



NASDA Priorities for the Trump Administration

April 27, 2017

Cooperative Federalism: NASDA encourages the Administration to continue its strong commitment to Cooperative Federalism—a robust partnership and role for states in federal policymaking.

- Consult NASDA and other state agency associations *early* in the regulatory processes and recognize the unique role of states as co-regulators and not simply stakeholders
- Increase flexibility for state program delivery, especially as alternatives to undue regulatory burdens on the regulated community
- Enhance resources for states, eliminating unfunded mandates, and ensuring that economic analyses more realistically account for economic costs to states
- Establish robust, regular dialogue between senior administration officials at key agencies (USDA, EPA, FDA, DOI, etc.) and NASDA members
- Advance regulatory reform to ensure the states' unique roles are respected and institutionalized

International Trade: New and existing bilateral and multilateral trade agreements, such as NAFTA and a much-needed Asia-Pacific trade agreement, are critically important for U.S. agriculture.

- The administration should conduct robust consultations with NASDA and other agriculture organizations on the future of NAFTA and other international trade priorities
- The administration should ensure we keep—and build upon—the gains agriculture has made under NAFTA as it works to modernize this vital agreement
- The administration should address Canada's revised milk pricing policy by urging Prime Minister Trudeau to ensure the Class 7 program be halted and ultra-filter milk imports from the U.S. be restored, and by making opening Canadian dairy market access a key priority in NAFTA discussions

Food Safety: Proper implementation of the Food Safety Modernization Act (FSMA) is critical. This requires FDA to cooperate with state and local regulatory agencies. It also requires long-term investments by the federal government into financial resources for states. FDA must get the rules right and address the following concerns:

- FDA should rewrite 21 CFR Section 112 Subpart E, Agriculture Water, in the Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption
- FDA should require all produce packing houses to adhere to the same standards, whether currently regulated under the Human Food rule (21 CFR 117) or the Produce Safety rule (21 CFR 112)
- FDA should exempt grade "A" milk and milk products covered by the PMO from 21 CFR 117
- FDA should establish a "dispute resolution" process between FDA and state food safety programs to assure agreement on best practices and methods to achieve compliance

Farm Bill: Agricultural producers, the rural economy, and communities of every size rely on a robust, forward looking, and fully funded Farm Bill.

- NASDA urges the administration to support crafting, in a timely manner, a new Farm Bill that is adequately funded and that provides farmers and ranchers important tools and new opportunities

Agricultural Workforce: American agriculture faces a critical shortage of labor that harms annual harvests, animal agriculture production and processing facilities. Farmers and ranchers need a framework that provides for a legal, reliable workforce that supports the industry and treats workers with respect

- Engage with NASDA and Agriculture to develop a long-term, viable solution to the agriculture labor shortage to keep producers competitive and maintain food safety

Addressing Other Regulatory Challenges:

Waters of the US:

- **We applaud the administration's efforts to begin rolling back and replacing the WOTUS rule**
- The agencies must continue to engage NASDA and other state/local government associations in **meaningful consultations** throughout the process. This process will help the Agency and Corps ensure the model of cooperative federalism envisioned by the Clean Water Act (CWA)
- Any new rule must codify definitions that are **legally defensible and identify clearly discernable characteristics** of WOTUS, based on statutory language and policy considerations. NASDA is ready to work with the agency to outline where state authorities protect clean water both within and outside the reach of the CWA's jurisdiction

Agricultural Worker Protection Standard (WPS) (40 CFR 170)

- NASDA requests EPA **immediately suspend all WPS** revised provisions (as published on November 2, 2015) and initiate a rulemaking to withdraw this misguided rule

Certification and Training of Pesticide Applicators (C&T) (40 CFR 171)

- Due to a number of logistical and resource challenges, NASDA requests EPA issue an **additional extension to the effective date** until EPA has:
 - Delivered adequate enforcement guidance, educational materials, and training resources to the states with adequate advanced timing;
 - Provided states the resources necessary to effectively implement the rule changes and assist the regulated community with compliance activities; and
 - Consulted with states and the regulated community to revisit and revise, at a minimum, the mandatory minimum age standard (§171.103(a)(1); 171.201(b); and 171.105(g)); and any other provisions that result in undue burdens without corresponding regulatory benefits

USDA-AMS: Organic Livestock and Poultry Practices (82 FR 7042)

- NASDA requests USDA **immediately and indefinitely suspend** the National Organic Programs' (NOP) Organic Livestock and Poultry Practices final rule (published on 01/19/17)
- NASDA requests USDA-AMS consult with APHIS-VS, FDA-CVM, state departments of agriculture, state animal health officials, and the regulated community to ensure any future NOP rulemaking is based on sound science and a current economic analysis based on sound methodology