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Backgrounder: Environmental Regulations

Like the owners of other small businesses, agricultural producers must comply with a wide variety of federal regulations. Since farmers are typically landowners or caretakers of land on behalf of their landlords, many of the regulations they interact with are related to our nation's natural resources – soil, air, water and wildlife habitats.

Farmers are quite conscious of what happens on their land – after all, they make their living on the land, they live on the land, they feed their families from the land, and most hope their children will someday continue the operations they have grown. Agricultural producers have a serious stake in the quality of our environment, but they also know the costs that come with duplicative regulations and new initiatives that would force them to change practices with dubious return on the investment.

NAWG supports the regulation and use of pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Food Quality Protection Act (FQPA). The Environmental Protection Agency (EPA) uses a risk-based approach to regulate pesticides and ensure that they are properly applied and safe for applicators, farmers, consumers and the environment.

NAWG supports efforts to replace the 2015 Waters of the US regulation with a more transparent regulation that farmers can understand. Farmers understand the importance of clean water on their farm, in their communities and across the country, but need clear regulations that are understandable to allow them to be in compliance with the law. We are currently reviewing the EPA's new proposed WOTUS rule to see if it meets those characteristics.

NAWG is concerned about several regulatory issues that lack a transparent, science-based decision making process and which can impact farming operations. For example, the Endangered Species Act (ESA) consultation process for pesticides is broken. The EPA and the National Marine Fisheries Service and the US Fish and Wildlife Service (the Services) have argued with each other for decades about how to regulate pesticides when it comes to endangered species. These differences have been magnified for over a decade in the courts, and these pending lawsuits are now threatening to rescind pesticide registrations, removing critical crop protection tools for growers. Today, EPA and the Services are reviewing pesticides based on different approaches, leading to delays, lawsuits and uncertainty of the future availability of key crop protection tools. A workable ESA review is needed. The FIFRA Interagency Working Group established in the 2018 Farm Bill is a step in the right direction to address the consultation process. NAWG supports fixing the ESA consultation process and providing regulatory relief to farmers addressing administrative red tape.

NAWG Talking Points:

- NAWG supports a consistent, timely and balanced agency registration and review of crop protection products that uses sound science and transparent procedures.
- NAWG supports a reasonable, workable Endangered Species Act consultation process for pesticide registration and review.
- NAWG opposes the 2015 Waters of the US Regulation (WOTUS) and supports the legislative and administrative efforts to revise the regulation.

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