a bigger conference room and better data/internet connectivity. Office rent for the DSP is budgeted at \$8500 per year. One other option is that I could work from home in Arlington, VA. I'm just throwing this out there as a **discussion point** if WSSA needed to cut \$8500.

EPA- Clean Water Act (CWA) National Pollutant Discharge Elimination System Permits (NPDES)

I have spent a lot of time this spring working to ensure that FIFRA remains the preeminent federal law for pesticide regulation that protects both people and the environment. The extensive research and science-based risk assessments required by FIFRA should not be jeopardized by politics (and it is). All the details are in the report titled "EPA Florida Aquatic Pesticide Tour" on the [WSSA website](#). Many thanks to Jill Schroeder (WSSA-EPA liaison) and Kurt Getsinger (APMS, Army Corp of Engineers) for their excellent work on this issue. **Does the Board want additional historical background on FIFRA vs. CWA?**

The CWA will have a huge impact on our discipline if CWA NPDES permits are required for pesticide applications "in, over, or near water". **The citizen lawsuit provisions in the CWA (but not in FIFRA) will be an incredible economic burden on everyone.** In January, the 6th Circuit Court ruled that EPA's final rule was not a reasonable interpretation of the CWA since the terms "chemical waste" and "biological materials" unambiguously include aquatic pesticides. The WSSA along with many other stakeholders (including USDA Secretary Vilsack, and House and Senate Ag Committees) asked EPA to petition for a full court rehearing. In April, Industry asked for the full 6th Circuit Court to rehear the case, but EPA only asked for 2 year stay to implement an NPDES permit system for pesticides applied "in, over, or near water".

There are currently 3 major avenues being pursued to **ensure that pesticides applied in accordance with FIFRA are exempt from any CWA regulation:**

- **Judiciary Branch-** Industry (Crop Life, National Cotton Council, etc..) appeal in full 6th Circuit Court is still pending. Supreme Court?
- **Legislative Branch-** Congress could provide exemption of pesticides in compliance with FIFRA from CWA. The Baucus amendment to Senate bill 787 (which broadens the scope of CWA jurisdiction) initially looked good, but did not provide a true exemption. S. 787 passed the Senate Environment and Public Works committee, but I don't think they have the votes to pass it in the full Senate. On the House side, the Small Business Committee had a hearing on S. 787 on Wednesday, and they heard **massive opposition** against the bill because enactment of S. 787 would subject federal CWA permitting requirements on ditches, water and sewer pipes, streets, gutters, man-made ponds, storm water basins, and even "puddles of rainwater" according to some of the bill's critics.
- **Executive Branch-** EPA has until **April 9, 2011** to implement an NPDES permit system for all pesticides applied in, over, or near water. **Discussion** about the need for another "Fact Finding" tour.

EPA plans to release a draft version of an **NPDES general permit** for public comment by April 2010. States will be required to do their own permitting, but EPA would not object to “plagiarism” of its general permit. State general permits must be approved by EPA prior to April 9, 2011.

An NPDES General Permit will allow an applicator to perform certain activities (mosquito control, aquatic weed control, etc.). Applicators would need to **file a ‘notice of intent’ (NOI)** that would be good for 5 years (still discussing timeframe). The NOI is intended to be a simple 1 to 2 or 3 page form with name, address, application type, discharge area, etc. Applications should be able to be made within 2 days to a week of NOI submission. EPA does not believe that individual NOI’s should be made available to the public, although general permits could be made public.

APHIS/EPA Grant for Herbicide Resistance White Paper

Bill Vencill, Carol Mallory-Smith, Bill Johnson, Nilda Burgos, Ted Webster, Bob Nichols, and John Soteris have been working on a “state of the science” review paper on the development of herbicide-resistant weeds and weed shifts that are linked to the introduction of GE herbicide-tolerant corn, soybeans, wheat, rice, cotton, alfalfa and switchgrass. They worked on the final draft yesterday that will go out for initial review sometime next week. I need to request an extension of the project from APHIS since we will not be able to get through the full review process by Sept. 30. The goal is final “open access” publication in *Weed Science* by November 2009.

EPA is interested in funding other projects with WSSA. Specifically, they are interested in comparing the success of various herbicide resistance management programs. Are some tools more successful than others? What could make these efforts more successful? They are also interested in helping the EPA Environmental Fate Division in Corvallis, OR work with WSSA on some risk assessment procedures. Jill Schroeder and I will be exploring these opportunities further during the week of August 3.

Doubling Campaign for USDA-AFRI grants

I have been working with several research coalitions (National C-FAR, Co-Farm) to double the AFRI grants (old NRI) over the next 5 years. Funding was \$193M in FY 2008 and \$201M in FY 2009. Our ag research coalition group was pushing Congress for \$250 million in FY 2010 (exclusive of any Section 406 Program funding), with a goal of \$500 million in total funding by FY 2015. The House ag approps bill funds AFRI at \$213 million for FY 2010. However, the Senate ag appropriations bill passed 2 weeks ago funds AFRI at **\$295 million in FY 2010**. The difference will be worked out in conference.

We are also working on a letter to the Obama White House about his campaign promises to increase science R&D. While some agencies (NSF, NIH, DOE) have done well, agriculture research funding has been left in the dark.

USDA-ARS National Program Leader for Weed Science

Three candidates were interviewed in January 2009. In March, ARS said the candidate pool was “not diverse enough”, and subsequently re-posted the position. Applications were due May 22, 2009 for the “second” round. My understanding is that they will be vetting those applicants this fall, similar to the previous year’s timeline. **Question?** Should we write another letter to Knipling / Judy St.John?

Registration Review of Glyphosate. Docket No. EPA-HQ-OPP-2009-0361 is open for review. Comments should be filed at <http://www.regulations.gov/> by Sept. 21.

Climate Change Bill (H.R. 2454)- What is the Board’s thoughts on this? Do we need a policy position paper? The ag lobbying ‘bloc’ is divided, as our past USDA Secretaries. The no-till carbon sequestration provisions under a Cap and Trade system would likely be good for WSSA.