

WASHINGTON REPORT

December 31, 2024

Lee Van Wychen

USFWS Proposes Listing Monarch Butterfly as Threatened Under ESA

The U.S. Fish and Wildlife Service (USFWS) published a 12-month finding on the endangered species listing status of the monarch butterfly as “threatened” on December 12, 2024. The USFWS is seeking public input on a proposal under section 4(d) of the Endangered Species Act (ESA). Public comments will be accepted on the proposal until March 12, 2025. The Service will then evaluate the comments and any additional information on the species and determine whether to list the monarch butterfly.

With monarchs being listed as “threatened” (as compared to “endangered”), the USFWS can issue a 4(d) rule, which offers more flexible regulations, including special rules to tailor protections to the specific needs of the threatened species. A 4(d) rule can modify or exempt certain species protections to balance conservation efforts with economic impacts. It allows flexibility to incentivize positive conservation actions and public comment is critical to shape the 4(d) rule.

With the monarch butterfly being listed as a threatened species by USFWS, the EPA must include it within its standard process for pesticide label registrations under its **Herbicide Strategy**, treating it with the same consideration as other protected species. Potential impacts to pesticide labels will likely be seen starting in **2026** as new and previously registered active ingredients undergo registration review.

The monarch has two U.S. populations, a western one that overwinters in coastal California and an eastern one that migrates to central Mexico. The USFWS is proposing critical habitat for the **western monarch** at a portion of its overwintering sites in coastal California, but not for the eastern monarch. In total, the USFWS is proposing 4,395 acres of **critical habitat** for the western monarch population across Alameda, Marin, Monterey, San Luis Obispo, Santa Barbara, Santa Cruz and Ventura counties in **California**. A critical habitat designation does not impose additional requirements on the state or private land owners, unless the action involves federal funding, permits or approvals.

INFORMATION THE USFWS IS LOOKING FOR ON MONARCHS

The USFWS intends that any final action resulting from their proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, they request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. In particular, they are seeking comments concerning:

(1) The species’ biology, range, and population trends, including:

- a) Biological or ecological requirements of the monarch species, including habitat requirements for feeding, breeding, and sheltering;

- b) Genetics and taxonomy;
- c) Historical and current range, including distribution patterns, alternative migratory pathways, and the locations of any additional populations of this species;
- d) Population dynamics and contributions from the nonmigratory populations, specifically resident monarchs in southern Florida, the Gulf Coast, the southern Atlantic Coast, and the southern Pacific Coast;
- e) Historical and current population levels, and current and projected trends; and
- f) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Threats and conservation actions affecting the species, including:

- a) Factors that may be affecting the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors;
- b) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species;
- c) Existing regulations or conservation actions that may be addressing threats to this species; and
- d) Other potential threats that were not identified as key threats to the species.

(3) Additional information concerning the historical and current status of this species.

(4) Information to assist us with applying or issuing protective regulations under section 4(d) of the Act that may be necessary and advisable to provide for the conservation of the monarch butterfly. In particular, we seek information concerning:

- a) The extent to which we should include any of the Act's section 9 prohibitions in the 4(d) rule;
- b) Whether we should consider any modifications or additional exceptions from the prohibitions in the 4(d) rule;
- c) **Whether the provisions related to the maintenance, enhancement, removal, or establishment of milkweed should be revised to include spatial or temporal restrictions or deferments;**
- d) **Whether we should include an exception for the use of pesticides and, if so, what measures are reasonable, feasible, and adequate to reduce or offset pesticide exposure to monarchs from agricultural and non-agricultural uses (e.g., rangeland, rights-of-way, forestry, commercial areas, and mosquito control), including measures for specific classes of pesticides (e.g., herbicides, insecticides), pesticide uses, and application methods;**
- e) Whether we should include an exception for direct impacts from transportation and energy infrastructure, including mortality from collisions with wind turbines; and
- f) Whether we could improve or modify our approach to the 4(d) rule in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

(5) Specific information related to critical habitat, such as the following:

- a) The amount and distribution of monarch butterfly habitat (i.e. *Asclepias spp.*)
- b) Any additional areas occurring within the range of the species in the United States, especially in breeding, migratory, or overwintering areas, that should be included in the critical habitat designation because they (i) are occupied at the time of listing and contain the physical or biological features that are essential to the conservation of the species and that may require special management considerations, or (ii) are unoccupied at the time of listing and are essential for the conservation of the species; and
- c) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change.

(6) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(7) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation, and the related benefits of including or excluding specific areas.

(8) Information on the extent to which the description of probable economic impacts in the economic analysis is a reasonable estimate of the likely economic impacts and any additional information regarding probable economic impacts that we should consider.

(9) Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area. If you think we should exclude any additional areas, please provide information supporting a benefit of exclusion.

(10) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

To review the proposed rule and submit comments by **March 12, 2025**, please go to:
<https://www.regulations.gov/search?filter=FWS-R3-ES-2024-0137&withinCommentPeriod=true>

Because of the species' general habitat use and wide distribution, all sectors of society have an opportunity to participate in a broad range of conservation efforts throughout the butterfly's range. For more information about the monarch listing proposal, and how to help conserve monarch butterflies, please visit: <https://www.fws.gov/monarch>

Congress Punts Farm Bill and Government Funding Decisions into 2025.

- House Ag Committee passed their Farm Bill draft on May 24, 2024. Senate Ag did not release their draft of the Farm Bill until November 19, 2024, almost two weeks after the elections.
- The 2023 Farm Bill extension expired on Sep. 30, 2024.

- On December 21, 2024, the U.S. Senate passed a continuing resolution by a vote of 85 to 11, extending current government funding levels for three months, authorizing a one-year farm bill extension, and securing vital farm and disaster aid. The legislation, which extends FY 2024 appropriations levels through March 14, 2025 passed the House of Representatives by a vote of 366 to 34.
- The next session of Congress, the 119th, will begin on Jan. 3, 2025 with a Republican House, Senate and Administration.

Some notable provisions included in the House Farm Bill:

- Provides \$2.5 billion in mandatory funding for a competitively awarded agriculture research facilities grant program. (i.e. Infrastructure funding for land-grants)
- Mandates \$100 million in funding for student scholarships at land-grant colleges and universities.
- Directs USDA to establish at least 15 Centers of Excellence, which were previously authorized to receive priority for funding. Changed the eligible areas of focus to include aquaculture, biosecurity, biotechnology, invasive species, water quality, and other topics.

House Agriculture Committee Members for the 119th Congress

On December 17, the House Republican Steering Committee selected the Republican members who will serve on the House Committee on Agriculture for the 119th Congress.

Returning Republican Members:

Rep. Glenn "GT" Thompson (PA-15), **Chairman**

Rep. Frank Lucas (OK-03)

Rep. Austin Scott (GA-08)

Rep. Rick Crawford (AR-01)

Rep. Michael Bost (IL-12)

Rep. Scott DesJarlais (TN-04)

Rep. Doug LaMalfa (CA-01)

Rep. David Rouzer (NC-07)

Rep. Trent Kelly (MS-01)

Rep. Don Bacon (NE-02)

Rep. Dusty Johnson (SD-AL)

Rep. Jim Baird (IN-04)

Rep. Tracey Mann (KS-01)

Rep. Randy Feenstra (IA-04)

Rep. Mary Miller (IL-15)

Rep. Barry Moore (AL-02)

Rep. Kat Cammack (FL-03)

Rep. Brad Finstad (MN-01)

Rep. Monica De La Cruz (TX-15)

Rep. Ronny Jackson (TX-13)

Rep. John Rose (TN-06)

Rep. Zach Nunn (IA-03)
Rep. Derrick Van Orden (WI-03)

New Republican Members:

Rep. Dan Newhouse (WA-04)
Rep. Tony Wied (WI-08)
Rep. Rob Bresnahan (PA-08)
Rep. Mark Harris (NC-08)
Rep. Mark Messmer (IN-08)
Rep. David Taylor (OH-02)

Angie Craig Wins Vote to Lead House Agriculture Democrats

Representative Angie Craig (D-Minn.) will lead Democrats on the House Agriculture Committee in the next Congress after winning a caucus vote on December 17, 2024.

Craig, 52, beat out Rep. Jim Costa (D-Calif.), 72, for the role by a vote of 121 to 91. She will become the first woman ranking member of the House Agriculture panel and is part of a larger generational shift among House Democrats, who have forced out a number of aging committee leaders in the wake of their November election losses.

The current ranking Democrat on the Agriculture Committee, Rep. David Scott (D-Ga.), dropped out of the race on December 16 after winning just five votes in Democrats' Steering Committee. Scott, 79, faced growing calls over the last several years from rank-and-file Democrats to step down from his committee role, amid concerns about his health, lack of leadership and struggle to negotiate the \$1.5 trillion farm bill.

An interesting side note is that Rep. Craig's fellow Minnesotan, Senator Amy Klobuchar (D-MN), is set to take over as the top Democrat on the Senate Agriculture Committee in 2025.

The Democratic members of the House Agriculture Committee have not been released yet.

WSSA and NAICC Host EPA and FWS on Endangered Species Issues Tour in Wisconsin

During the first week of September, WSSA and the National Alliance of Independent Crop Consultants (NAICC) hosted staff from the U.S. EPA Office of Pesticide Programs (OPP), the U.S. Fish and Wildlife Service (FWS) and the USDA NRCS to examine the challenges and opportunities for implementing and improving EPA's "**Herbicide Strategy**" for protecting endangered and threatened species and their critical habitat as specified in the Endangered Species Act (ESA).

The first herbicides that are going through the new "Herbicide Strategy" process this fall includes Liberty Ultra (a new herbicide registration) as well as herbicide re-registration decisions for oxyfluorfen, metribuzin, and possibly atrazine.

The tour covered multiple cropping systems and production scenarios across Wisconsin, including corn, soybean, alfalfa, potato and cranberry cropping systems. We discussed habitat

requirements for two ESA species: the eastern massasauga rattlesnake and the rusty patched bumble bee and focused on how to improve ESA mitigation measures. We also saw the abundance of non-crop habitat available next to crop production fields and discussed how “habitat offsets” could be a very viable option for protecting ESA species, as compared to Pesticide Use Limitation Areas (PULAs) and spray drift and runoff/erosion reduction measures.



Wisconsin ESA Tour Participants (L to R, first row): Dawn Wyse-Pester, Director of Innovation, Research & Development at WinField United with Land O’ Lakes; Hilary Sandler, WSSA President-Elect; Lori Nordstrom, Assistant Regional Director for Wisconsin and Minnesota, U.S. Fish & Wildlife Service (FWS); Jan Matusko, Director EPA Office of Pesticide Programs (OPP) Environmental Fate & Effects Division (EFED); (second row): Lee Van Wychen, WSSA Executive Director of Science Policy; Matt Eich, NAICC Independent Crop Consultant, South Dakota; Kris Garber, Senior Science Advisor, EPA OPP EFED; Sarah Chu, WSSA Science Policy Fellow; Josh Miranda, WSSA Science Policy Fellow; Kaitlin Picone, Senior Advisor for Stakeholder Engagement, EPA OPP; Ian Olson, NAICC Independent Crop Consultant, South Dakota; Steven Hoffman, NAICC Independent Crop Consultant, Wisconsin; (back row): Kevin Pontel, NAICC Independent Crop Consultant, Wisconsin; Neil Anderson, Acting Director, EPA OPP Biological and Economic Division (BEAD); Mark VanGessel, WSSA-EPA Liaison; Charles “Billy” Smith, Director, EPA OPP Registration Division (RD); Bill Chism, WSSA ESA Committee Chair; Greg Dahl, WSSA President; Ed Messina, Director, EPA OPP; James Todd, NAICC Independent Crop Consultant, Texas; Tim Kiely, Deputy Director, EPA OPP Pesticide Re-Evaluation Division (PRD). The photo was taken at the last stop of tour at the WinField United Innovation Center in River Falls, WI.

EPA Updates Process for Developing Maps to Protect Endangered Species

On December 19, 2024, the EPA took another step to reduce potential impacts to farmers from implementing endangered species protections while continuing to protect endangered species by publishing a process (<https://www.epa.gov/endangered-species/process-epa-uses-develop>

[core-maps-pesticide-use-limitation-areas](#)) that it will use to develop maps for protecting species designated as threatened or endangered (listed) by the U.S. Fish and Wildlife Service (FWS) and their designated critical habitats. These maps allow EPA to protect listed species from the use of pesticides through **geographically specific** mitigations. The process identifies areas where listed species are likely to be located and areas where they are not, which ensures that additional measures to protect listed species are only required in these areas.

A huge amount of credit for this improvement goes to **Dr. Stanley Culpepper and Dr. Taylor Randell-Singleton** at the University of Georgia for their work on refining habitat maps for two endangered salamander species in their state. They worked through a process that defined actual salamander habitat and where that habitat occurred. When the Enlist Duo label was published in 2022 for ESA mitigations, almost one million acres in 11 Georgia counties were restricted due to the endangered salamander habitat. After refining the maps with actual salamander habitat, they found that only 0.37% of the area should be restricted due to salamander habitat.

As EPA assesses pesticide impacts on listed species, the agency may find that some mitigations are only needed to protect listed species. In those cases, EPA will only apply those mitigations where appropriate and necessary in geographically specific areas (referred to as Pesticide Use Limitation Areas or PULAs). PULAs are areas where pesticide exposures are likely to impact the continued existence of a listed species, which may include a reduction in survival or recovery of the species.

When developing a PULA for a specific species, EPA starts by developing a “core map.” A core map identifies areas that are important to a species, which could be a refined range map. In cases where range maps are broad and include areas where a species is no longer thought to live, then core maps would only include areas within the species range where the species likely currently lives. The process released today is intended to identify such areas and exclude areas from EPA’s core map where the species is not likely to live. After developing a core map for a species, EPA develops a PULA that accounts for pesticide movement from a use site (e.g., spray drift and run-off) by adding adjacent areas to the core map. Developing a core map or PULA does not alter FWS’ range map.

EPA’s goal is to develop core maps for all FWS listed species that may require protections with respect to pesticide exposures. The agency is focusing first on creating core maps for listed species identified in its [Vulnerable Species Action Plan \(VSAP\)](#), released in September 2024. This provides a framework for EPA to adopt early, meaningful protections to address potential impacts for listed species that the Agency identifies as particularly “vulnerable” to pesticides. EPA has developed core maps for several VSAP species, which can be found on the agency’s website, and will be developing core maps for the remaining VSAP and other listed species and making them publicly available as they are completed. EPA has also prioritized a subset of listed species for core map development.

Additional information can be found in the core map development process document. Visit EPA's website to learn more about how [EPA's pesticide program](#) is protecting endangered species.

Federal Court Judge Vacates APHIS Rule on Genetically Engineered Organisms

On December 2, the federal district court for the northern district of California threw out streamlined regulations of bioengineered crops, creating uncertainty in ag biotech laboratories across the country. In 2020, USDA APHIS finalized a rule that simplified reviews of genetically engineered plants such as herbicide tolerant soybeans and Bt-cotton.

The rule also exempted from regulation crops made by editing the species own genes, on condition the gene-editing produces a trait that conventional cross-breeding could have created. In a lawsuit filed in 2023 by the National Family Farm Coalition, Friends of the Earth, Pesticide Action Network, Center for Environmental Health, Center for Biological Diversity, and Center for Food Safety, they argued that USDA had not followed procedures required when agencies create new regulations. The court agreed with plaintiffs that it was arbitrary and capricious for APHIS not to incorporate its noxious weed authority in its final rule, and to exempt from regulatory review GE plants with changes that could have been achieved through conventional breeding techniques without adequate substantiation for these positions in the final rule record. The court vacated the rule as of December 2 and ordered the parties to meet on outstanding issues in the case. USDA may revert to its prior rules until the case is fully resolved, which could take years.

Bonanno Honored with the IR-4 Project SOAR Award

The [SOAR Award](#) honors external partners of the IR-4 Project who exemplify the areas of Service, Outreach, Altruism and Research, while supporting specialty crop growers and the mission of The IR-4 Project.



Rich Bonanno, is currently the Executive Director of the Association of Southern Region Extension Directors (ASRED). He has also served in the roles of former Associate Dean of NC State CALS, Director of NC State Cooperative Extension, and Vice Provost for Outreach and Engagement at NC State. Dr. Bonanno has been a long time member of the weed science societies and served as chair of WSSA's Science Policy Committee for many years.

Dr. Bonanno's legendary career and dedication to the land-grant mission has benefited countless growers and research units, including IR-4. As a specialty crop grower himself, Bonanno has a deep understanding of fellow growers' needs. Bonanno also has a long history of collaboration with IR-4; he was a charter member of IR-4's Commodity Liaison Committee (CLC) beginning in 1992, and chaired this committee from 2014-2016 (until he began his influential time at NC State). More recently, Bonanno played a pivotal role in advocating for and supporting IR-4's move from Rutgers University to NC State. As Dr. Bonanno transitions from

NC State to an influential new role with ASRED, the IR Project celebrates his commitment to the growers and researchers of our region and thank him for being an exceptional ally to IR-4.

Brooke Rollins Nominated to Lead USDA

Rollins, 52, is a lawyer with agriculture ties who grew up in Glen Rose, TX where she was involved in 4-H and FFA. She graduated from Texas A&M University with an undergraduate degree in agricultural development in 1994 before completing law school at the University of Texas. While at Texas A&M, Rollins was the first woman to be elected student body president.



After graduating from law school, Rollins worked for several years at Hughes & Luce, LLP in Dallas and clerked under U.S. Federal District Court judge Barbara M. Lynn. Rollins previously served as deputy general counsel, ethics advisor, and policy director to Texas governor Rick Perry.

Rollins was the president and CEO of the Texas Public Policy Foundation (TPPF) from 2003 through 2018. During her tenure at TPPF, the think tank grew from having a staff of three to a staff of 100. In 2011, Texas Monthly named Rollins one of the 25 most powerful Texans.

She served as domestic policy chief during Trump's first term, a portfolio that included agricultural policy. After leaving the White House, she became president and CEO of the America First Policy Institute.

This is one of the earliest nominations for a USDA Secretary that I can remember, following a presidential election. News and talk on Capitol Hill indicate she will have a fairly easy Senate confirmation hearing.

Lee Van Wychen, Ph.D.
Executive Director of Science Policy
Weed Science Society of America
5720 Glenmullen Pl, Alexandria, VA 22303
Cell: 202-746-4686

Meetings of the National and Regional Weed Science Societies

Jan. 6 - 10, 2025 Northeastern Weed Science Society (NEWSS), Annapolis, MD www.newss.org

Jan. 20 - 23, 2025 Southern Weed Science Society (SWSS), Charleston, SC www.swss.ws

Feb. 24 - 27, 2025 Weed Science Society of America (WSSA), Vancouver, BC www.wssa.net

Mar 10-13, 2025 Western Society of Weed Science (WSWS), Seattle, WA www.wsweedscience.org

Jul. 14 - 17, 2025 Aquatic Plant Management Society (APMS), Providence, RI www.apms.org

Dec 15-18, 2025 North Central Weed Science Society (NCWSS), Grand Rapids, MI www.ncwss.org