



**FARM BUREAU®**  
**POLICIES**  
**FOR**  
**2018**

Resolutions on National Issues Adopted by the Voting Delegates of  
the Member State Farm Bureaus to the 99th Annual Meeting of the  
American Farm Bureau Federation®

Nashville, TN  
January 2018



## **LETTER FROM THE PRESIDENT**

This book contains the philosophies and beliefs of America's farm and ranch families. The 2018 policy book was written by thousands of families throughout the nation, as they considered ways to improve their incomes and their lifestyles.

This book, which addresses national and international concerns, will serve to direct the actions of the American Farm Bureau Federation, the nation's largest, most influential farm organization.

Every one of the more than 2,800 county Farm Bureaus has member-written and approved policies to guide their local agenda. Similarly, Farm Bureaus in every state and Puerto Rico have policies to direct their actions.

Farm Bureau's member-controlled, grassroots policy development process is a point of pride, a true example of democracy in action. There is the give-and-take of spirited debate, followed by voter approval and acceptance of majority rule. On January 10 in Nashville, TN, 353 delegates deliberated and approved the policies contained in this book.

In 1919, farmers formed the American Farm Bureau Federation so they could work together, speak in a unified voice and, as a group, achieve what individuals could not. That bold experiment of 99 years ago continues today, giving farm and ranch families the opportunity to work together to attain their goals.

Zippy Duvall, President

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## **FOREWORD**

### **Purpose of Farm Bureau**

Farm Bureau is an independent, non-governmental, voluntary organization governed by and representing farm and ranch families united for the purpose of analyzing their problems and formulating action to achieve educational improvement, economic opportunity and social advancement and, thereby, to promote the national well-being. Farm Bureau is local, county, state, national and international in its scope and influence and is non-partisan, non-sectarian and non-secret in character. Farm Bureau is the voice of agricultural producers at all levels.

### **Farm Bureau Beliefs**

America's unparalleled progress is based on freedom and dignity of the individual, sustained by basic moral and religious concepts.

Economic progress, cultural advancement, ethical and religious principles flourish best where people are free, responsible individuals.

Individual freedom and opportunity must not be sacrificed in a quest for guaranteed "security."

We believe in government by legislative and constitutional law, impartially administered, without special privilege.

We believe in the representative form of government—a republic—as provided in our Constitution, in limitations on government power, in maintenance of equal opportunity, in the right of each individual to freedom of worship and in freedom of speech, press and peaceful assembly.

We believe that the basic principles of Americanism—with emphasis upon freedom, dignity and the responsibility of the individual, and our private competitive enterprise system—should be taught in the schools.

Individuals have a moral responsibility to help preserve freedom for future generations by participating in public affairs and by helping to elect candidates who share their fundamental beliefs and principles.

People have the right and the responsibility to speak for themselves individually or through organizations of their choice without coercion or government intervention.

Property rights are among the human rights essential to the preservation of individual freedom.

We believe in the right of every person to choose an occupation; to be rewarded according to his/her contribution to society; to save, invest or spend; and to convey his/her property to heirs. Each person has the responsibility to meet financial obligations incurred.

We believe that legislation and regulations favorable to all sectors of agriculture should be aggressively developed in cooperation with allied groups possessing common goals.

We support the right of private organizations to require membership as a prerequisite for member services.



## **SECTION 1 - RURAL LIVING / LABOR / TRANSPORTATION**

### **GOVERNMENT**

#### **101 / Civil Rights**

1. We strongly oppose discrimination against persons on the basis of sex, race, religion, national origin or handicapped status.
2. We further oppose:
  - 2.1. Minority business funding quotas;
  - 2.2. The use of federal funds by any institution or agency that discriminates on the basis of any of the factors set forth above;
  - 2.3. Expansion of remedies available under present civil rights laws to include compensatory, punitive damages and attorneys' fees;
  - 2.4. Legislation, or regulation, that directly or indirectly results in implementing hiring quotas as a defense against allegations of discriminatory hiring practices; and
  - 2.5. Any program which tends to separate, isolate, segregate or divide the people of our country under the guise of emphasizing ethnic diversity.
3. We support amending 42 USC Section 1988 of the United States Code to stop the funding of attorney fees in civil rights cases with taxpayer dollars for special interest groups.
4. We support working service animals be clearly marked and harnessed before entering a place of business.

#### **102 / The Constitution**

1. Stable and honest government with prescribed and limited powers is essential to freedom and progress.
2. The U.S. Constitution is well-designed to secure individual liberty by a division of authority among the legislative, executive and judicial branches and the diffusion of government powers through retention by the states and the people of those powers not specifically delegated to the federal government.
3. The Constitution is the supreme law of the land and changes in the original intent and meaning should be made only through constitutional amendments.
4. We reaffirm that the Constitution supersedes any and all treaties with foreign nations.
5. We fully expect elected and appointed officials to fulfill their promise to uphold and defend the Constitution.
6. We demand the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.
7. We support:
  - 7.1. Educational activities to teach the history of and the importance of the Constitution;
  - 7.2. A third mechanism to amend the Constitution that allows states to initiate a constitutional amendment. When 34 states have adopted an identical proposed amendment, Congress will adopt the proposed amendment as a congressional proposal, return it to the 50 states, requiring ratification by three-fourths of the states;
  - 7.3. English be established by law as the official language of the United States;
  - 7.4. Our constitutional right as individuals to own and to bear arms;
  - 7.5. A constitutional amendment to allow voluntary prayer in all "walks of life," particularly in our schools, sporting events and governing bodies at the local, state and federal levels;
  - 7.6. A constitutional amendment requiring a balanced federal budget; and
  - 7.7. The Regulation Freedom Amendment to require that Congress approve major new federal regulations.
8. We oppose:
  - 8.1. Amending the Constitution to change the current eligibility requirements to become President of the United States;
  - 8.2. The centralization of power and responsibility in the federal government because it violates the Constitution;
  - 8.3. A constitutional convention;
  - 8.4. Encroachment on the constitutional prerogatives of each branch of the federal government by the other branches;
  - 8.5. Statehood for Washington, D.C.;
  - 8.6. Any proposal to establish a national identification card that would be used for any purpose affecting U.S. citizens;
  - 8.7. Government censorship of free speech, such as the Fairness Doctrine;
  - 8.8. The use of paramilitary personnel, equipment and tactics by federal, state or local agencies when interacting with peaceful and lawful public demonstrations; and
  - 8.9. The construction of "free speech zones" by federal, state or local agencies as a means to harass and limit a citizen's free speech rights.

#### **103 / Elections**

1. The federal government should not be involved directly in the elective process in any way, but should recommend certain uniform guidelines to the states to assure fair and proper elections.
2. We support:
  - 2.1. A national effort to require registered voters to show photo identification when reporting to the polling place to receive a ballot;
  - 2.2. Voters being required to register in person a minimum of 30 days prior to the election;

- 2.3. Proof of citizenship being a prerequisite for voter registration;
- 2.4. Voter registration being recorded rapidly to reduce duplicate registrations;
- 2.5. Repeal of laws mandating use of multilingual ballots in public elections because a common language is essential to a unified country;
- 2.6. Retention of the Electoral College for presidential elections and electors being required to vote for the candidates to which they were pledged;
- 2.7. The use of leadership Political Action Committees (PACs) under federal election law;
- 2.8. Changing the present election laws to limit compulsory union dues or any other compulsory mechanism, from being used in any way to influence federal or state elections;
- 2.9. Efforts to further consolidate elections in order to streamline the system and reduce taxpayers' expense; and
- 2.10. The ability to include auto political phone calls in the do-not-call list for individuals.
3. We oppose:
  - 3.1. Proposals to make the popular vote the sole determinant of presidential elections;
  - 3.2. Changes that restrict or curtail the right of an individual citizen, or any group of citizens, the right to express themselves as guaranteed by the First Amendment;
  - 3.3. The use of public funds and franking privileges in the financing of political campaigns;
  - 3.4. Government support, grants or other funding of organizations for political activity;
  - 3.5. The use of the Internet for voting in any local, state, or federal election; and
  - 3.6. The news media reporting election results and exit poll results prior to the closing of all polling places.

#### **104 / Executive Branch**

1. We recommend that the executive branch:
  - 1.1. Exercise restraint in seeking broad, discretionary powers from Congress;
  - 1.2. Avoid interpreting laws beyond the scope affirmatively spelled out by Congress;
  - 1.3. Refrain from issuing executive orders which exceed constitutional and statutory guidelines and withdraw any orders which exceed such guidelines;
  - 1.4. Be prohibited from binding the United States to future international conventions or treaties that do not undergo the same risk/benefit analysis required of U.S. laws and regulations; and
  - 1.5. Be allowed to use presidential line item veto.
2. We support imposing a maximum lifetime pension for Cabinet members.
3. We oppose the executive branch creating positions, such as czars, that are not elected and not accountable and are duplicating and usurping responsibility from other departments and agencies.

#### **105 / Freedom of Information**

1. The Freedom of Information Act (FOIA) is a valuable tool for the collection of information from federal agencies. We support continued vigilance in protecting the public's right to access government and other public records. Federal agencies should respond within 120 days or less to all requests for information to allow greater public scrutiny of their decisions. The lack of effective response to a FOIA request shall serve to extend other administrative deadlines.
2. We oppose the disclosure of personal and/or business information by an organization, business or agency about individuals. The release of any information should only be allowed by specific written or electronic authorization of the individual, or any private business entity.
3. Any personal information provided to any government agency should be required to stay within that agency. Any agency responding to a FOIA or interagency request should be required to comply with current law and not release personal, private or confidential business information without the consent of the person who submitted the information.

#### **106 / Judicial Branch**

1. We believe in an independent judiciary, impartial administration of law without special privilege and issuance of judicial decisions based upon law and not the personal opinion of a judge.
2. The judicial function should be performed by the judicial branch and not by executive agencies.
3. We support:
  - 3.1. Judicial decisions based upon legislative intent;
  - 3.2. Appointment of Supreme Court Justices with the best qualifications, including a minimum of 10 years of experience in a state supreme court or a federal court;
  - 3.3. The rights of the victim being at least equal to those of the accused or convicted;
  - 3.4. Legislative or judicial processes to prevent judges from releasing criminals on technicalities after a jury renders a guilty verdict;
  - 3.5. Division of the 9th Circuit Court of Appeals to add a 12th Circuit Court of Appeals, which includes Arizona, Idaho, Nevada and Utah; and
  - 3.6. A requirement that judges be citizens of the United States in order to be appointed to the bench.
4. We oppose:
  - 4.1. Courts overlooking the rights of the victim in an overzealous effort to protect the accused or convicted;

- 4.2. Any configuration of a court district combining Nevada and California;
- 4.3. Lifetime appointment of judges;
- 4.4. Using any foreign, secular or religious law, policy or treaty; and
- 4.5. Judicial deference to agency interpretation of laws.

## **107 / Legislative Branch**

- 1. Congress must assume the responsibility to preserve our federal system by reversing the trend toward centralization of authority in the executive and judicial branches.
- 2. Congress, government agencies and their employees should be subject to the same laws as are the people of the United States.
- 3. We call upon Congress to amend existing laws which govern the power and authority of regulatory agencies to provide that in every instance a person accused of a violation shall be deemed innocent until proven guilty and urge that all future laws follow this principle.
- 4. We urge Congress to:
  - 4.1. Avoid delegation of broad, discretionary powers to the executive branch and its regulatory agencies;
  - 4.2. Enact corrective or conforming legislation where the Supreme Court or Appellate Courts have invaded the legislative area;
  - 4.3. Place less emphasis on passing new laws that further restrict the freedom of Americans and, instead, give greater emphasis to its oversight responsibility so that the original intent of Congress will be better implemented by the administrative agencies;
  - 4.4. Enforce a code of ethics clearly delineating the conduct and activities that should be expected of its member; and
  - 4.5. Expand oversight of the rulemaking process.
- 5. We support:
  - 5.1. Each tax increase being voted on by a roll call vote;
  - 5.2. Regulations promulgated as a result of congressional action being reviewed by the congressional committee of jurisdiction prior to implementation to ensure that the legislative intent is being followed;
  - 5.3. The Senate confirming or denying, within 90 days, the President's judicial nominations;
  - 5.4. Reading of legislation be required before voting;
  - 5.5. All bills being publicly available three days before a vote is taken; and
  - 5.6. The ability of Congress to earmark discretionary funds for specific projects in a transparent way that identifies the purpose and intended beneficiaries.
- 6. We oppose:
  - 6.1. Special privileges for lawmakers, particularly regarding health care;
  - 6.2. Automatic tax increases;
  - 6.3. Public officials leaving office from taking employment with those they formerly regulated for a period of two years;
  - 6.4. Taxpayer dollars used to hire lobbyists, the use of government work facilities, and/or salaried work time by executive branch government agency officials to influence the outcome of legislation or proposed regulations;
  - 6.5. Open-ended land purchase authorization that would allow federal agencies to purchase additional land without Congressional approval;
  - 6.6. Any federal programs taking over private sector responsibilities; and
  - 6.7. Unfunded mandates.

## **108 / Patriotism**

- 1. We support:
  - 1.1. Our armed forces defending our freedom;
  - 1.2. Teaching the flag code in the schools and practicing it when displaying the American Flag;
  - 1.3. Regular recitation and explanation of the Pledge of Allegiance using the English language;
  - 1.4. Keeping "The Star-Spangled Banner," in English, as our U.S. national anthem; and
  - 1.5. Patriotic acts, such as performance of the national anthem and pledge to the flag of the United States, at the start of public events and in public schools.
- 2. We oppose:
  - 2.1. The desecration of the American flag; and
  - 2.2. The purging of United States history by the removal of symbols that represent historic events and/or persons from our nation's past.

## **109 / Qualifications and Compensation for Congress and Federal Officials**

- 1. We believe that compensation and benefit packages for federal officials must be commensurate with the high level of competence and dedication required to properly manage the federal government.
- 2. We support:
  - 2.1. Pay and pension legislation being voted on as a separate issue and not be tied to unrelated legislation;
  - 2.2. Pension benefits of elected officials or former elected officials who have been convicted of a felony being denied;
  - 2.3. We recommend Congress establishing a limit on government-funded expenses for former presidents and/or their spouses;
  - 2.4. Termination of tax dollar support for maintenance of presidential libraries and they be maintained by private donation;

- 2.5. A freeze on legislative salaries during periods of federal budget deficit; and
- 2.6. All elected officials at the national level must fully disclose all sources of income annually by May 1.
3. We oppose any pay increase for Congress without a balanced budget.

## **110 / Regulatory Review and Reform**

1. When a court finds that a federal agency is in violation of the law, the landowner that is in compliance with the agency rules should not be held liable for the agency's error. Landowners should be able to continue under the existing rules until the matter is settled and new rules are properly adopted.
2. All federal agencies shall be held to the strictest interpretation of law when setting regulations. No federal agency shall be allowed to legislate through their regulatory power.
3. The Environmental Protection Agency (EPA) and/or any other government agency should not pass any rule that involves fines and/or imprisonment of citizens, or changes the way citizens normally do business, without the approval of a majority of Congress.
4. The EPA shall be required to coordinate with the USDA in the development of conservation and clean air and water regulations impacting agriculture. Specific efforts should be made to oversee and to reform the inspection and rule-making authority of the Occupational Safety and Health Administration (OSHA) and EPA.
5. Federal agencies should work with the regulated community to correct problems through improved education and compliance assistance, rather than fines, penalties and prosecution.
6. Prior to proposing any major federal regulation, action agencies shall consult with states regarding federalism concerns expected to be raised by a proposed rule. The action agencies shall respond to those concerns in the administrative record for a final rule. Failure to adequately consult and respond to federalism concerns raised by states should lower the level of deference afforded to the action agencies in any future judicial review of that final regulation.
7. Communication made by federal agencies that support or oppose a proposed rule, legislative bill or other government action, whether directed to the public or Congress, should be prohibited. Any public communication setting forth an agency's interpretation of a proposed rule must be first published in the Federal Register.
8. We believe:
  - 8.1. The purpose of federal regulation should be limited;
  - 8.2. That agencies should enforce existing regulations prior to promulgating additional regulations on related matters;
  - 8.3. When publishing proposed federal rules, regulatory changes or significant actions, publication of the action in the Federal Register often does not provide adequate notice to all stakeholders. Federal agencies should also provide notice of proposed federal rules, regulatory changes or other significant actions directly to targeted stakeholders, stakeholder communities as well as organizations representing affected parties;
  - 8.4. That all federal regulations should be required to follow important policy principles including:
    - 8.4.1. Recognition that property rights are the foundation for resource production and must be protected;
    - 8.4.2. Regulations should be based on sound scientific data that can be replicated and peer reviewed;
    - 8.4.3. More transparency and communication regarding rule development and interpretation;
    - 8.4.4. Risk assessment analysis should be conducted prior to final action;
    - 8.4.5. An estimate of the costs and benefits associated with public and private sector compliance action must be conducted prior to final action;
    - 8.4.6. Actions must allow for flexibility to suit varying local conditions;
    - 8.4.7. Actions should be subject to independent analysis and public scrutiny;
    - 8.4.8. Alternatives to the action must be thoroughly and publicly considered, especially market-based incentives;
    - 8.4.9. Actions must properly acknowledge and provide for the reality, practicality and limitations of doing business in the affected sector;
    - 8.4.10. Presumption of innocence as opposed to the current presumption of guilt should be strengthened;
    - 8.4.11. A measurement of the cumulative impact of federal actions affecting production agriculture prior to the implementation of any federal actions impacting agriculture;
    - 8.4.12. Limiting the ability to intervene in regulatory actions to only those parties that can demonstrate they are directly affected by the alleged violation; and
    - 8.4.13. Limiting the ability for third parties to utilize federal or state funds for legal assistance to file lawsuits against county, state or federal governments; and
    - 8.4.14. Giving financial support to property owners in order to comply with any new governmental regulations.
  - 8.5. That all congressional or federal actions creating new administrative agencies or giving new responsibilities to existing agencies should include specific termination dates;
  - 8.6. That all federal regulations should have sunset provisions;
  - 8.7. That Congress should provide for strong congressional oversight of regulatory and significant agency actions as well as a willingness to override unacceptable agency actions;
  - 8.8. Environmental impact statements (EIS) findings and requirements should be balanced with a cost-benefit analysis of proposed regulations or agency actions;
  - 8.9. That zero-base budgeting should apply to federal agencies as a method of regulatory reform and fiscal responsibility;
  - 8.10. That federal agencies should be required to give advance notice not less than 30 days prior to any field hearing or informational meeting;

- 8.11. That if inspections are warranted, to the extent possible, we believe federal agencies should schedule and conduct inspections of farms and processing facilities in advance of the growing, harvesting and processing seasons;
- 8.12. No regulatory action shall be taken against landowners based upon satellite or aerial imagery; and
- 8.13. That agency orders demanding corrective action should allow reasonable time for compliance. At the time of an inspection, the inspector should be required to leave a signed, dated copy of his report with the owner, or operator, of the inspected facility.
9. We support:
  - 9.1. Legislation to amend existing laws to reduce and eliminate burdensome federal regulations;
  - 9.2. The immediate review and revision of existing federal regulations to limit promulgation only to rules that are essential to the protection of human health and public safety;
  - 9.3. Development of an annual comprehensive report to the American people, which should provide a thorough evaluation of the following:
    - 9.3.1. Effectiveness and efficiency of all federal agencies;
    - 9.3.2. The total cost and impacts of federal regulatory burden on the private sector economy;
    - 9.3.3. The effectiveness of the reduction in risk/threat demonstrated by federal regulatory implementation; and
    - 9.3.4. Non-regulatory options that may be effective alternatives to reduce targeted risk/threat at a lower cost to the private sector;
  - 9.4. Efforts to streamline the transportation project delivery process to reduce unnecessary time delays including:
    - 9.4.1. Simplifying the environmental process for projects with few impacts;
    - 9.4.2. Involving appropriate reviewing agencies early in the process to help expedite overall project schedules; and
    - 9.4.3. Requiring greater coordination among federal reviewing agencies and setting time limits for their review.
  - 9.5. Immediate simplification, improvement, streamlining of, as well as a comprehensive congressional review of the National Environmental Policy Act (NEPA). Such improvements should include requiring the following of federal agencies:
    - 9.5.1. Consideration of economic impacts to areas directly affected by regulations;
    - 9.5.2. Consideration of the cumulative impacts of all regulations proposed;
    - 9.5.3. Compliance by Native American tribes with NEPA, regardless whether the land is held in trust status by the Bureau of Indian Affairs;
    - 9.5.4. Details of the time and costs involved in conducting environmental evaluations (Environmental Assessments and EIS) should be publicly reported with an agency-by-agency accounting breakdown for the resources required for initial planning of NEPA activities; and
    - 9.5.5. A full EIS in accordance with NEPA when an alternative is chosen and requires further action under a "programmatic" EIS. Public comments must be taken on the specific action and location chosen.
  - 9.6. More vigorous congressional scrutiny of agencies to prohibit regulatory agencies from administering laws, to deter adoption of agency rules and actions that circumvent statutory intent;
  - 9.7. Meaningful stakeholder representation by affected sectors on regulatory boards and commissions as well as a willingness to override unacceptable agency actions;
  - 9.8. Application of the Department of Defense ethics and conflict of interest policies to all federal regulatory agencies;
  - 9.9. Federal officers recusing themselves from decision making in all circumstances in which they may allow their personal views to unethically affect their work as public employees;
  - 9.10. The establishment of appropriate provisions, within the power of the federal government, to provide for consequences for federal officers if they misrepresent facts or sources or lie about matters that impact citizens and businesses;
  - 9.11. The policy that the comment period for federal rules and significant actions be no less than 60 days;
  - 9.12. Federal agencies' ability to purchase "off-the-shelf" supplies for purchases of less than \$2,500;
  - 9.13. Government inspection and enforcement activities being paid for by general revenue funds. Fines imposed by federal agencies should be credited to the general fund and not be used to further fund that agency;
  - 9.14. Passage of laws that specifically define and prohibit the harassment of citizens by federal, state, county or municipal employees;
  - 9.15. Significant budget cuts and sanctions against government agencies that continue to expand their regulatory authority against the will of Congress and the citizens of the United States. Employees of government agencies should be barred from making unsolicited comments on the proposed changes during a public comment period;
  - 9.16. Repeal of the Federal Civil Penalties Inflation Adjustment Act of 1990;
  - 9.17. Providing an opportunity to remedy any violation of a federal agency rule before the payment of fines, unless the violation rises to the level of a felony; and
  - 9.18. A means of producer input for all federally appointed positions affecting agriculture.
10. We oppose:
  - 10.1. The EPA arbitrarily imposing penalties on landowners without first identifying the problem and giving the landowner an opportunity to correct the problem. If there is a difference of opinion concerning the extent of the problem, a reasonable and cost-effective appeal process of the EPA decision should be available to the landowner;
  - 10.2. The establishment and/or operation of any political advocacy group by federal regulatory agencies;
  - 10.3. Any consumer agency or council having any federal authority other than advisory powers;
  - 10.4. Federal regulations on generally accepted agricultural practices;
  - 10.5. The EPA enforcing any new rules or regulations that are being litigated until said legal proceedings are completed;

- 10.6. Government departments and agencies becoming members of the International Union for the Conservation of Nature (IUCN) or forming public/private partnerships with organizations that are members of the IUCN;
- 10.7. Use by federal agencies of social media to communicate with the public about proposed rules, other than to notify the public of the opportunity to submit comments to the Federal Register and to post information published in the Federal Register; and
- 10.8. Use by federal agencies of government resources to communicate to the public urging support of regulations while the agency seeks public comments.

## **111 / School & Government Food Purchasing Programs**

1. School food programs have helped to establish proper dietary habits among young people.
2. We support:
  - 2.1. School meals being balanced to provide no less than one-third of the recommended daily dietary allowances;
  - 2.2. The use of nutritional beverages such as milk, vegetable and fruit juices;
  - 2.3. Increased use of dairy products and increasing the selection of food products derived from U.S. agriculture.
  - 2.4. Requiring schools to offer all pasteurized fluid milk and milk products, including whole milk, as part of the school lunch program without losing federal subsidies;
  - 2.5. Those school systems which have added fruit and salad bars to their menu choices and encourage other school systems to do so;
  - 2.6. Tried and proven menus for school lunches containing fruits, vegetables, bread, meats and milk;
  - 2.7. The recent increase in all fruit and vegetable offerings;
  - 2.8. Expanding the Fresh Fruit and Vegetable Program to all schools throughout the United States and its territories;
  - 2.9. Incorporating all types and forms of fruits and vegetables domestically grown within the Fresh Fruit and Vegetable Program giving priority to fresh and locally grown when available;
  - 2.10. The use of more U.S. animal and aquaculture protein and other farm products in the school lunch program;
  - 2.11. Greater flexibility with the National School Lunch and Breakfast programs to ensure local school districts are able to determine how to meet the nutritional needs of their students;
  - 2.12. Schools being able to use seasonings and condiments to enhance the flavor of food;
  - 2.13. The donation of agricultural commodities to schools participating in the national school food program and oppose any efforts to change to cash or letters of credit in lieu of U.S.-produced commodities;
  - 2.14. The use of U.S.-produced agricultural commodities and products in school food and nutritional programs and the P.L. 480 export program;
  - 2.15. Full funding for the current pilot program for an international school lunch program using American-produced products;
  - 2.16. The placement of vending machines that serve domestic agriculture products in schools;
  - 2.17. USDA Agricultural Marketing Service taking into consideration bids for school lunch and other government contracts from small businesses;
  - 2.18. Improvement in school meals programs;
  - 2.19. Local farm-to-school programs; and
  - 2.20. Schools having the discretion of using unused food for programs such as after-school child care, snacks, backpack programs and food banks.
3. We oppose:
  - 3.1. Mandatory caloric limits and mandatory limits on lean meat, protein and dairy;
  - 3.2. The 12-ounce limit on milk sold in middle schools and high schools as a “competitive food” as regulated by the Healthy, Hunger Free Kids Act;
  - 3.3. USDA's reduction of the minimum requirement for red meat in the school food program;
  - 3.4. The inclusion of carbonated soft drinks in the federally funded school lunch program; and
  - 3.5. Any attempt by USDA to substitute yogurt in place of red meat in the school lunch program.

## **112 / States' Rights**

1. We support the protection and defense of state rights, and state sovereignty over all powers not otherwise enumerated and granted to the federal government under the 10th Amendment to the Constitution. The federal government must respect state laws and state agencies.
2. Public functions should be performed by the qualified unit of government closest to the people without coercion by administrative agencies of higher units of governments.
3. All lands within the boundaries of a state, excluding land designated as military reserve, shall be subject to the laws and jurisdiction of the state.
4. We oppose federal legislation which mandates programs unless federal funding for such programs is provided on a continuing basis through existing state and local agencies.
5. We ask that the county commissioners from each county formally request in writing that the federal government and state agencies direct their employees to consult with the county government prior to implementing any laws, statutes, or U.S. codes which would affect the economy, customs and culture of their county.



## INFRASTRUCTURE

### **125 / Highways**

#### **1. We support:**

- 1.1. Increasing the Federal Highway Trust Fund fees to reflect increases in fuel economy and inflation, with additional revenue directed to the Highway Account of the Federal Highway Trust Fund for construction and maintenance of roads and bridges;
- 1.2. Maintaining the separation of the Federal Highway Trust Fund from the unified federal budget;
- 1.3. Revenue collection efforts on those users who do not currently contribute to the Federal Highway Trust Fund due to increased mileage standards, electric vehicles or alternative fuels;
- 1.4. Elimination of the federal highway use tax on farm trucks. Until such action is taken, we will support legislation raising the exemption for trucks from the federal highway use tax from 7,500 to 22,500 miles;
- 1.5. Harvest-season permits allowing maximum weight limits of 100,000 pounds apply to federal highways except where additional axles are permitted;
- 1.6. Requiring federal and state revenue agents checking for fuel tax compliance to obtain owner permission or search warrants to enter private property, and that all surprise inspections be conducted in the public domain;
- 1.7. U.S. Department of Transportation (DOT) to allow axle and gross weight tolerances for the transport of farm products on interstate highways in states where the tolerances are permitted on state roads;
- 1.8. The effort to identify the most significant issues now facing local roads and bridges and urge that recommendations be developed to deal with these concerns;
- 1.9. Legislation with continued emphasis on the development of secondary, farm-to-market roads and adequate funding for roads and maintenance of bridges;
- 1.10. Allowing more flexibility in the use of federal highway construction funds at the state level for the purpose of maintaining primary and secondary roads;
- 1.11. Funding for resurfacing, rehabilitating, repairing and reconstructing the nation's interstate highways as many have passed their designed life span;
- 1.12. An amendment to the federal highway program to give the preservation of prime farmland the same standing as the preservation of parkland, wildlife preserves and similar lands;
- 1.13. Efforts to bring about greater uniformity and reciprocity among states on truck regulations;
- 1.14. The provisions of the Highway Beautification Act of 1965 that permit, within reasonable guidelines, the leasing of billboard space for advertising purposes and oppose legislation or regulations, which would deny this right. We believe the act should be amended to support the Farmer-to-Consumer Direct Marketing Act of 1976 by allowing farmers to use roadside signs to advertise their farm markets or u-pick operations, which sell direct to consumers;
- 1.15. A comprehensive highway safety program to reduce traffic fatalities, injuries and the destruction of property;
- 1.16. The uniform interpretation and application of the Federal Motor Carrier Safety Regulations by enforcement agencies;
- 1.17. Flexibility in duty time commercial drivers can operate;
- 1.18. The relaxation of environmental impact regulations affecting the construction of federal, state and county roads and bridges;
- 1.19. Reimbursement from the federal government for the mandates associated with the rule changes to the Federal Highway Administration's Manual on Uniform Control Devices that became effective in 2008;
- 1.20. Streamlining the process for permitting, funding, construction of federal aid transportation projects;
- 1.21. All states adopting the EZ Pass program;
- 1.22. Efforts to allow low-mileage operations to pay a flat annual fee in lieu of submitting quarterly reports as a means of complying with the International Fuel Tax Agreement (IFTA);
- 1.23. Exempting farmers and custom harvesters from requirements to obtain commercial driver's license (CDL) when transporting agricultural commodities including forestry products, production inputs, and harvesting equipment between farms and markets;
- 1.24. Load securement regulations being based on the best available science to safely transport that particular load;
- 1.25. DOT subjecting all foreign truck drivers and their trucks to the same safety rules and regulations as domestic drivers and their trucks;
- 1.26. The exemption held by states for transportation of hazardous materials by farmers and ranchers;
- 1.27. Modifying regulations concerning farm-licensed trucks to facilitate the transportation of farm produce and supplies across state lines, including the DOT and Interstate Fuel Tax between federal and state laws and regulations, we support legislation making state laws the governing authority, where state standards are less stringent than federal;
- 1.28. Making federal regulations for obtaining a medical card uniform with those for obtaining a CDL;
- 1.29. The repeal of Title 23, Section 133(d) (2) of the U.S. Code since ten percent of all federal highway use funds are spent for off-road enhancement;
- 1.30. Flexibility for states to determine the distribution of federal highway monies among highway projects;
- 1.31. States' retention of authority to regulate the intrastate hauling of hazardous material and oppose federal preemption of the same. The regulations should account for the special needs of agriculture and their potential cost to farmers;
- 1.32. Federal legislation to exempt low mileage trucks (15,000 miles per year for agricultural purposes and 5,000 miles per year for all others) from mandatory post-rip inspection to only those carriers operating six or more commercial motor vehicles;

- 1.33. Allowing farm trucks that are mandated to have annual inspections to be allowed bi-annual inspections if driven less than 7,500 miles per year;
- 1.34. Regulatory changes to allow "Farm Vehicle Drivers," as defined in the Federal Motor Carrier Safety Regulations, to be exempt from the driver qualifications when transporting materials that require making and placarding, and from the hours-of-service requirements;
- 1.35. Exempting part-time employees (500 hours or less annually) from the requirement to obtain a CDL;
- 1.36. An exemption for agriculture from federal motor carrier safety regulations regarding:
  - 1.36.1. Displaying of DOT numbers;
  - 1.36.2. Displaying registered owners' or farm name;
  - 1.36.3. Limiting mileage;
  - 1.36.4. Requiring a medical card for the driver;
  - 1.36.5. Maintaining hours of service; and
  - 1.36.6. Requiring bumpers on end dump farm vehicles;
- 1.37. Agricultural custom harvesters being exempt from having to obtain a Department of Transportation Form E (proof of insurance form);
- 1.38. Changing the placard requirement when hauling more than 1,000 gallons, because current DOT rules require any vehicle carrying more than 119 gallons of fuel in a tank other than the vehicle fuel tank to be placarded;
- 1.39. Raising the federal commercial trucking weight threshold to be over 26,000 pounds;
- 1.40. Increasing the interstate road weight limits for properly equipped vehicles;
- 1.41. CDL drivers being eligible for defensive driving programs as a means to dismiss traffic tickets when the violation occurs while operating a non-commercial vehicle;
- 1.42. Exempting production agriculture from the Federal Motor Carrier Safety Regulations;
- 1.43. Agricultural transportation being considered intrastate commerce when the following criteria are present:
  - 1.43.1. The vehicle is not-for-hire;
  - 1.43.2. Transportation is from field to market or to an on-farm storage facility with subsequent transport to market; and
  - 1.43.3. Transportation is provided by a producer or custom harvester;
- 1.44. The transportation of farm equipment on interstate highways if no safe or viable alternative route is available;
- 1.45. Federal legislation to reverse requirements on state-licensed physicians to submit to training and certification to be eligible to perform DOT physical examinations for truck drivers;
- 1.46. Seeking legislation to prevent written warnings from appearing on Compliance, Safety, and Accountability (CSA) reports; and
- 1.47. Variances on axle limits for agriculture.
2. We oppose:
  - 2.1. The enactment of state legislation or regulations that are more stringent than federal requirements governing hauling of non-food items in trucks used to transport food products;
  - 2.2. Toll road construction where federal funds and lands are involved;
  - 2.3. Converting divided highways into interstates if no safe and viable alternate route is available for farm equipment;
  - 2.4. Increasing highway fuel taxes for deficit reduction purposes;
  - 2.5. Action by Congress or the DOT to impose sanctions or to withhold user taxes or any other federal funds from any state in an attempt to force or coerce states to enact particular laws;
  - 2.6. Any national legislation to remove safe, older vehicles from highways as a means to reduce energy use;
  - 2.7. Implementation or enforcement of any regulation further limiting the driver's hours of operation or the hours a truck can be utilized on the nation's highways;
  - 2.8. The diversion of highways and utility lines from public land;
  - 2.9. The DOT mandate for a 30-minute break after 8 hours of driving for livestock haulers, including honeybees;
  - 2.10. The use of federal transportation money used for recreational non-motor vehicle infrastructure;
  - 2.11. Mandatory electronic on-board recording devices on commercial vehicles and vehicles transporting agricultural products which do not recognize or provide for breaks within the 14-hour daily service time;
  - 2.12. The mandatory use of digital log books for any commercial vehicle hauling livestock or agriculture products;
  - 2.13. Mandatory CDL for producers and their employees to transport fuel, chemicals, fertilizer and farm commodities;
  - 2.14. Lowering of federal weight and length limits;
  - 2.15. The inclusion of agricultural producers in the Unified Carrier Registration (UCR) program. We support restoring an agricultural exemption from the program;
  - 2.16. Requiring a driver possessing a current, valid CDL with a hazmat endorsement and a clean motor vehicle report having to reorder a Homeland Security report when moving to another state;
  - 2.17. The use of road tax monies to fund rails-to-trails initiatives while there is a backlog of maintenance needed on existing roads and bridges; and
  - 2.18. Any federal mandate to install speed limiters on commercial vehicles.

## 126 / Maritime Transportation

1. There should be no restrictions as to the quantities or vessels on which a commodity is shipped between U.S. ports; therefore, we urge repeal of the Jones Act. Since cargo preference requirements make U.S. farm exports less competitive in world markets, we oppose legislation or decisions to extend cargo preference to any U.S. farm exports.
2. Until the Jones Act is repealed, we support exempting agricultural commodities from the Jones Act to make shipping of agricultural commodities within the United States and its territories more competitive.
3. We believe the subsidy for the U.S. Merchant Marine should come out of the Department of Defense budget, rather than in the form of increased freight rates for grain hauled under P.L. 480.
4. We support improved infrastructure at all U.S. ports, including inland seaports, to better facilitate the loading of all sizes of ships.

## 127 / Railroads

1. We encourage the railroads to accommodate country elevators by not requiring overly restrictive minimums for track length, car numbers, and loading times. These practices should not result in restricting farmers' access to markets.
2. The rail industry should take responsibility for protecting areas impacted by rail traffic, by implementing and maintaining fire guards, maintaining private grade crossings, and building and maintaining sufficient fences for the livestock pertinent to the area, to keep the livestock off the rights of way along rail lines.
3. We believe that all railroad cars should be equipped with sufficient iridescent material in patterns so that they will reflect the lights of a motor vehicle at grade crossings. This requirement should apply to all new cars when placed in service and to all existing cars when returned to service after maintenance. All railroad locomotives should be equipped with fire and spark arresters and heat warning devices on railroad car wheel bearings operating in the U.S.
4. We believe that railroad rights of way should be maintained so long as the railroad continues to own the rights of way.
5. We believe that railroad mergers have resulted in fewer carriers and reduced service for agriculture forcing increased reliance on other less efficient and more costly forms of transportation. We support additional oversight of the railroad industry, including any future plans for consolidation. Before any railroad mergers are approved, an operation plan must be developed and agreed upon to ensure competitive service for agriculture. In addition, we believe the federal government and Congress should review the current situation and implement reforms that recognize the needs of U.S. agriculture.
6. We support:
  - 6.1. Expansion and improvement of the railroad system to reduce fuel consumption, to lessen road maintenance and to lower the cost of shipping agricultural products and supplies;
  - 6.2. Promoting competition in the rail industry;
  - 6.3. Open access rules where there is a lack of competition;
  - 6.4. Elimination of monopoly pricing that affects captive shippers, including the removal of "paper" and "steel" barriers;
  - 6.5. Giving greater rate-making flexibility to rail carriers to permit more competitive operations; but sufficient regulatory authority must be retained to protect captive shippers against monopoly pricing;
  - 6.6. Elimination of discriminatory railroad rates between geographic areas of the country. We ask that rates be based on weight, volume and distance on a uniform basis for all regions;
  - 6.7. Carriers not being permitted to easily abandon existing branch lines that serve agricultural producers;
  - 6.8. Decreasing the time between the Surface Transportation Board (STB) declaring a railroad abandoned and a property owner's right to regain ownership of his property;
  - 6.9. Facilitating the sale of branch lines which otherwise might be abandoned;
  - 6.10. Providing that in the case of abandonments or non-railroad use, the current owner of the tract of land from which the railroad right-of-way was obtained be given the right of first refusal, including mineral rights, on the basis of the fair market value of comparable property. If the current owner fails to exercise such option, other owners adjacent to the right-of-way will be offered the next right of first refusal;
  - 6.11. Refinements of the Staggers Rail Act to provide reasonable joint rates and switching rules in order to promote the most efficient movement of commodities among different rail service areas;
  - 6.12. Congress repealing the Federal Employer's Liability Act and require all railroad workers to be covered by worker's compensation;
  - 6.13. Expansion and upgrade of existing shortline and regional railroads to provide better service options for farm shippers;
  - 6.14. The rail line improvements and expansions proposed by the Dakota, Minnesota and Eastern (DM&E) railroad on the existing corridor to ensure increased options in the movement of agricultural commodities;
  - 6.15. Legislation requiring full disclosure of the railroad grain transportation bidding process to the individuals who participate in the process after all bids have been made and rail cars have been allocated;
  - 6.16. A provision that will allow the Surface Transportation Board, on petition of a state, to declare all or part of a state to be an area of inadequate rail competition, with special rail customer remedies that would apply in such areas;
  - 6.17. Legislation to exempt private, farm railroad crossings, used for the purposes of agricultural production, from user fees, maintenance charges and liability insurance requirements;
  - 6.18. Legislation to prevent railroads from closing crossings if the crossing is the only access a landowner or farmer has to the property, or if the closure adversely affects the farm operations;
  - 6.19. Publishing railroad emergency contact numbers in all local phonebooks, along rail lines and giving them to local emergency personnel in the event of a train-related emergency. Those numbers should be staffed and operational 24/7; and

- 6.20. Increasing the fine for railroad companies that obstruct a highway, street or navigable stream.
7. We oppose:
  - 7.1. The nationalization of railroads;
  - 7.2. The diversion of railroad earnings to holding companies or non-railroad businesses at the expense of a viable railroad;
  - 7.3. Parallel mergers of rail systems and the granting of railroad abandonments which tend to lessen potential transportation competition; and
  - 7.4. The merger of railroad companies with barge companies.
8. **High Speed Rail**
  - 8.1. If these five criteria are not met, we oppose high-speed rail:
    - 8.1.1. Due consideration has been given to all developing rail technologies and industries;
    - 8.1.2. The proposed rail system is capable of using or locating on existing highway or railroad rights of way;
    - 8.1.3. The proposed rail system will serve both rural and metropolitan counties along its route;
    - 8.1.4. Access across such routes is maintained for vehicular traffic; and
    - 8.1.5. High-speed rail must be self-supporting with no federal, state or local funds of any kind or tax incentives.

## 128 / Transportation

1. We support development of a long-range national transportation policy that views transportation as a holistic system servicing the needs of both passengers and freight across all modes and recognizes the importance of connectivity between modes. It should encourage exploration of public/private partnerships and be designed to support global competitiveness while developing the most economical and energy efficient methods of meeting future transportation needs.
2. We support more allocation of funds for the maintenance and improvement of our transportation infrastructure, including:
  - 2.1. The lock and dam system and waterways;
  - 2.2. Rural highways;
  - 2.3. Railroad systems;
  - 2.4. Farm-to-market roads; and
  - 2.5. Pipelines.
3. The federal government should stop making policy on the assessment and taxation of transportation property or any other property. This is a state and local matter and should remain at that level.
4. The role of the United States Department of Agriculture (USDA) in transportation and food distribution should be redefined and strengthened to monitor the agricultural transportation situation and provide educational assistance to independent, owner-operator truckers.
5. The unique characteristics of agricultural transportation warrant distinction between state and federal laws and regulations. We oppose repeal of existing statutory and regulatory exemptions.
6. We recommend that the manufacturers of diesel engines list their requirements of lubricity for low sulfur diesel fuels and that manufacturers of low sulfur diesel add a lubricity package that exceeds these requirements.
7. The English language certification for a foreign pilot operating a commercial aircraft in the United States should be improved and strengthened.
8. We recommend that diesel particulate filters not be required on farm equipment due to the high temperatures involved in the function of these filters and the fire hazard they cause in the areas where this equipment is operated.
9. We support repealing the Real ID Act of 2005.
10. We recommend the maximum driving and on-time-duty-exemption for agriculture be increased to a 200 air-mile radius.
11. We oppose:
  - 11.1. Legislation that would mandate excessive increases in Corporate Average Fuel Economy Standards (CAFE) for new cars, trucks and vans;
  - 11.2. The adoption of vehicle emission standards or the regulation of the carbon intensity of transportation fuels if they have a long-term, negative impact on the production and use of renewable fuels or an adverse economic impact on agriculture;
  - 11.3. Any changes in the CAFE standards that reduce the availability and increase the cost of trucks;
  - 11.4. Using the metric system in our public highway mileage signs;
  - 11.5. Further action to change fuel standards or tax provisions on fuel at the expense of equipment performance; however, we support the improvement and enforcement of expanded fuel quality and performance standards;
  - 11.6. Any mandate by the Environmental Protection Agency (EPA) that restricts fuel economy standards for small trucks to the same level as automobiles;
  - 11.7. Emission controls on farm vehicles that are used primarily on the farm;
  - 11.8. EPA requirements for retrofitting engines to meet new reduced emissions standards;
  - 11.9. EPA's ban on sales of excess military equipment to rural fire departments;
  - 11.10. Department of Transportation (DOT) implementing regulations placing restrictions on any food product being distributed on common carriers such as airlines without solid scientific evidence that such restrictions are necessary to prevent a significant risk to the public at large;
  - 11.11. Federal agencies closing state and U.S. highways to disallow commerce; and
  - 11.12. The federal mandated transportation policy that limits speed of commercial vehicles to a lower speed than the posted speed limit.

## LABOR

### **135 / Farm Labor**

1. We should work with agricultural employers in the various states and regions to:
  - 1.1. Improve farm labor-management relations; and
  - 1.2. Increase productivity of farm labor.
2. We uphold the right of farm workers to decline union membership based on their own convictions.
3. Each state should have the right to decide whether agricultural employment should be brought under the National Labor Relations Act and we favor legislation to provide such an option.
4. Where federal regulations require new or remodeled housing for migrant farm workers, low-interest financing should be made available. To encourage the construction of affordable farm worker housing, provisions of the Americans with Disabilities Act (ADA) should be modified so that only a reasonable percentage of such a housing project must be made accessible to the mobility impaired. The federal, state and county agencies which enforce employee housing laws should designate among themselves the one agency to be the lead and exclusive agency to enforce those laws in each county; preferably, that agency should be the most local one.
5. We favor legislation to amend the Farmers Home Administration Act to permit H-2A workers to be housed in USDA-assisted migrant housing.
6. In a closely held corporation, partnership, sole proprietorship, limited liability company, or any other business entity, members of the family/families should be exempt from the Fair Labor Standards Act (FLSA), Migrant and Seasonal Agricultural Worker Protection Act (MSPA), unemployment compensation laws and Occupational Safety and Health Administration (OSHA).
7. When a farmer is engaged in the processing, handling, packing or storing of perishable products grown on his own farm and the perishable products of other farmers, the operation should be classified as "agriculture," provided that a minimum of 50 percent of the total output of such processing plant is grown on his own farm.
8. We ask the Department of Labor (DOL) to change its interpretations so as to clarify that persons employed on farms year-round by the same employer are not considered to be seasonal employees under MSPA.
9. We support increased transparency of the investigation practices by the DOL, including full disclosure of DOL policies, guidelines, and operating procedures such as those found in the Field Operations Handbook. When DOL notifies a producer of apparent wage and hour violations, the department must inform the producer that its requests are strictly voluntary, must accurately represent its legal authority and the rights of the producer, and must provide to the producer all information it relied on to determine the alleged violations. DOL should cite the producer only for violations that investigators actually observed and proved, not ones based on the department's belief or conjecture or made subjectively or statistically by DOL. DOL should seek "hot goods" orders only when a producer has demonstrated repeated and willful violations and lack of cooperation with DOL. In such cases, the federal government must not contact the producer's customers unless the department has already secured the necessary court orders. We call for the repeal of DOL's authority to seek and secure hot goods orders on perishable commodities.
10. We recommend that, when a complaint has been registered with the Federal Wage and Hour Division, the investigators be required to list the complaint with the farmer along with the name of the persons registering the complaint; and that the investigation be limited to the area of the complaint.
11. We call for repeal or major revision of the private right of action under Section 504 of the MSPA. However, we will continue to assist in the defense of the term "intentional" in that section to mean a conscious or deliberate act.
12. We encourage agencies that perform labor housing inspections, including the DOL wage and hour division, to work with growers in providing safe housing, or camps, and to allow them to correct problem areas in a timely manner before imposing fines.
13. We recommend that once farm worker housing is inspected and licensed by the appropriate state agency and then occupied, the DOL may not enter the dwellings without the employee's permission and proper notification to the owner of the farm.
14. In instances in which fines are assessed, they should be based on a fine structure that is publicly available. The basis for the specific fine or assessment should be made immediately to the grower, as well as a citation of the applicable regulation and the specific deficiency.
15. We urge that federal requirements for employer reporting of newly hired employees be changed to exclude temporary, day-by-day employees from reporting requirements.
16. We support:
  - 16.1. The standardization of the definition of agriculture and farm work for all state/federal labor-related legislation to include the work activity described by the North American Industrial Classification System (NAICS), code 11. The NAICS code reflects modern agriculture practices and is now used by the agricultural census and the National Institute of Occupational Safety and Health because the description more accurately reflects current agricultural organizational structures;
  - 16.2. Retention of the present family farm exemption from the child labor provisions of the FLSA regardless of business structure where members of the family/families are owners, including a closely held corporation, partnership, sole proprietorship, limited liability company or any other business entity;
  - 16.3. Deleting the language "or causes to be used" from the vehicle safety obligations section of MSPA (Section 500.100a);
  - 16.4. Enforcement of federal child labor laws designed to prevent underage children from working in all industries. We support existing FLSA provisions, which specify and provide opportunities for young people of the proper age to perform certain agriculture jobs;
  - 16.5. The family farm exemption in MSPA and oppose any efforts to restrict its application;

- 16.6. Changes in the Worker Protection Standard (WPS) so posting of field entrances does not unduly alarm consumers about the use of crop protection products. We request significant research and data can be provided resolving serious flaws with the present regulation;
- 16.7. EPA withdrawing the WPS of November 2015 in favor of the previous WPS rule;
- 16.8. Changes to worker protections under the WPS should be based on current scientifically or medically substantiated data and reflect current pesticide labeling;
- 16.9. Eliminating from the WPS the existing provision granting “designated representatives” access to farm-specific pesticide data. Any access to such data by “designated representatives” should be restricted to matters related to the health, safety or exposure of the worker who authorized access and the “designated representative” should not be allowed to disclose the data to anyone other than the worker;
- 16.10. The freedom to use farm labor contractors in the recruitment and management of migrant seasonal and day haul farm labor. The labor contractor should be recognized as the sole employer of said labor force;
- 16.11. Allowing the use of housing that meets Federal Emergency Management Agency (FEMA) standards for qualified seasonal and agricultural visa workers;
- 16.12. Increased funding to continue and expand the Migrant and Seasonal Head Start Program; and
- 16.13. Employers and workers being free to negotiate piece rate or any other performance- and/or seniority-based wage system as long as the worker and employer negotiate a performance and/or seniority-based wage, that wage shall include time spent during rest breaks, moving from job to job, clean up and any other nonproductive time.
17. We oppose:
  - 17.1. A national agricultural labor board;
  - 17.2. The expansion of the Agricultural Hazardous Occupations Orders by the DOL;
  - 17.3. Unauthorized entry into any facilities including, but not limited to, worker housing units, barns, accessory buildings, and fields by agents of the U.S. government;
  - 17.4. Requiring employers to pay employee travel and related expenses from the employee's permanent residence to the employer's place of business, except as may be required under a temporary foreign worker program in which the farmer is voluntarily participating;
  - 17.5. Any regulations requiring farmers to pay wages to farm workers during travel time from their residence to place of work; and
  - 17.6. Policy requiring agricultural employers to pay more than an average wage rate prevailing in a particular agricultural occupation and region.

### **136 / General Labor Issues**

1. We support enactment of laws that would mandate specific penalties for unions, union members and public employees who engage in illegal strikes, and prohibit the use of amnesty in such situations.
2. A high standard of living is possible only through high productivity. We oppose work slowdowns, make-work, featherbedding and impediments to the use of new technology that increases labor productivity. We believe service organizations should be exempt from federal laws requiring that employees involved in any of their rehabilitation programs be paid standard minimum wage.
3. We support:
  - 3.1. Retention of Section 14(b) of the National Labor Relations Act (NLRA) and extension of the right-to-work in additional states as a part of the goal to abolish compulsory membership in labor unions;
  - 3.2. Amendments to the NLRA to extend and protect the rights of individual workers against abuses by both management and labor;
  - 3.3. The guarantee of the right of a secret ballot for all union votes;
  - 3.4. Repeal of the Davis-Bacon Act. Until repeal is achieved, we support an amendment to the Davis-Bacon Act which would allow rural municipalities to bid public works projects without adherence to the prevailing wage rate clause;
  - 3.5. Legislation to amend appropriate antitrust laws to further limit the antitrust immunity of labor unions;
  - 3.6. Federal legislation that encourages states to provide basic systems of minimum workers' compensation benefits following the wage-loss concept for work-connected disabilities. Such federal legislation should also encourage states to improve state statutes without infringing on their rights to enact and administer their own systems of workers' compensation benefits;
  - 3.7. Clear definitions of workers' compensation coverage for temporary agricultural workers;
  - 3.8. Legislation to permit class action suits against unions to recover financial losses incurred by third parties because of a strike;
  - 3.9. Employers subjected to accusations from regulatory agencies or commissions, such as the Equal Employment Opportunity Commission, are guaranteed the right to due process;
  - 3.10. Amendments to the Equal Employment Opportunity Act and modifications of enforcement procedures to increase exemptions for small businesses and privately held family concerns;
  - 3.11. Legislation and or legal remedy that would decree that state and local government employees are not subject to Fair Labor Standards Act (FLSA) wage and overtime provisions;
  - 3.12. A minimum wage differential for youth;
  - 3.13. Maximum opportunities for youth to work on farms;

- 3.14. Legislation to outlaw strikes of vital public services including transportation and food processing and provide instead for mediation and compulsory arbitration. We favor stronger federal laws that would prevent labor unions from refusing to load farm commodities;
- 3.15. Invocation of the Taft-Hartley Act when a strike has a regional economic impact;
- 3.16. Granting state governors Taft-Hartley powers currently reserved for the president, including the ability to convene a board of inquiry and start the Taft-Hartley process whenever a port labor dispute is causing economic harm. Once that board reports, governors could petition federal courts to enjoin slowdowns, strikes or lockouts at ports in their states. We support explicitly including slowdowns as a trigger for Taft-Hartley powers;
- 3.17. Legislation to outlaw the use of any union dues exacted from union shop contracts or agency shop contracts in any form including in-kind services, for political campaigns;
- 3.18. Action to prohibit strikers from receiving unemployment compensation or welfare benefits;
- 3.19. Greater use of legal approaches in reducing the abuse of power by labor unions;
- 3.20. Repeal of provisions of the Trade Adjustment Assistance which authorizes cash and other aid for workers who lose their jobs or have work hours shortened due to imports;
- 3.21. Amending the Hobbs Anti-Extortion Act to include jurisdiction over violence and other coercive actions by labor unions and/or their agents;
- 3.22. Raising the man-day exemption in the FLSA for agricultural employers up to 750-man-days;
- 3.23. Retention of the agricultural exemption from the overtime requirements of the FLSA;
- 3.24. Amending the FLSA to provide compensatory time (in lieu of overtime pay) for employees in the private sector;
- 3.25. Changing the definition of agriculture in the FLSA to include forestry and logging, on-farm retail operations, handling products from other farms, consolidation of product from other farms, value-added processing, fermenting, and all aspects of equine activities;
- 3.26. Increasing the minimum base level to \$2,000 per employee before Federal Insurance Contributions Act payroll tax withholding is required;
- 3.27. An amendment to the 1986 Immigration Reform and Control Act to exempt immediate family including children of an employer from the documentation requirement;
- 3.28. Amending FLSA to allow volunteerism on farms and ranches; and
- 3.29. Requiring seven days' advanced notice, provided in writing by registered mail, prior to a Department of Labor audit.
4. We oppose:
  - 4.1. Repeal of the public employment exemption in NLRA and vigorously oppose any law at the state or national level that would force any public employee to join, or pay dues to, a union in order to work for the taxpayers;
  - 4.2. Any major changes in the NLRA that would increase the size of the National Labor Relations Board (NLRB) or in any way tilt this Act in favor of unions and against management;
  - 4.3. The taxation for unemployment insurance of corporate officers of a family corporation who are unable to collect unemployment compensation;
  - 4.4. Efforts to provide full employment at taxpayers' expense. Such programs impair the free enterprise system and would be a burdensome expense;
  - 4.5. The use of public funds for grants to labor organizations or their affiliates to bolster the financial position of such unions or aid their organizing efforts in any way. We should continue efforts to halt such grants, to initiate investigation of existing grants, to take every feasible action to nullify any grants made or used illegally, and to take every feasible action to prevent additional grants;
  - 4.6. Efforts to move to a nationally standardized shorter work week;
  - 4.7. Legislation that would mandate health insurance to be provided by employers;
  - 4.8. Efforts to extend the Family and Medical Leave Act to employers not covered under the current law;
  - 4.9. Mandating earned sick leave for employees;
  - 4.10. An increase in the minimum wage and indexing of the minimum wage when believed to be inflationary;
  - 4.11. Any legislation that would ban the permanent replacement of striking workers;
  - 4.12. Congressional efforts to void states' right-to-work laws;
  - 4.13. An overtime premium hourly rate to be guaranteed through a federal mandate;
  - 4.14. Boycotts in any form, including common situs picketing; and
  - 4.15. Raising the salary threshold for employees who are eligible to receive overtime pay.
5. **Unemployment Compensation Laws**
  - 5.1. We support:
    - 5.1.1. Unemployment insurance benefits be unavailable to any claimant who cannot be verified able to work and actively seeking work;
    - 5.1.2. Exempting wages of part-time farm laborers who are 16 years old and under, senior citizens, family members and full-time students from the requirements of the Federal Unemployment Compensation Tax Act;
    - 5.1.3. A one-week waiting period before qualifying for benefits;
    - 5.1.4. The extension of current Registration and Seeking Work Waiver from a 45-day waiver to a 12-week waiver for agriculture;
    - 5.1.5. Unemployment benefits being limited to 26 weeks;
    - 5.1.6. Employees contributing a percentage of their wages to the unemployment insurance fund;

- 5.1.7. Increased incentives for unemployment compensation recipients to take available jobs and that the job search requirement be initiated at the beginning of benefits;
- 5.1.8. Reviewing reciprocal agreements for unemployment payments among all states to reduce payment of ineligible claims;
- 5.1.9. All workers (including H-2A workers) who are ineligible to receive unemployment benefits being excluded from the federal unemployment tax base;
- 5.1.10. Increasing the threshold level of agricultural coverage from \$20,000 of wages paid in any calendar quarter to \$50,000 to reflect wage inflation that has occurred since the enactment of agricultural coverage and that it be indexed in the future to adjust for inflation;
- 5.1.11. Increasing the agricultural threshold coverage for multiple employees from 10 or more persons during any portion of 20 or more weeks of the year to a level of 15 or more persons for any portion of 30 weeks of the year;
- 5.1.12. Employers being liable only in the calendar year in which they exceed the threshold level in any calendar quarter in that year;
- 5.1.13. Claims made under the Interstate Agreement for the Combining of Wage Credit not being charged to the involved employer until basis for the claim is verified; and
- 5.1.14. Efforts to reform the unemployment compensation laws so as to reduce fraud and bring the cost of this program under better control.
- 5.2. We oppose:
  - 5.2.1. Further extension of the unemployment compensation program to agricultural employees; and
  - 5.2.2. The payment of unemployment benefits to seasonal labor employees.

## **137 / Immigration**

### **1. General Immigration**

- 1.1. Effective enforcement of all immigration laws and border security is a responsibility of the federal government.
- 1.2. U.S. immigration policy must recognize that agriculture relies on immigrant labor as the jobs are arduous, often seasonal and migratory.
- 1.3. We must confront the problem of illegal immigration directly and comprehensively, but traditional law enforcement and immigration measures alone will not suffice. We support enforcement of immigration laws to deter the employment of unauthorized workers.
- 1.4. We support abolishment of the 66,000 annual cap on H-2B visas to assist agricultural processors that use the H-2B visa program:
  - 1.4.1. An H-2B returning worker exemption, seasonal cap waivers, executive orders or actions by the secretary of Homeland Security will be sought and supported until such time that the annual cap is completely abolished.
- 1.5. Any federal mandate on employers to implement E-Verify must:
  - 1.5.1. Include an employment eligibility verification system which is simple, conclusive, and timely;
  - 1.5.2. Provide an affirmative defense for employers acting in good faith;
  - 1.5.3. Allow for status adjustment of workers not authorized prior to implementation; and
  - 1.5.4. Be preceded by full implementation of a usable agricultural worker program.
- 1.6. We support:
  - 1.6.1. The reform of existing migrant labor laws to be more farmer-friendly;
  - 1.6.2. Permitting experienced visa and undocumented agricultural workers who are employed in agriculture prior to bill introduction the opportunity to earn permanent legal status, provided the process for applying for such status:
    - 1.6.2.1. Provides a waiver from inadmissibility;
    - 1.6.2.2. Offers these workers sufficient incentives to come forward but does not provide them with an unfair advantage over other applicants;
    - 1.6.2.3. Does not penalize the employer when a worker comes forward;
    - 1.6.2.4. Enables agricultural employers to retain their experienced workforce while transitioning into a new worker program;
    - 1.6.2.5. Deters future illegal immigration and otherwise improves homeland security; and
    - 1.6.2.6. Offers an incentive to workers who obtain permanent legal status through agriculture to stay in agriculture.
  - 1.6.3. Replacement of work authorization documents with tamper-resistant, machine readable documents that include biometric identifiers;
  - 1.6.4. Legislation to strengthen the present immigration and naturalization laws of the United States and to especially address the following subjects:
    - 1.6.4.1. Political asylum rules should be more narrowly defined to exclude frivolous requests and to provide for a more expedient determination as to the legitimacy of the request;
    - 1.6.4.2. Undocumented or unauthorized persons should not be eligible for any of our social welfare programs, including housing, fuel, education and health benefits;
    - 1.6.4.3. Any foreign national testing positive for a communicable disease should not be admitted into the United States; and
    - 1.6.4.4. Non-citizens convicted of a felony should be deported immediately after serving any prison time imposed on them.



- 1.6.5. The Department of Homeland Security (DHS) and the Department of Justice (DOJ) conducting its enforcement activities with respect to civil rights, in a humane manner and with minimal disruption to agricultural business;
- 1.6.6. Just compensation to owners for any damages done to property or business during DHS enforcement activities;
- 1.6.7. Preventing workers found to be undocumented or unauthorized persons from continuing to occupy grower's housing unless provided with immediate work authorization;
- 1.6.8. Action to provide for the unification of immediate families under the 1986 Immigration Reform and Control Act (IRCA), so that the act or the regulations do not require the breakup of immediate families;
- 1.6.9. Repealing of the employer sanctions clause. Employers should not be held liable for determining the legal or illegal status of employees;
- 1.6.10. A safe harbor provision for employers who have formally hired or are hiring workers who are permitted under Deferred Action against Childhood Arrivals (DACA) and future related executive action;
- 1.6.11. Federal agencies being liable for any and all costs related to illegal immigration incurred by state, county and municipal governments including detaining an illegal immigrant while awaiting processing and/or deportation and costs incurred by individuals for personal and property damages;
- 1.6.12. DHS developing clear, legal guidelines for Immigration and Customs Enforcement (ICE) and for U.S. Border Patrol when entering private property and advising employers of such guidelines;
- 1.6.13. ICE being required to contact employers immediately following farm enforcement measures when employees are taken from businesses so that employers and families are informed;
- 1.6.14. The U.S. State Department increasing funding and personnel to handle the peak period for visa demand thus reducing worker delays;
- 1.6.15. The development of a special visa, green card or citizenship for farmers immigrating, or those who have immigrated to the U.S. Specifically, we recommend changes to existing laws and E2 visa requirements to better reflect and support farm family businesses;
- 1.6.16. Unaccompanied minors who enter the United States illegally should be treated under the same laws as adults entering the country illegally;
- 1.6.17. The United States Department of Labor resurveying the average labor wage for agricultural workers in order to more accurately reflect the local pay rates and ease the financial strain on agricultural producers due to an overinflated Adverse Effect Wage Rate required by H-2A provisions; and
- 1.6.18. The denial of federal funds to sanctuary cities.
- 1.7. We oppose:
  - 1.7.1. Any efforts to repeal the open agricultural field search warrant provision of IRCA;
  - 1.7.2. The counting of undocumented or unauthorized persons in the U.S. Census relative to redistricting; and
  - 1.7.3. Sanctuary counties, cities and states.

## 2. ***Agricultural Visa Program***

- 2.1. We support establishing a new agriculture visa that is portable (at-will) or by contract and that also deals with ag sectors that need year-round workers.
- 2.2. We support an agricultural worker program with requirements and fees that are not more stringent for one sector of agriculture than another.
- 2.3. We support amending the Migrant and Seasonal Worker Protection Act (MSPA) and the H-2A Act to require that court jurisdiction fall with the state and/or country where the alleged violation occurred.
- 2.4. We recommend that DOL work quickly and judiciously to provide guidance to state labor departments and settle disputes regarding the H-2A Program to make it very clear that the federal government has oversight and final determination in all areas of the H-2A Program.
- 2.5. We support improved training for employers to understand and better use the H-2A program, and provide better information for new users to the program.
- 2.6. The DOL should provide appropriate oversight for state labor departments to ensure that H-2A applications are processed at the state level in a timely and impartial manner.
- 2.7. We recommend that resident aliens with work permits be allowed to work on as many different farms as needed each year, i.e., they should not be restricted to one farm or one employer, but some may be limited to the agricultural sector for a temporary period of time.
- 2.8. We support amending the H-2A program to allow workers to work for other farmers as long as a transfer is approved by the original contracting employer.
- 2.9. A state employment agency should be required to verify employment eligibility before making any referral to an employer.
- 2.10. We support changes to policy in order to reduce the H-2A waiting period because lack of local labor interest and to eliminate the newspaper advertising requirement.
- 2.11. We support a worker program that:
  - 2.11.1. Addresses agriculture's unique needs, which may change suddenly with weather, global market realities, contract enforceability or other variables beyond the grower's control;
  - 2.11.2. Is simplified and cost-competitive to make their employment more feasible for perishable crops;
  - 2.11.3. Provides workers, including commercial fishing and fish dock workers, with a visa that lasts at least three years and is renewable multiple times;

- 2.11.4. Offers an opportunity, and provides a waiver from inadmissibility, to interested agricultural workers who were unlawfully present and working in agriculture prior to introduction of legislation but are otherwise admissible under the Immigration and Nationality Act (INA);
  - 2.11.5. Allows the worker to maintain their current residency while obtaining a work visa without a requirement of returning to their country of origin;
  - 2.11.6. Eliminates excessive or duplicative bureaucracy and unnecessary red tape;
  - 2.11.7. Reduces domestic recruitment costs;
  - 2.11.8. Allows U.S. farmers to hire qualified migratory and domestic workers;
  - 2.11.9. Includes appropriate provisions for foreign commuter workers who return to a residence in their home country nightly or weekly;
  - 2.11.10. Establishes an ombudsman to resolve disputes among immigration service, employers and workers;
  - 2.11.11. Includes timely certification determination to ensure employers adequate time to bring workers to a job site;
  - 2.11.12. Includes the broadest possible definition of agriculture;
  - 2.11.13. Provides the option of a housing allowance, in lieu of housing;
  - 2.11.14. Provides for an exemption from any contract employment guarantee in the case of a freeze or other emergency catastrophic event;
  - 2.11.15. Is administered by USDA;
  - 2.11.16. Allows cooperating farmers to make a joint application for workers. These workers would be allowed to move from one cooperating farm to another during the workers' contract period, without shared liability;
  - 2.11.17. Includes data from current and previous H-2A employers in the H-2A prevailing practices survey;
  - 2.11.18. Automatically increases the number of available visas (to avoid crop losses) if the visa limit is reached, should a future agricultural visa program cap the number of available visas;
  - 2.11.19. Includes forestry; and
  - 2.11.20. Provides an online format to expedite the exchange of information between the producer and government agencies.
- 2.12. We oppose:
- 2.12.1. Requiring agricultural employers to pay more than an average wage rate prevailing in a particular agricultural occupation and region, if required to pay above the Fair Labor Standards Act (FLSA) minimum;
  - 2.12.2. Requiring employers to pay local youth workers the same wages as an H-2A or visa worker under a new agricultural visa program for doing the same job;
  - 2.12.3. Requiring housing or transportation, or the hiring of domestic workers after the contract period has begun; housing or transportation may be encouraged with tax credits;
  - 2.12.4. Requiring to pay such cost until at least half of the contract period is complete and unless the costs primarily benefit the employer;
  - 2.12.5. Limiting the number of temporary worker visas, or guaranteeing payment of any fraction of a worker's pay for work that has not been performed;
  - 2.12.6. Expanding the Migrant and Seasonal Agricultural Worker Protection Act to employers of agricultural temporary workers or otherwise providing those workers with a private right of action, whether expressed or implied, in state or federal court; and
  - 2.12.7. Applying any labor law that does not currently apply to H-2A visa workers.

### **138 / Legal Services Corporation**

- 1. We call for major reform of the Legal Services Act of 1974. We are not opposed to a reasonable program to provide legal assistance for the socially disadvantaged. To achieve major reform of the program, we will work with other groups, both inside and outside agriculture, to mount a multi-year legislative effort for that purpose.
- 2. We will:
  - 2.1. Continue to support efforts to defund the special programs that have been funded by Congress and transfer those funds to direct delivery of services to poor people;
  - 2.2. Support efforts to bring about other reforms on an interim basis, including but not limited to:
    - 2.2.1. An amendment to the Legal Services Act to permit individual citizens or groups to file suit against the Legal Services Corporation (LSC) and its grantees or contractors and to seek damages where Legal Services lawyers or LSC groups have operated in violation of the law;
    - 2.2.2. An amendment to require LSC groups and their staff attorneys to make a good faith effort to get the employer and the complaining employee or employees in a face-to-face meeting for the purpose of resolving problems before a lawsuit is threatened or filed;
    - 2.2.3. An amendment to either prohibit LSC attorneys and groups from filing for or receiving court and legal costs from defendants;
    - 2.2.4. An amendment to say: "Legal Services Corporation, its attorney(s) or group(s), shall have to pay court costs for any suits that they initiate and lose;" and
    - 2.2.5. An amendment to prohibit lobbying by subgrantees of LSC grantees;

- 2.3. Support the development of organized ways, such as mediation, of settling problems between agricultural employers and their employees to avoid costly lawsuits;
- 2.4. Support the development and promotion of a training program among agricultural employers to:
  - 2.4.1. Make them more aware of the labor laws and regulations affecting agricultural employment; and
  - 2.4.2. Assist them in developing an effective labor-management relations program on their farms and ranches;
- 2.5. Assist farmers in becoming better informed about the LSC program and to become more involved in the operation of local LSC groups.
3. We support:
  - 3.1. Making LSC and its grantees accountable to the executive branch;
  - 3.2. The U.S. government ceasing to provide federal funding to Farm Workers Legal Services; and
  - 3.3. The principle that any action brought by the LSC against farmers be considered in the court of jurisdiction where the farm is located.
4. We oppose:
  - 4.1. Funding LSC grantees with interest on Lawyers Trust Accounts;
  - 4.2. Giving LSC grantees the right to represent agricultural workers who are not legally or physically present in the United States; and
  - 4.3. Legal services case workers going to a farmer's field or work site to solicit cases.

### **139 / Occupational Safety and Health Administration (OSHA)**

1. We support an exemption for production agriculture operations with 50 or fewer employees from Occupational Safety and Health Act (OSHA) regulations.
2. Employers who violate the law should be given a warning and training for the first violation and be given due process of law as allowed under the Constitution instead of instant fines.
3. We call upon OSHA to repeal its farm labor housing regulations, since such housing is not a workplace. The Department of Labor (DOL) should not have two different regulators regulating the same housing.
4. OSHA should not issue any regulation unless there is an actual threat to the health and safety of employees.
5. We support the use of voluntary programs to reduce injuries in the workplace.
6. We will continue to work with federal agencies and with various safety groups in the development of reasonable safety regulations affecting farmers.
7. We will provide leadership in the development of reasonable and responsible safety regulations at the national level.
8. We believe that OSHA's standard for grain elevators is unworkable for existing small country elevators and we favor a more workable standard or exemption for such elevators.
9. We call upon the secretary of labor to revise the Hazardous Materials Communication Standard to eliminate duplicate and overlapping regulations with the Environmental Protection Agency's (EPA) farm worker pesticide protection regulations.
10. We urge EPA and OSHA to employ persons with agricultural expertise.
11. We oppose:
  - 11.1. Giving OSHA jurisdiction over criminal penalties for any OSHA or other labor regulation violation; and
  - 11.2. The imposition of ergonomic standards on the agricultural industry, including farm processing and packing operations.

### **MISCELLANEOUS**

#### **145 / Agricultural Education**

1. High school career and technical education programs for agriculture and the National FFA Organization are vital programs for development of the talent and leadership needed in farming and agricultural service industries.
2. We urge the U.S. Department of Education to retain the two professional staff positions, including the National FFA advisor, in the Office of Career, Technical and Adult Education and FFA. These positions should be maintained at the current grade level, receive the necessary support for current functions and responsibilities, and be filled by individuals possessing the knowledge, experience and skills to provide leadership in Agricultural Education and FFA.
3. We support:
  - 3.1. Agricultural Education and FFA Programs, and will work to help ensure scientifically based agri-science education, and a strong National FFA Organization;
  - 3.2. An increase in federal funding and necessary personnel for the creation of new programs in communities not yet served by agricultural education and FFA and maintaining the quality and high performance of current programs that provide personal, academic and career education in agriculture;
  - 3.3. Opportunities for children from public, private, charter and home schools to form local FFA chapters;
  - 3.4. School districts to revise their agricultural curriculum to a level where credits in agricultural courses can be utilized as science credits; and
  - 3.5. Post-secondary educational institutions to accept these agricultural course credits as science credits.

#### **146 / Career and Technical Education**

1. State and local groups should retain primary responsibility for career programs and technical education programs.

2. We support:
  - 2.1. Career and technical education and post-high school job training and retraining for youth and adults seeking jobs in farming, ranching and logging;
  - 2.2. The eligibility of farmers and ranchers to participate in existing government-funded retraining programs;
  - 2.3. Federal funding at current or higher levels for career and technical education;
  - 2.4. Expansion of farm business management education and production and financial benchmarking programs as part of adult education;
  - 2.5. Career and technical education in the G.I. Bill, including an agriculture internship option; and
  - 2.6. Continued federal funding and appropriations for agricultural education within public schools via the Carl D. Perkins Vocational and Technical Education Act.

#### **147 / Census and Survey Data Collection**

1. We believe:
  - 1.1. Government agencies have the right to collect fundamental data on population counts for its census purposes. This data would include the names of individuals residing at the residence, the number of people residing at the residence, and the year of birth of people residing at the residence; and
  - 1.2. Any information requested in addition to this data must be voluntarily given by the individuals.
2. We oppose:
  - 2.1. The American Community Survey from the U.S. Department of Commerce because it aggressively and unnecessarily invades individual privacy with its data collection efforts;
  - 2.2. The use of fines to coerce citizens to submit to intrusive, mandatory personal data collection efforts by the federal government; and
  - 2.3. The use of statistical formulas or estimates in census taking.

#### **148 / Cooperatives**

1. Agricultural cooperatives being farmer owned and controlled and be based upon the principles of our private competitive enterprise system.
2. We oppose any attempt to repeal or weaken the Capper-Volstead Act. Antitrust suits should not be used to dilute the bargaining power of farmer cooperatives.
3. Perishable Agricultural Commodities Act requirements should apply to cooperatives that do business on cash basis with nonmembers.
4. We support:
  - 4.1. Legal, regulatory and tax codes to encourage the proliferation of farmer-owned closed cooperatives that produce value-added products; and
  - 4.2. Allowing cooperatives to keep dividends from deceased members after trying to locate heirs for five years.

#### **149 / Definition of Agriculture**

1. We support:
  - 1.1. A uniform definition of agriculture which includes use of natural resources in the production of all plants (agronomic and horticultural), aquatic species (aquaculture), forestry (silviculture), animal (including equine), fungi, beekeeping (apiculture) and all related production activities; and
  - 1.2. Agritourism defined as a “working farm, ranch or agriculture plant conducted for the enjoyment of visitors that generates income for the owner” be considered as a viable agricultural enterprise by all federal agencies.

#### **150 / Education**

1. ***Ag in the Classroom***
  - 1.1. Agriculture in the classroom programs improve the agricultural literacy of the public and should be a part of all elementary and secondary education.
  - 1.2. We support:
    - 1.2.1. Agriculture in the Classroom resources and programs for all K-12 classes;
    - 1.2.2. The National Agriculture in the Classroom organization;
    - 1.2.3. The United States Department of Agriculture's (USDA) role as coordinator of the Agriculture in the Classroom program and the continuation of funding for the Annual National Conference, website maintenance and enhancement, Agriculture in the Classroom Excellence Grants Program (ACE), Excellence in Teaching about Agriculture in the Classroom Award and the ability for state programs to apply for Secondary Education, Two-Year Post-secondary Education, Agriculture in the K-12 Classroom Challenge (SPECa) Grants Program and additional programs as funding allows; and
    - 1.2.4. An increase in the annual appropriation for the program.
2. ***Primary and Secondary Education***

- 2.1. We believe that educational policy is primarily a local and state issue. Reforms to improve educational quality can best be formulated at these levels of government.
- 2.2. We support:
  - 2.2.1. A rewrite of the formula for federal funding which directs more money to rural and small town school districts;
  - 2.2.2. Obtaining proficiency in the basics of reading, writing and mathematics by all students in our educational system;
  - 2.2.3. The use of English as the teaching language in grades K-12;
  - 2.2.4. Programs that provide greater educational opportunities and incentives for exceptional students that emphasize creativity, innovation and teamwork while helping individual students identify their passions earlier in their educational experience;
  - 2.2.5. The option of home-based education;
  - 2.2.6. Environmental education for all students being based on sound science and factual information;
  - 2.2.7. School curricula focusing on science-based facts and not on promoting or advocating the concept of animal or plant rights;
  - 2.2.8. Preserving neighborhood schools and maintaining the right of parents or legal guardians to participate in public and private schools affairs;
  - 2.2.9. Federal impact aid to localities adversely affected by federal government installations and/or refugee relocations;
  - 2.2.10. Increased emphasis on educational programs that provide training in citizenship, traditional family values, parenting, ethics, social behavior and interpersonal relations; and
  - 2.2.11. Native American tribes reimbursing local school districts for the full cost of educating tribal members.
- 2.3. We oppose:
  - 2.3.1. Unfunded mandates; and
  - 2.3.2. National mandates on local curricula and school boards.
3. **Higher Education and Student Loans**
  - 3.1. We support:
    - 3.1.1. Eligibility for college loans be based on net operational income;
    - 3.1.2. Interest-free student loans as long as payments are made on time;
    - 3.1.3. Any individual who gets a student Pell Grant should be required to repay it with interest if they do not complete the semester. They should not be eligible for any further government loans or funds until the amount owed is repaid;
    - 3.1.4. Government and lending institutions making every effort to collect delinquent student loans with interest;
    - 3.1.5. Colleges and universities not being penalized for non-repayment of student loans. To avoid jeopardizing the availability of student loans, government guarantee should be reduced from 100 percent to 95 percent;
    - 3.1.6. Resident instruction programs in our colleges of agriculture. The development of students' expertise is critical to the future of the agricultural industry;
    - 3.1.7. The original intent of teacher tenure to protect teachers against political abuse. However, tenure should be reformed so that it cannot be used to unduly protect incompetent teachers;
    - 3.1.8. Private schools meeting or exceeding state standards for accreditation;
    - 3.1.9. Government recognizing the right of private groups to organize and operate educational institutions; and
    - 3.1.10. The Environmental Protection Agency's environmental education being based on sound science and factual information.
  - 3.2. We oppose:
    - 3.2.1. The Internal Revenue Service interfering with the enrollment practices of private schools; and
    - 3.2.2. Prisoners qualifying for any welfare or federal or state grants, such as college or school grants.

## **151 / Farm Machinery**

1. We support:
  - 1.1. Prohibiting tampering with hour meters on motorized farm equipment;
  - 1.2. Using a standardized 10-character machinery identification system, which includes components of the National Crime Information Center number;
  - 1.3. Urging manufacturers to designate the year of manufacture in the serial number of the tractor or implement;
  - 1.4. The right to repair one's own equipment by amending the Digital Millennium Copyright Act to require agricultural equipment manufacturers to allow equipment owners and independent repair facilities to have access to the same agricultural equipment diagnostic and repair information made available to the manufacturers' dealers and authorized repair facilities. Any penalty for alterations should be limited to the voiding of the warranty, as well as the right of dealers to refuse services and trade on altered equipment. Any alterations to software should be limited to the owner's personal use and should not be for distribution;
  - 1.5. Any insulated wire used in equipment, automobiles or otherwise be repellent to rodents and fire ants; and
  - 1.6. The creation of a national "Lemon Law" to cover farm machinery.
2. We support equipment owners and/or independent equipment repair facilities being able to:
  - 2.1. Have machine connectivity by onboard screen, smart device, dealer access or other means;
  - 2.2. Look up diagnostic codes in manuals, online or from dealer access;
  - 2.3. Have and keep the right to do general maintenance and daily servicing. Example: Changing oil and filters, periodic servicing and greasing;

- 2.4. Access repair and technical manuals;
- 2.5. Repair and service equipment during the warranty or extended warranty periods; and
- 2.6. Perform machine calibrations that are not considered embedded codes and that will not exceed manufacturer's parameters.
3. We oppose:
  - 3.1. Any further attempt to restrict or regulate exhaust emissions on new or used farm equipment, heavy equipment or trucks;
  - 3.2. The titling, registration and licensing of farm machinery at the federal level; and
  - 3.3. Equipment manufacturers requiring that general maintenance be conducted by one of their dealers to keep the manufacturer's warranty intact.

## **152 / Family and Moral Responsibility**

1. The strength of every civilized society is the family. We support and encourage the promotion of the fundamental principles and family values on which our nation was founded.
2. A family should be defined as persons who are related by blood, marriage between male and female or legal adoption.
3. Parents have the legal right and responsibility for the religious and moral training of their children. Child care services, protection from exploitation and education can best be addressed at the local level with parental involvement and guidance.
4. We urge the media to take immediate steps to exercise discretion in the depiction of sex, violence and low morality on TV and radio. We recommend that the rating system used for movies be used for the commercial music industry.
5. We oppose:
  - 5.1. Granting special privileges to those that participate in alternative lifestyles; and
  - 5.2. Human cloning.

## **153 / Federal Emergency Management Agency**

1. Concerning FEMA assistance, criteria should be analyzed differently in regards to agricultural areas versus urban areas, when determining if assistance has already met the maximum dollar limit allowed.

## **154 / Health & Health Insurance**

1. We believe that health care is primarily the responsibility of the individual. We support efforts to improve health care delivery and foster health care competition.
2. We support federal tax policies that encourage individuals to prepare for future health care needs.
3. We oppose any tax on any agricultural commodity or any additional tax on payroll being used to fund a health care program.
4. Health care policy should embrace the following principles:
  - 4.1. Promote personal wellness, fitness and preventive care as basic health goals;
  - 4.2. Ensure that professional health care workers, not insurance companies, determine patient treatments;
  - 4.3. Provide direct government financial assistance to providers for those who are unable to pay for health care; and
  - 4.4. Protect the right of patients to choose health care providers and methods of treatment.
5. **Access To Health Care**
  - 5.1. We support:
    - 5.1.1. Incentives to increase the number of general practice physicians;
    - 5.1.2. Greater use of non-physician providers;
    - 5.1.3. Incentives to train medical professionals who intend to practice in rural areas;
    - 5.1.4. Incentives for medical and mental health services in rural areas, including home health care services;
    - 5.1.5. Essential Access Community Hospital and Rural Primary Care Hospital programs;
    - 5.1.6. The expansion of migrant health services to ensure a healthy work force for agricultural employers;
    - 5.1.7. Importation of prescription drugs when the safety of the source can be proven; and
    - 5.1.8. Rural area access to modern and reliable 911 and E911 communication service.
  - 5.2. We oppose:
    - 5.2.1. Legislation or regulations that would jeopardize present volunteer emergency medical technician systems;
    - 5.2.2. Federal guidelines that would close the obstetric wards in hospitals that do not meet annual requirements for number of births;
    - 5.2.3. Prohibiting the over-the-counter sale of vitamins, amino acids, probiotics, minerals and herbs;
    - 5.2.4. Insurance companies being able to override a professional health care worker's prescription;
    - 5.2.5. Health Maintenance Organizations requiring patients referred to specialists to obtain periodic approval from the their primary care provider to continue treatment;
    - 5.2.6. The early discharge of patients by health care plans, hospitals and/or health care providers;
    - 5.2.7. Employers being required to provide employees with health insurance throughout the calendar year of their employment;
    - 5.2.8. Mandates that insurance companies adhere to a "guarantee issue and community rating" standard, which would substantially increase premiums for individual health insurance policies; and
    - 5.2.9. Taxpayer funded health care for illegal immigrants.
6. **Cost Containment**
  - 6.1. We support:

- 6.1.1. Exemptions from mandates for group health insurance programs of associations;
- 6.1.2. A reduction in mandated benefits;
- 6.1.3. Efforts to reduce medical malpractice insurance costs, including limitations on certain punitive and non-economic damage awards;
- 6.1.4. Allowing veterans to receive medical care at local hospitals;
- 6.1.5. A wage index equal to 1.0 for reimbursement purposes;
- 6.1.6. Exemption of Essential Service Hospitals from Outpatient Prospective Payments Systems;
- 6.1.7. An exemption for students and seasonal, part-time, and H-2A workers from mandated health care regulations;
- 6.1.8. Coordinated care, electronic records, incentives for results (not procedures) and preventative care, responsibly reduced hospital stays and payments to medical professionals for their service through telecommunication and email;
- 6.1.9. Allowing contributions to a health savings account after age 65; and
- 6.1.10. Using taxes collected for the Medicare Trust Fund only for administering the Medicare Act and fund health benefits for those retirees who opt for Medicare and pay a Medicare premium.

## 7. **Health**

- 7.1. We encourage vaccination programs for potentially deadly diseases and more domestic production of critical health vaccines as a policy of national security.
- 7.2. We oppose funding for abortion, euthanasia and RU-486.
- 7.3. We urge more restraint and supervision by the medical community concerning fetal tissue research.
- 7.4. We support:
  - 7.4.1. The U.S. Department of Health and Human Services allocating funding for the research, development and implementation of a Lyme Disease vaccine for humans; and
  - 7.4.2. Awareness, available resources and funding for programs that deal with mental health and emotional well-being for the agriculture community.

## 8. **Health Insurance**

- 8.1. We support:
  - 8.1.1. Small Business Health Plans and voluntary regional insurance purchasing cooperatives, subject to state regulation, to permit individuals and small companies to receive the same price advantages that corporations receive;
  - 8.1.2. Reviewing and revising the Health Insurance Portability and Accountability Act;
  - 8.1.3. Interstate portability of insurance;
  - 8.1.4. Insuring pre-existing conditions;
  - 8.1.5. Repeal and/or defunding of Patient Protection and Affordable Care Act (ACA) and the Health Care and Education Reconciliation Act of 2010;
  - 8.1.6. Allowing insurance companies to sell and individuals to purchase health plans across state lines to create competitive prices;
  - 8.1.7. Requiring current and retired members of Congress, the president, past presidents, their family members and all federal employees with the exception of active duty, retired and disabled military personnel to be included in any national health plan and/or compulsory national health insurance;
  - 8.1.8. Being able to modify coverage, such as increasing deductibles, without losing the status of legacy or grandfathered health insurance policies;
  - 8.1.9. Federal legislation that would afford equal tax treatment and benefits to patrons of health care sharing ministries. Specifically, we support:
    - 8.1.9.1. The tax deductibility of monthly shared costs; and
    - 8.1.9.2. The utilization of Health Savings Accounts (HSA) being expanded to include the patrons of health care sharing ministries, including the tax benefits of such HSAs in a similar manner as those utilizing a qualified high-deductible health insurance plan.
- 8.2. We oppose:
  - 8.2.1. Government mandates that require the purchase of health insurance and the financial penalty for not purchasing health insurance;
  - 8.2.2. Compulsory national health insurance, including laws requiring all individuals or employers to purchase health insurance, and a national health plan in any form; and
  - 8.2.3. Efforts to exclude family members and the owners of other businesses from receiving the Small Employer Health Insurance tax credit under IRS Form 8941 which was passed under the Affordable Care Act.

## 9. **Medicare/Medicaid**

- 9.1. We support:
  - 9.1.1. Allowing Medicare recipients to opt out of Medicare and purchase private insurance actuarially equivalent to Medicare with Medicare paying the premium;
  - 9.1.2. Incentives to Medicare recipients to allow them to participate in private or alternative plans;
  - 9.1.3. The active prosecution of Medicare and Medicaid fraud;
  - 9.1.4. Patients receiving billings from physicians and other health care providers or health care services before Medicare pays to help eliminate account balance discrepancies;
  - 9.1.5. Block grants to the states to administer the Medicaid program as they see best;
  - 9.1.6. Efforts to eliminate cost shifting from Medicaid and Medicare to individuals and third-party payers;

- 9.1.7. Eliminating the waiting period for those who transfer or sell property to relatives in order to qualify for Medicaid;
- 9.1.8. Medicaid assuming nursing home expenses for a person whose net worth has been reduced to \$20,000;
- 9.1.9. Allowing a spouse to retain up to \$96,000 in countable assets (not including home, burial trust, life insurance and one vehicle) with the remainder eligible for spousal support of nursing home costs;
- 9.1.10. Equitable Medicare payments to rural hospitals and physicians, as well as revised rates to narrow the pay gap;
- 9.1.11. Adequate funding under Medicare to continue home health services for the home-bound and elderly;
- 9.1.12. Medical industry acceptance of Medicare assignments;
- 9.1.13. Medicare and Medicaid coverage for prescription drug and medical costs with a deductible or co-pay;
- 9.1.14. Government programs like Medicare and Medicaid properly compensating providers in a timely manner;
- 9.1.15. Full deductibility of Medicare co-pays and deductibles instead of treating them as hospital bad debt;
- 9.1.16. Medicare coverage for preventive examinations;
- 9.1.17. The federal government assumes a larger percentage of the costs associated with Medicaid; and
- 9.1.18. Utilizing net income and not gross income when determining Medicare payments.
- 9.2. We oppose:
  - 9.2.1. Any expansion of Medicare;
  - 9.2.2. Medicare tax increases;
  - 9.2.3. Increasing Medicaid eligibility, in an effort to have national health care reform, that would result in increased cost shifting to the states;
  - 9.2.4. Any reduction of Medicare provider reimbursement;
  - 9.2.5. A mandatory medical identification system;
  - 9.2.6. Efforts to restrict the ability to privately contract with a physician or other health care provider for medical service beyond Medicare-approved treatment;
  - 9.2.7. Medicare being able to limit a medical doctor's or other non-physician provider's ability to treat a patient;
  - 9.2.8. Reducing Medicare funding to help support another national health care program; and
  - 9.2.9. The ability for Medicaid to recover medical expenses from the portion of an estate that generates business income for the surviving family.

## **155 / Insurance**

- 1. We support state regulation of insurance companies.
- 2. We oppose:
  - 2.1. Repeal or amendment of the McCarran-Ferguson Act; and
  - 2.2. Increased federal income taxes on insurance companies.

## **156 / Litigation**

- 1. We support:
  - 1.1. Legislation to reform the Equal Access to Justice Act (EAJA) and other fee-shifting statutes to require online public disclosure from the Attorney General of the United States relating to litigation payments authorized for all federal agencies;
  - 1.2. Legislation to require parties seeking an injunction to reimburse the defendants for all court costs, legal fees, losses and other expenses if the injunction is shown to be unfounded or otherwise overturned;
  - 1.3. Tort reform to return stability to liability and medical malpractice insurance including, but should not be limited to:
    - 1.3.1. A cap on the amount of damages, due to non-economic losses including punitive damages;
    - 1.3.2. A flat compensation based on type of injury;
    - 1.3.3. Strengthening the legal definition of fault used to determine damages;
    - 1.3.4. Limit expert testimony;
    - 1.3.5. Eliminate joint and several liability;
    - 1.3.6. Allow large awards for future damages to be paid in installments;
    - 1.3.7. Eliminate double recovery;
    - 1.3.8. Limits on attorney's contingency fees, including those from class action lawsuits; and
    - 1.3.9. Increased usage of alternatives to lawsuits;
  - 1.4. Plaintiffs whose lawsuits are determined to be frivolous should be responsible for court costs and triple the amount of economic and social damages incurred;
  - 1.5. Legislation to amend the EAJA to make it clear that state courts may award attorney fees against the U.S.;
  - 1.6. Anti-disparagement legislation, which provides a cause of action against entities making false and disparaging statements against agricultural products and/or production without scientific justification;
  - 1.7. Legislation that entitles a prevailing party in civil or administrative proceedings by a state or federal agency, to legal fees and out-of-pocket expenses if the position of the agency is not substantially justified;
  - 1.8. Enforcement of the cap on legal fees being paid to attorneys under the EAJA or other fee-shifting statutes;
  - 1.9. Protecting volunteers, officers and directors of non-profit and charitable organizations from personal liability suits when acting in good faith to perform their assigned duty;



- 1.10. Reform of the EAJA to prevent creation of incentives to “sue and settle,” including limitations related to the value of the assets of non-profit organizations that seek attorney fees under the act, a cap on the amount of fees and hourly rate an entity may receive and parity between non-profit organizations and individuals under EAJA;
- 1.11. The creation of legislation that requires those seeking attorneys’ fees to win on each claim prior to eligibility for EAJA funds for any lawsuit. The legislation should also require individuals or groups to post a bond if their lawsuit will have an effect on producers;
- 1.12. Continuing to keep pressure on agencies and the U.S. Department of Justice regarding misuse of EAJA;
- 1.13. Continued funding for the national Agriculture Mediation Program;
- 1.14. Requiring all plaintiffs filing under the EAJA to provide a monetary bond equal to the assessed value of the raw materials, resources or commodity that was or may be harvested, withdrawn or grazed from the area or areas subject to litigation. The bond should be surrendered to the defendant(s) if the plaintiff(s) case is not upheld; and
- 1.15. Requiring that EAJA filers show a “direct and personal monetary interest” in the action to be eligible for payments.
2. We oppose:
  - 2.1. The use of government funds to sue the U.S. government;
  - 2.2. The ability of a person serving a prison sentence to sue and recover any monetary award at taxpayer expense;
  - 2.3. The ability of a plaintiff to sue for injuries while committing a crime or trespassing on another person's land;
  - 2.4. The ability of government agencies to assess penalties, confiscate property or withhold benefits without due process; and
  - 2.5. Nonprofit organizations or their subsidiaries from filing for EAJA funds when their net worth exceeds \$7 million.

## **157 / Media**

1. We urge all media, government agencies and health care professionals to use correct scientific terminology, to be unbiased and accurate in their public statements to avoid unwarranted fear among the general public. All reporting should be balanced, maintaining a risk relation factor between agricultural/consumer benefits and possible health risks. When the media corrects an error in reporting, that correction should be printed or broadcast with the same prominence as it was incorrectly reported initially.
2. We propose that any media and/or any organization responsible for distributing accusations of health risk not based on credible scientific data be held liable for triple the losses to producers, processors and subsequent retailers.
3. We urge the USDA to promptly investigate false information regarding the agricultural community reported by the media and assist us in aggressively challenging individuals and organizations who misrepresent scientific evidence and cause financial damage to agricultural producers.
4. To make vital decisions, farmers and ranchers need detailed and timely weather information, local news, up-to-the-minute market reports and news affecting production agriculture. We encourage all radio and television stations to maintain and improve their agricultural services.
5. We support:
  - 5.1. Pro-agriculture information in all media available to the public;
  - 5.2. Local stations being included in programming on cable and satellite television;
  - 5.3. The Federal Communications Commission (FCC) examining ongoing television reception problems resulting from the analog to digital conversion and work with broadcast stations to ensure the continued availability of free local programming;
  - 5.4. Permanent elimination of the FCC's ability to censor political content on talk radio; and
  - 5.5. Assertive new media outreach efforts to counter factually flawed “anti-agriculture” propaganda.

## **158 / Narcotics and Substance Abuse**

1. We encourage vigorous educational efforts to inform youth, parents and others concerning the harmful effects of substance abuse.
2. We support:
  - 2.1. Effective enforcement of present laws and enactment of new legislation to prevent the illegal production, importation, manufacture or distribution of illegal drugs, and related paraphernalia;
  - 2.2. The Drug Enforcement Administration change the cannabis classification from a schedule 1 drug to a schedule 2 classification for the sole purpose of doing clinical studies on the effect on humans;
  - 2.3. Law enforcement notifying the landowner or managing agency when aware of trespass marijuana or illegal drug manufacturing sites on private agricultural/resource properties or public lands (e.g., U.S. Forest Service/Bureau of Land Management);
  - 2.4. Funding and cleanup of damage caused by trespass marijuana or illegal drug manufacturing sites, with that effort coordinated among government and private entities;
  - 2.5. Efforts to prevent prescription drug abuse;
  - 2.6. Establishing a federal database for prescription opioids;
  - 2.7. Stiffer penalties for drug pushers, money launderers and repeat users, with no plea bargaining;
  - 2.8. Mandatory drug testing for public health and safety reasons in order to qualify for federal welfare programs;
  - 2.9. Individuals on unemployment in excess of six months being subject to random drug tests and if the test is failed the individual no longer can receive unemployment benefits; and
  - 2.10. The removal of pain as the fifth vital sign in evaluations conducted by the Joint Commission on the Accreditation of Healthcare Organizations when grading hospitals for financial reimbursement.
3. We oppose:

- 3.1. Depositing proceeds from property collected from confiscation and impoundment procedures into the general fund. These funds should be used for drug programs and cleanup costs;
- 3.2. Innocent landowners being held liable or penalized when illegal drugs are found on their property;
- 3.3. The classification of industrial hemp as a controlled substance; and
- 3.4. The legalization of the recreational use of marijuana.

## **159 / Nutrition**

1. We support:
  - 1.1. Teaching balanced diet guidelines following the recommendations of USDA's food nutrition program research;
  - 1.2. Recognition by USDA and the Food and Drug Administration of studies and research in nutrition which are based on published standard research criteria whether funded by producer groups or other recognized research groups;
  - 1.3. Funding of nutrition research on relationships between agricultural products and coronary heart disease and cancer;
  - 1.4. Teachers and health professionals being educated about sound nutritional principles;
  - 1.5. USDA including whole potatoes in the Women, Infants and Children (WIC) program;
  - 1.6. Changing the school lunch and WIC program to increase the number of eligible dairy products available to participants, including yogurt;
  - 1.7. Legislation and programs seeking to utilize Commodity Credit Corporation owned commodities for direct distribution in lieu of food stamps; and
  - 1.8. Allowing all participants in the Senior Farmers' Market Nutrition Program (SFRMNP) to purchase locally produced, USDA-certified frozen meat products sold at farmers' markets or certified roadside markets with SFRMNP vouchers.
2. We oppose:
  - 2.1. Anyone dictating which foods should and should not be eaten, including imposing "health taxes" on food and beverages; and
  - 2.2. Using taxpayers' money for the purpose of legislating or controlling the diets of American people.

## **160 / Postal Service**

1. Rural addresses should reflect the locality of the postal patron. If the U.S. Postal Service (USPS) changes an address, it should continue to deliver mail for 90 days to allow ample time for notification.
2. We support:
  - 2.1. Programs that provide efficient essential mail service to reasonably accessible farmsteads;
  - 2.2. Private enterprise competing with the USPS for all types of service;
  - 2.3. Consolidating, extending, or relocating rural routes for economy of operation;
  - 2.4. Discontinuing Saturday mail delivery;
  - 2.5. Postal inspection of first class mail which is suspected of containing quarantined products;
  - 2.6. Using fines to deter the mailing of quarantined products;
  - 2.7. Requiring the USPS and airlines to ship live poultry, raptors, beneficial insects (including honeybees), live plant material and canines;
  - 2.8. Allowing rural mail carriers to provide their own vehicles. Vehicles should be properly marked for safety;
  - 2.9. Making a U.S. postage stamp to honor agriculture;
  - 2.10. A review of USPS bulk mailing regulations for nonprofit organizations for easier compliance;
  - 2.11. Setting rates for all classes of mail at levels sufficient to support the cost of the service provided; and
  - 2.12. Allowing the U.S. Postal Service to ship wine.
3. We oppose:
  - 3.1. Closing rural post offices without a public hearing; and
  - 3.2. The USPS selling name lists.

## **161 / Religion**

1. Our national life is founded on spiritual faith and belief in God.
2. We support:
  - 2.1. The individual's right to free exercise of religion, whether in public or private, be it verbal or visual;
  - 2.2. The legal right and responsibility of parents to direct the religious and moral training of their children;
  - 2.3. Leaving "In God We Trust" on coins and currency and "Under God" in the Pledge of Allegiance;
  - 2.4. The right of U.S. citizens to conduct religious services, offer prayers and read the Bible as God's word on public lands; and
  - 2.5. The denial of preferential tax treatment to churches or church organizations for activities that are involved in political action programs.
3. We oppose efforts to remove references to Christmas and other religious holidays from our country's heritage.

## **162 / Retail Agriculture**

1. We support:

- 1.1. Programs that promote the marketing and purchase of goods produced or manufactured in the United States of America;
- 1.2. Changes to federal law allowing farm market retail activity to occur at rest stops along federal highways;
- 1.3. The expansion of Electronic Benefit Transfer (EBT) programs at farm markets and farmers' markets in federal nutrition programs;
- 1.4. Farm wineries, farm breweries, farm cideries and farm distilleries being allowed to use social media;
- 1.5. All publicly supported educational institutions in the U.S. to purchase supplies, apparel and food stuffs from U.S. producers and U.S. manufacturers; and
- 1.6. The creation of a database that provides information regarding the ownership of music licensing and fees.

## **163 / Rural Communications**

### **1. *Spectrum***

- 1.1. As additional demand is placed on bandwidth spectrum, the Federal Communications Commission (FCC) should require rigorous testing to ensure no interference with Global Positioning Systems (GPS), precision agriculture, or other existing services. The cost of any technical fix should be borne by those creating any disruption in service.
- 1.2. We support the improvement of GPS and land-based Wide Area Augmentation System (WAAS) transmitters.

### **2. *Telecommunication Service***

- 2.1. Communication services should be available at a reasonable cost to all people.
- 2.2. We support:
  - 2.2.1. The FCC minimum definition for broadband speed;
  - 2.2.2. Increasing high speed internet access in rural areas through any source, including wireless, by using a combination of tax incentives, grants and/or regulations. Networks should meet and exceed the FCC's definition for broadband;
  - 2.2.3. Expanding eligibility requirements for Connect America funding to include rural electric cooperatives and other entities;
  - 2.2.4. Modifying USDA's Broadband Program to increase the utilization of grants and loans in rural/underserved communities. We also support increased funding for and improvements in USDA's Community Connect, Distance Learning and Telemedicine, and Rural Gigabit Network Pilot programs;
  - 2.2.5. Increased cooperation among Internet providers to improve access to broadband in rural areas through coordination/sharing of either current assets or the installation of necessary infrastructure;
  - 2.2.6. Local competition for retail access to telecommunication services;
  - 2.2.7. The continuation of the Universal Service Fund (USF) to maintain affordable communication services in rural America;
  - 2.2.8. The complete unbundling of telephone bills so that all components of the charges are accurately reflected;
  - 2.2.9. A properly designed federal revolving fund, with an adequate rate of interest and in conjunction with private capital as a source of financing for rural telephone cooperatives so that they can maintain and strengthen their systems;
  - 2.2.10. The "Do Not Call List" and the inclusion of text messaging and ringless calling;
  - 2.2.11. The owner of a communication tower should be responsible for the removal and disposal of the tower once its use is discontinued;
  - 2.2.12. The development and use of telemedicine; and
  - 2.2.13. The FCC working with cell phone companies to increase interoperability among towers in rural areas.
- 2.3. We oppose:
  - 2.3.1. Shifting the funding burden for the USF to the states; and
  - 2.3.2. Access to Internet pornography in publicly supported facilities, (i.e., libraries and schools).

### **3. *Amateur Radio***

- 3.1. We oppose:
  - 3.1.1. Any change to the FCC code infringing on amateur radio operation and use; and
  - 3.1.2. Requiring amateur radio operators to conduct radio frequency level studies and notify the public of possible trace amounts of radio frequency exposure.

## **164 / Safety**

### **1. *Farm Safety***

- 1.1. We support:
  - 1.1.1. Farm safety training at the local level that includes both classroom and hands-on experiences for parents and youth to enhance their understanding of safe and age-appropriate tasks on the farm or ranch;
  - 1.1.2. The concept that safety begins with each individual employer and that employees have a responsibility to observe safe working rules and conditions;
  - 1.1.3. Clarification of statistical categories used by federal governmental agencies in determining rate of incidents, hazardous exposures and fatalities in production agricultural occupations;
  - 1.1.4. New grain bins being factory equipped with lift points for safety and rescue purposes;
  - 1.1.5. Efforts to reduce farm incidents, injuries and fatalities on the farm with an emphasis on education and voluntary programs;
  - 1.1.6. Funding of the AgrAbility Project and cooperative Extension farm safety programs;

- 1.1.7. The Farm Bureau Safety and Health Network and others in their efforts to promote agricultural safety programs;
- 1.1.8. Farmers and ranchers installing and maintaining safety equipment; and
- 1.1.9. Nationwide, annual, state-based funding to support the National ROPS (Rollover Protective Structure) Rebate Program, which was developed based on the success of the New York ROPS Rebate Program and is monitored by the National Tractor Safety Coalition.

## **2. *Public Safety***

### **2.1. We support:**

- 2.1.1. Continued efforts for uniform state vehicle codes, traffic guides and the furtherance of safety practices on highways and farms;
- 2.1.2. The proper and lawful use of the slow moving vehicle (SMV) signs and equipment lighting;
- 2.1.3. The strict enforcement of drinking and driving and habitual offender laws;
- 2.1.4. The use of additional automobile safety devices;
- 2.1.5. Collaboration among vehicle and child safety seat manufacturers to develop universal child safety seats that are compatible with all vehicles;
- 2.1.6. Regular inspection of all railroad crossings and signals, especially multi-track crossings and the addition of lighting and rumble strips; and
- 2.1.7. The use of fire racks and guards on fire trucks as an appropriate and effective method of rangeland firefighting.

## **165 / Unmanned Aircraft Systems**

### **1. We support:**

- 1.1. The safe and responsible use of unmanned aircraft systems (UAS) and associated technologies for agricultural purposes.
- 1.2. Requiring the operator of the UAS to gain the written consent of the landowner and/or farm operator if the UAS will be surveying or gathering data above private property;
- 1.3. Allowing landlords and tenants to fly over their fields for any reason without being considered commercial activity;
- 1.4. The Federal Aviation Administration (FAA) maintaining reasonable certification and safety training requirements for the operation of UAS, including operational limitations, operational certification and responsibility, aircraft requirements and model aircraft exceptions;
- 1.5. The use of safety features to notify manned aircraft that a UAS is in the vicinity;
- 1.6. The agricultural use of UAS going beyond visual line of sight as long as they are controlled by “sense and avoid” technology; and
- 1.7. The limited use of UAS for night-time flying per FAA guidelines.

### **2. We oppose a federal, state or local agency using UAS for the purpose of regulatory enforcement, litigation and as a sole source for natural resource inventories used in planning efforts**

## **SECURITY**

## **175 / Biosecurity**

- 1. Protecting our nation's food, fiber, water supply and critical industrial agricultural materials should be a top priority.
- 2. We condemn acts of terrorism by both foreign and domestic perpetrators and support the protection of our people, resources and industry.
- 3. We support:
  - 3.1. Actions by the Department of Homeland Security (DHS) that ensure agriculture's ability to produce food and fiber, including establishing a permanent sub-cabinet position within DHS to deal with plant and animal protection measures, and ensuring there is agricultural representation on departmental advisory boards and committees;
  - 3.2. That all farmers and public agencies recognize the importance of adopting biosecurity measures;
  - 3.3. Public agencies recognizing that laws allowing public access to private agricultural operations or laws that inhibit agricultural production are a risk to our nation's security;
  - 3.4. Federal and state governments strengthening existing capabilities to prevent and respond to acts of bioterrorism;
  - 3.5. Emergency spending for food and agricultural security to protect and promote domestically produced food, fiber and critical industrial agricultural materials;
  - 3.6. Steps being taken to ensure that traditional protection measures against pest and diseases are maintained at the highest level with appropriate penalties;
  - 3.7. The USDA as the lead agency in managing any plant or animal disease outbreak;
  - 3.8. USDA being designated as the federal agency for food inspection and food safety if all food inspection and food safety functions are combined into one agency;
  - 3.9. Safe harbor provisions for producers and animal health professionals who may inadvertently spread biological agents while using acceptable management practices;
  - 3.10. Preemptive planning and development of strategies to contain and control potential outbreaks of foreign animal and plant diseases. This includes assurance by a third party that adequate supplies of crop protection products or animal vaccines are available or production capabilities are in place in case of an outbreak;

- 3.11. Necessary USDA funding to focus on the protection of our food, fiber, water supply and critical industrial agricultural materials;
- 3.12. Stringent enforcement of laws pertaining to bioterrorism;
- 3.13. Import protocols that prevent the introduction of foreign animal and plant diseases;
- 3.14. State and federal legislation to strengthen civil and criminal penalties to a felony charge for persons or organizations that engage in acts of bio terrorism, including but not limited to the introduction or spreading of biological agents or contaminants harmful to agricultural products. Foreign or domestic terrorist organizations who commit such acts and those who willfully finance these acts should be held financially responsible for damages;
- 3.15. Federal legislation to establish an indemnity program and contract relief when acts of terrorism result in damage to agricultural facilities or equipment, production losses or the loss of marketability of agricultural products;
- 3.16. Federal funding for the construction of new, state-of-the-art, biocontainment plant disease research facilities. Such facilities will be for federal research studies on non-endemic plant diseases of major agronomic crops, including soybean rust. We also support increased federal funding for such research and the operation of the new facilities;
- 3.17. Legislation that would allow farmers and ranchers to seek compensation through U.S. courts from seized foreign assets and for losses resulting from agricultural terrorism by foreign states designated as state sponsors of terrorism; and
- 3.18. The exclusion of hay for animal feed in the Food and Drug Administration's (FDA) bioterrorism regulations.

## **176 / Firearms**

1. We support:
  - 1.1. Firearm safety programs;
  - 1.2. Legislation that would prohibit lawsuits against any firearm manufacturer for the illegal or accidental use of firearms by a third party;
  - 1.3. Mandatory imprisonment of persons convicted of a felony involving use of firearms;
  - 1.4. State-issued individual conceal/carry permits being recognized nationally; and
  - 1.5. The removal of sound suppressors from the National Firearms Act, as well as the \$200 tax stamp be removed.
2. We oppose:
  - 2.1. Limiting the rights of U.S. citizens to purchase, possess or sell firearms through registration and licensing;
  - 2.2. Any additional expansion of taxes or new taxation of firearms, ammunition or reloading equipment and supplies;
  - 2.3. More stringent gun control laws. Any new commitment in gun control should be made by the strict enforcement of current laws;
  - 2.4. Mandatory background checks for private firearms transactions between law-abiding citizens of the United States;
  - 2.5. Restricting lawful firearm use and hunting through the enactment of no-shooting zones, land-use restrictions, and other regulations without a clear, factual, and undeniable public safety concern;
  - 2.6. Using taxpayer money and money from hunting and fishing licenses to pay for anti-gun promotions, ad campaigns or propaganda from anti-gun groups, elected government officials or government agencies;
  - 2.7. Any restriction on the use of lead ammunition;
  - 2.8. Limiting or restricting the purchase or possession of ammunition and the implementation of any type of ammunition tracking; and
  - 2.9. Gun-free zones, including military bases.

## **177 / General Border Security**

1. We must secure the borders of the United States by the most technologically advanced means possible and in a way that has minimal impact on agricultural producers.
2. We support:
  - 2.1. Increased presence and cooperation of all branches of law enforcement on both sides of our borders, to eliminate border theft, drug and human trafficking as well as illegal crossing; and
  - 2.2. Increased penalties for drug or human trafficking and illegal entrance into the United States.
3. U.S. – Mexico Border Security
  - 3.1. We need to secure our United States borders and reduce terrorism through the following methods:
    - 3.1.1. Complete fencing or other barriers where possible on the U.S. - Mexico border, including an adjacent roadway allowing better access for the border patrol and any other agencies to secure the border;
    - 3.1.2. Department of Homeland Security (DHS) enforcing and maintaining the barriers on the border;
    - 3.1.3. Military presence on the border with rules of engagement defined and expanded;
    - 3.1.4. An emphasis on deploying technology and personnel based on the unique needs of enforcement agencies on a sector-by-sector basis, including electronic surveillance technology, fixed wing and helicopter and implementation of unmanned aerial systems for night and day surveillance;
    - 3.1.5. Full communications coverage for civilians, law enforcement and military, including phone tower construction throughout the border region;
    - 3.1.6. The use of a virtual fence or other electronic surveillance; technology across agriculture lands where a physical fence is not practical;

- 3.1.7. Operation Stone Garden, or similar programs, which would give local law enforcement agencies the technology to work more effectively with border patrol;
- 3.1.8. Operation Streamline, or similar programs, to process and detain undocumented or unauthorized persons through the Department of Justice; and
- 3.1.9. Providing maximum funding for these programs to assist in securing our border.
- 3.2. We support the cause and the cost of suppressing fires being reported by the affected administrative land agency annually to the DHS and tabulated as a cost of the failure of the federal government to secure the border at the international boundary.

## **178 / Law Enforcement**

1. Members or employees of federal agencies acting outside the scope of their authority or in violation of the Constitution should be held personally liable, either civilly or criminally, for any damages that might occur.
2. We support:
  - 2.1. Efforts to make sure that those who commit terrorist acts, as well as those who train, support, or harbor terrorists, are properly punished;
  - 2.2. Enemy combatants captured outside the U.S. being tried by military tribunals, not federal courts;
  - 2.3. The unlimited exchange of criminal records among law enforcement agencies;
  - 2.4. Protection of law enforcement officers from liability for reasonable actions taken in the course of their duties;
  - 2.5. Citizens offering pertinent information and assistance to law enforcement officers;
  - 2.6. Strict and prompt enforcement of laws protecting persons and property;
  - 2.7. Cooperation between local, state and federal law enforcement agencies in all areas of law enforcement;
  - 2.8. Training law enforcement in the most effective crime fighting techniques;
  - 2.9. Judges sentencing offenders in relation to the crime with stiff penalties for those using children in the commission of crimes;
  - 2.10. Punishment of criminals, regardless of age, with criminal records following them to any other court proceeding;
  - 2.11. Adequate prison facilities with an emphasis on rehabilitation to afford them a better opportunity to assume a constructive role in society. Prisoners in minimum security prisons should be required to work on highways, prison farms or other public projects to defray costs of their incarceration;
  - 2.12. Reducing the fiscal impact and increasing the flexibility to local governments in relation to increasing federal prison standards;
  - 2.13. Parole boards being less lenient in paroling offenders;
  - 2.14. Monitoring and supervision of convicted and released offenders and notification of their release to the victims and their families;
  - 2.15. Mandatory prison sentences for first-time sex offenders;
  - 2.16. Disqualification of elected or appointed public officials convicted of felonies from holding office and forfeiture of pension or other benefits;
  - 2.17. Capital punishment, including a mandatory death penalty, for anyone convicted of assassination or attempted assassination of the president, or vice president or any candidate running for such office;
  - 2.18. Limits on the number of appeals criminals can receive;
  - 2.19. The same penalty for taking a hostage as for kidnapping;
  - 2.20. Higher bail for repeat offenders and persons charged with violent crimes, and legislation providing for revocation of bail for anyone arrested as a suspect in a felony case who is out on bail awaiting trial for another felony case;
  - 2.21. Restitution to victims by criminals;
  - 2.22. Publicizing the amount of funds spent prosecuting and defending felony cases;
  - 2.23. Legislation to provide for a "guilty but mentally ill" plea to replace the "not guilty by reason of insanity" plea. Defendants later found to be sane must serve out the remainder of the term;
  - 2.24. Congress enacting comprehensive forfeiture reform by requiring that individuals be convicted of a federal crime before their property is seized;
  - 2.25. The death penalty for people convicted of treason or espionage even in peacetime;
  - 2.26. Local control of local law enforcement officers by local government, except for federal interdiction activities. Federal land or resource agencies should not exercise police powers in a state and should not have their own law enforcement agents;
  - 2.27. Converting closed military bases to medium and minimum security prisons and for housing young drug offenders;
  - 2.28. Prisoners repaying costs of a college education earned during their incarceration;
  - 2.29. Payment of the cost of room and board in prison for prisoners if they are financially able;
  - 2.30. Taking all government-paid benefits from convicted felons while in prison;
  - 2.31. Restitution to insurers, and others, incurring financial loss by parties found guilty of livestock, machinery or crop theft, fraud, vandalism, arson or bioterrorism;
  - 2.32. The right of people involved in or servicing production agriculture who have been submitted for review by a regulatory agency to know the identity of their accuser;
  - 2.33. Efforts to prevent the use of electronic personal information for illegal activities such as identity theft and credit fraud;
  - 2.34. Creating a federal requirement for scrap metal buyers and consignors to keep reasonable written documentation and photographs with a date stamp of the item and seller. All farm equipment should be held for a period of five days by scrap metal buyers before processing;

- 2.35. EPA regulatory and enforcement officials being prohibited from receiving or carrying weapons during performance of their duties; and
- 2.36. Penalties for corporate and governmental entities that fail to immediately disclose data breaches that affect the sensitive personal information of individuals and farms.
3. We oppose the militarization of federal agencies beyond traditional law enforcement or self-protection.

## **179 / National Security**

1. The president and Congress should maintain a foreign policy of peace through strength.
2. We support:
  - 2.1. A secure United States border;
  - 2.2. A strong national defense policy, encouraging efficient use and accountability of tax dollars while eliminating waste;
  - 2.3. A national security policy that prioritizes protecting the Nation's food, fiber, water supply, critical agricultural materials and fuel;
  - 2.4. U.S. military personnel always being under the direct command of U.S. military commanders;
  - 2.5. The provision of easily accessible medical care and compensation for health complications resulting from active duty for all veterans of foreign wars or conflicts or after actions required of those wars and conflicts;
  - 2.6. Amending the 2008 National Defense Authorization Act to provide all reservists (including the National Guard) with credit for every day of active service, regardless of the fiscal year, retroactive to September 11, 2001, to be applied towards a reduction in the reserve military retirement age, for those who have attained 20 good years of service;
  - 2.7. The continuation of Reserve Officer's Training Corps programs (ROTC) at high school, college and university levels;
  - 2.8. Coordination between USDA and Department of Homeland Security (DHS) on issues affecting agriculture;
  - 2.9. Action that would bring about a global ban on land mines;
  - 2.10. Proof of enrollment and attendance in class for every foreign national, in the U.S. on a student visa, while in the United States;
  - 2.11. Reconsideration of the rules and regulations by DHS concerning national incident management systems as they apply to rural communities of 10,000 people or less;
  - 2.12. The Foreign Agents Registration Act being revamped to place more stringent regulations on lobbyists representing foreign interests;
  - 2.13. A national comprehensive energy policy that will reduce the nation's dependence on foreign sources of energy;
  - 2.14. Provisions from the DHS and the U.S. Coast Guard to permit non-Transportation Worker Identification Credential H-2A workers entry into a U.S. Port facility with an escort or visual identification (i.e. vest) in order to deliver raw agricultural commodities to a commodity facility located within a U.S. Port;
  - 2.15. The use of lease agreements designed to allow land to remain in agriculture for a specific number of years rather than in perpetuity, for buffer areas around military bases; and
  - 2.16. Government entities sharing background and fingerprint records among agencies for licensing services to reduce duplication.
3. We oppose:
  - 3.1. Massive land expansion proposals at several U.S. military bases. If acquisition is approved, provisions must be provided to assure the preservation or replacement by the federal government of the tax revenues in those taxing districts affected by such acquisitions;
  - 3.2. U.S. military personnel being used as a United Nations police force or in areas where we have no vital interest;
  - 3.3. Any legislative or regulatory action, by DHS that will result in undue restrictions on agriculture;
  - 3.4. Assessing registration fees on farmers who are required to register with the DHS for propane or other agricultural inputs stored on farm; and
  - 3.5. The U.S. Air Force expansion of the Powder River Training Complex.

## **SECTION 2 - FARM POLICY / TRADE**

### **COMMODITIES**

#### **201 / Apple Industry**

1. Emphasis should be placed on assisting the apple industry to remain economically viable by:
  - 1.1. Challenging agricultural researchers to increase work aimed at enhancing profitability;
  - 1.2. Expanding efforts to explore market opportunities for apple growers; and
  - 1.3. Addressing disadvantages for U.S. producers that have been created through trade agreements and trade policy, that provide unfair advantages to foreign competitors in domestic and foreign markets, especially in the area of apple juice concentrate.
2. We support:
  - 2.1. Continued funding of fire blight and post-harvest apple research;
  - 2.2. Expansion of U.S. Department of Agriculture (USDA) purchases of apples for use in domestic food programs; and
  - 2.3. USDA updating the grade standards for apples so the Risk Management Agency (RMA) can utilize current industry standards in crop insurance.

## 202 / Cotton

1. We support:
  - 1.1. Instrument classing of cotton;
  - 1.2. The continued development, improvement and further refinement of cotton classing equipment and procedures;
  - 1.3. Elimination of the classer assignment of color as the official color grade;
  - 1.4. Adoption of high volume instrument (HVI) color as the official color grade;
  - 1.5. Producers having the option to have cotton HVI classed by module/trailer averaging or individual bale;
  - 1.6. Re-evaluation of cotton grade standards to assure that these standards accurately reflect the value of cotton, with special emphasis given to low micronaire and other grade discounts;
  - 1.7. Monitoring "cotton flow" rules and oppose any changes that would penalize the producer;
  - 1.8. The cotton research and promotion program;
  - 1.9. The cotton division of USDA's Agricultural Marketing Services making the cotton classification information available to farmers electronically while retaining its identity and privacy;
  - 1.10. Classing offices maintaining its emphasis on timely, accurate and cost-effective service;
  - 1.11. Full funding of the Boll Weevil Eradication Program (BWEP) and of the Pink Bollworm Eradication Program:
    - 1.11.1. The Secretary of Agriculture expediting the availability of appropriated low interest revolving funds that are used to facilitate the expansion of the BWEP;
    - 1.11.2. Continuation of The Farm Service Agency collection of funds (under state authority), certification of cotton acreage, assistance in conducting referendums and making farm maps available for the BWEP;
    - 1.11.3. Allowing cotton to be grown for education and agritourism as long as it is under BWEP supervision;
    - 1.11.4. Working with Mexico to control weevil populations along the US-Mexico border; and
    - 1.11.5. Developing a means to assure the boll weevil remains suppressed outside the borders of the U.S.;
  - 1.12. Continued monitoring of the Step 3 competitiveness program and technical changes to limit foreign imports of cotton when domestic prices of cotton are at relatively low levels;
  - 1.13. The appointment of an advisory committee by the Secretary of Agriculture to study the daily spot market quotations to develop a mechanism for discovering the true value of quality differences at the producer level;
  - 1.14. Research to minimize shrinkage problems with cotton products;
  - 1.15. The ongoing research, further adoption and full commercialization of ultra-low gossypol cottonseed for the cotton industry, which would further enhance market opportunities for cotton in the livestock sector;
  - 1.16. A Federal Crop Insurance replant rider provision;
  - 1.17. Research funding dedicated to Fusarium Race 4; and
  - 1.18. The cotton marketing loan at a minimum of 52 cents per pound.

## 203 / Honey and Apiculture

1. We support:
  - 1.1. Development of a national standard of identity for honey, to include identification of all additives and/or adulterations;
  - 1.2. Allowing honey bees to be placed on government-owned or managed lands;
  - 1.3. Programs that increase the availability and additional planting of non-noxious pollinator forage on private and government-owned or managed lands;
  - 1.4. Adequate funding for regionally-located Agricultural Research Service honey bee research centers;
  - 1.5. Funding for research to find practical, effective methods to control or reduce bee pests and disease, prioritizing Varroa mites;
  - 1.6. Programs at the federal and state level to fast-track evaluation and registration of effective compounds and management techniques to enable beekeepers to have alternative control strategies and materials;
  - 1.7. Development of specific domestic (state and federal) quarantine protocols for all life stages of the honey bee to ensure the protection of U.S. honey bees from diseases, pests and parasites that could be introduced into the country by accompanying importation of foreign stocks;
  - 1.8. A state-led, voluntary Pollinator Stewardship Program that emphasizes increased stakeholder communication and education, increased research in Best Management Practices (BMP) standards, and promotion of the Bee Flag identification program;
  - 1.9. The continued use of drugs currently used by beekeepers and available over the counter for the control of American and European Foulbrood until there is a protocol in place; and
  - 1.10. Programs to provide stability for the domestic bee industry which can help assure adequate pollination of all crops.
2. We oppose imported honey being blended with domestic honey and marketed as a domestic product.

## 204 / Industrial Hemp

1. We support the production, processing, commercialization and utilization of industrial hemp and that it be regulated by USDA rather than the Drug Enforcement Administration (DEA).
2. We support legislation to amend the Controlled Substance Act to exclude industrial hemp.



## **205 / Maple**

1. We support:
  - 1.1. Continuation of testing to detect adulteration of pure maple products;
  - 1.2. Reinstatement of projects at federal forest laboratories aimed at developing maple stock with higher sugar content and techniques for control of damaging insects and fungus root rot diseases;
  - 1.3. An aggressive national and state effort to halt the spread of non-native pathogens and pests which endanger agricultural production, such as the Asian Long Horned Beetle (ALB). Measures specific to ALB should include:
    - 1.3.1. A ban on untreated wood products and packing materials from countries with known populations of ALBs;
    - 1.3.2. Monitoring all imported wood products;
    - 1.3.3. Funding for research on methods to halt the spread of ALBs; and
    - 1.3.4. Creating an information hotline for ALBs so sightings can be promptly reported to USDA;
  - 1.4. Action by the U.S. Forest Service to:
    - 1.4.1. Reduce the required application process to 90 days for utilizing public forest land;
    - 1.4.2. Waive the requirement for an environmental impact study;
    - 1.4.3. Waive the cost of a public hearing; and
    - 1.4.4. Establish per tap costs that reflect regional market conditions.

## **206 / Peanuts**

1. We support:
  - 1.1. The efforts of growers and USDA to develop expanded export markets for peanuts;
  - 1.2. A base grade for farmer stock peanuts of 71;
  - 1.3. USDA only being allowed to offer peanuts for disposition for crushing and not for edible use after the expiration of the nine month loan period;
  - 1.4. The national seasonal average price to calculate any potential price loss coverage (PLC) being based on type and not the current national seasonal weighted average price;
  - 1.5. A marketing loan program for peanuts that:
    - 1.5.1. Allows the option of marketing loan initiation through either the USDA Farm Service Agency or by a cooperative marketing association; and
    - 1.5.2. Issues Commodity Credit Corporation certificates to eligible growers.
  - 1.6. Efforts to keep peanut smut from entering the United States from other countries.
2. We oppose:
  - 2.1. Creation of free trade zones for peanuts which would allow peanut kernels and in-shell peanuts to be imported into the United States in excess of limits set forth in the General Agreement on Tariffs and Trade and the North American Free Trade Agreement; and
  - 2.2. The Farm Service Agency charging a service fee for handling warehouse receipts for peanuts placed under loan.

## **207 / Soybeans and Other Oilseeds**

1. We support:
  - 1.1. National programs for domestically produced soybeans, oilseeds and related product promotion and research; and
  - 1.2. Increased efforts to speed the release of varieties resistant to Asian Soybean Rust.

## **208 / Specialty Crops**

1. Specialty crops are an integral part of U.S. agriculture.
2. We support:
  - 2.1. The inclusion of a specialty crops title in future farm bills;
  - 2.2. Additional research into harvest and cultural practices;
  - 2.3. Expanded disease and pest research programs and improved pest exclusion programs;
  - 2.4. Funding to promote market expansion of U.S.-produced specialty crops; and
  - 2.5. The Concord grape industry developing and financing a termed stopgap profit/loss subsidy program to mitigate the impact of producer losses as the result of an upside-down market.

## **209 / Sugar**

1. We support:
  - 1.1. A program to protect the interests of domestic sugar producers and recommend that any appropriate legislation should include provisions that ensure a strong and economically viable domestic sugar industry;
  - 1.2. Retention of the current loan rate as a minimum;
  - 1.3. Elimination of the marketing assessment fee(s) or loan forfeiture penalties;

- 1.4. Increased research and development funding for bio-based energy and bio-based products utilizing sugar crops;
- 1.5. USDA publishing monthly USDA-validated reports on Mexico sugar consumption, production, processing, exports, imports, and non-food use, similar to reports available in the United States;
- 1.6. Maintaining the current 2014 sugar provisions in the next farm bill; and
- 1.7. Domestic allocations should be distributed to sugar from domestically produced cane or beets to their respective sectors before increasing import allocations.
2. We encourage both the U.S. and Mexico to continue discussions to develop a workable sugar program.

## **210 / Table Wine**

1. We support allowing farm wineries to:
  - 1.1. Sell wine on premises;
  - 1.2. Sell, deliver and ship wine directly to consumers off premises in any state, subject to a state's minimum legal age requirements; and
  - 1.3. Sell, deliver and ship wine directly to retail stores and restaurants.

## **211 / Tobacco**

1. We support:
  - 1.1. Tobacco production solutions which protect the growers;
  - 1.2. The maintenance of an active USDA Tobacco Advisory or similar committee representing the tobacco industry to address the new issues facing growers;
  - 1.3. Industry options for grading standards, similar to grain and livestock, so there is an equitable way of grading and pricing for crop insurance purposes;
  - 1.4. Establishment of procedures to prevent biotech tobacco from being commingled with traditional tobacco;
  - 1.5. Legislation allowing states to retain 100 percent of their master settlement agreement dollars and we encourage every state Farm Bureau to pursue 50 percent of their respective state's funds for strengthening their agricultural economy;
  - 1.6. Strict enforcement of state laws which prohibit the sale of tobacco, e-cigarettes and vapor products to minors and packaging liquid nicotine products in child proof containers;
  - 1.7. All substances or ingredients in e-cigarettes or vapor products falling under the same regulatory oversight as domestic or imported tobacco; as well as inspection, labeling and taxation;
  - 1.8. USDA collecting data and issuing reports on tobacco acreage, production and prices received by tobacco type. We encourage accurate reporting in the Ag Census of all tobacco acres, in all states;
  - 1.9. Tobacco grower co-ops;
  - 1.10. Legislation to eliminate imported tobacco from being exported as U.S. tobacco;
  - 1.11. Universal good agricultural practices (GAP) training;
  - 1.12. A two-tiered crop insurance program for tobacco with the base rate being available for all tobacco. The second tier buy-up level would include tobacco grown under contract;
  - 1.13. All tobacco be reported on form 578 to the Farm Service Agency;
  - 1.14. All tobacco producers participate in a GAP certification program; and
  - 1.15. FDA regulation of tobacco be limited to processing and distribution.
2. We oppose:
  - 2.1. GAP fees or assessments being the responsibility of the grower;
  - 2.2. Any agency banning flavorings or ingredients that are necessary for the manufacture of tobacco products; and
  - 2.3. Lowering the regulatory permissible levels of naturally occurring compounds in tobacco products if those levels are currently unattainable through plant breeding, production practices and/or the curing process.

## **CROP INSURANCE / RISK MARKETING**

### **220 / Basis Areas and Transportation**

1. We support research into the delivery location, pricing and other factors associated with grain marketing so producers may receive the best possible price for their crop.

### **221 / Commodity Futures and Options**

1. Commodity futures and options trading serves a useful purpose for a number of commodities by providing a means to transfer certain types of risk. Other commodities should be included where need exists and research shows futures and options trading would be beneficial.
2. We support:
  - 2.1. Maintaining the integrity of all U.S. commodity futures and options exchanges as a pricing mechanism by the members of the exchanges and their overseeing governing bodies. Such integrity includes consistent convergence between cash prices at delivery points and futures prices at contract expiration;

- 2.2. Strict enforcement of regulatory laws;
- 2.3. Regular review and strengthening when necessary of the Commodity Exchange Act and Commodity Futures Trading Commission (CFTC) regulations which deal with the use, investment and reporting of segregated customer funds to protect and preserve the value of individual margin accounts;
- 2.4. The use of off-exchange agricultural trade option contracts in commodity marketing, which would include complete risk disclosure, vendor integrity and the opportunity for cash settlement of the option;
- 2.5. Providing educational programs for producers to learn about risk management tools and working with commodity buyers to offer agricultural trade option contracts;
- 2.6. Maintaining agricultural representation on the CFTC;
- 2.7. Encouraging CFTC to require additional delivery points and assure an adequate delivery system;
- 2.8. State Farm Bureaus and their affiliated marketing agencies encouraging the expansion of forward pricing services based on futures and options and strengthening current programs;
- 2.9. Worldwide electronic trading at U.S. commodity exchanges;
- 2.10. Expanded use of mini-futures contracts on all commodity exchanges;
- 2.11. Changes in current futures contracts if research shows that such changes will result in maintaining or increasing liquidity of the market;
- 2.12. Increasing oversight by CFTC of futures exchanges and floor traders to ensure that integrity of these markets is maintained and to curb practices that result in manipulation or artificial price swings;
- 2.13. CFTC requiring that all participants, buyers, and sellers in the commodities futures business be registered and easily identified by CFTC;
- 2.14. CFTC publishing futures and options positions held by institutions that both report production data and actively take market positions;
- 2.15. Reviewing price-setting mechanisms in order to make recommendations for the most effective price discovery systems for identity-preserved grains;
- 2.16. The governing body of the commodity exchanges continuing to establish predetermined, publicized limits for commodity trading and margins at various market price levels for each commodity;
- 2.17. Conducting a review and actively participating in the reauthorization of the Commodities Exchange Act. That review will seek to minimize price manipulation and ensure the markets are effective as a price discovery mechanism given the increasing levels of contract production;
- 2.18. Commodity exchanges having an active and viable agriculture advisory committee;
- 2.19. Regular and thorough review of CFTC and commodity markets;
- 2.20. Research for the development of effective risk management tools for hedging input costs;
- 2.21. The use of marketing tools or other marketing alternatives;
- 2.22. Hedge-to-arrive contracts being honored when used as a marketing tool that ensures delivery of the commodity on the contract and has a set delivery date. Those entering into agreements or contracts should be held liable for their own actions; and
- 2.23. For futures contracts where physical delivery is an option, efforts being made to ensure the compliance of delivery to futures traders remains fully intact.
3. We oppose:
  - 3.1. Efforts by CFTC to regulate cash grain;
  - 3.2. Efforts to combine CFTC and the Securities Exchange Commission and support regulation of the commodity futures business by CFTC; and
  - 3.3. Efforts by the commodity exchanges to charge a fee for delayed market quotes.

## **222 / Federal Marketing and Bargaining Legislation**

1. We support the enactment of a comprehensive federal marketing and bargaining act. This legislation should be available to producers in all states if they desire to organize marketing associations and operate within the provisions of the act. It should establish procedures for:
  - 1.1. Defining bargaining units;
  - 1.2. Accrediting associations to bargain as exclusive agents for all producer-members of bargaining units;
  - 1.3. Good faith bargaining between accredited associations, handlers and processors;
  - 1.4. Establishing minimum requirements and rights in the operation of accredited associations; and
  - 1.5. Resolving bargaining impasses by mediation and arbitration by a joint settlement committee utilizing the principle of final offer selection.
2. We support enactment of legislation to amend the Agricultural Fair Practices Act to allow state marketing associations to represent all producers of a commodity under the majority rule concept and require handlers to recognize and deal with associations of producers.

## **223 / Federal Marketing Orders**

1. Federal marketing orders should be designed to provide for orderly marketing and an even flow of high quality products to consumers.

2. We support the issuance, for industry vote, of any new federal marketing order for promotion, education, research and orderly marketing under the Agricultural Marketing Agreement Act of 1937, which meets the following criteria:
  - 2.1. Be paid for and controlled by producers; within the bounds of the court;
  - 2.2. Be used to maintain and expand markets;
  - 2.3. Provide opportunity for new producers to enter the industry;
  - 2.4. Contain a provision for periodic review through referenda to determine if the producers covered by an order favor its continuation;
  - 2.5. Allow a minority of producers to petition for a rehearing or a new referendum;
  - 2.6. Cover commodities which are produced for the same general market irrespective of the production area;
  - 2.7. Provide that rejection of a proposed amendment shall not result in termination of the entire order; and
  - 2.8. Provide for termination of an existing order only by producer referendum.
3. Orders should not be used to control production directly, establish closed markets, maintain artificially high prices or collect funds for the purchase of agricultural products for diversion purposes.
4. Marketing orders for commodities produced for processing should not require processor approval when confined to raw agricultural products. We support an amendment to the act to permit the development of orders for any agricultural commodity and its products when producers request it.
5. We urge USDA to be a strong advocate of federal marketing orders. We oppose the delegation of USDA's authority to any other agency and any efforts to weaken the act.
6. Marketing orders should be implemented on a timely basis once approved by growers.
7. In federal marketing order referendums, the members of a nonprofit agricultural cooperative marketing association should be informed of the intended position of the cooperative before the bloc vote is exercised. Boards of directors of agricultural cooperatives should be allowed to vote for their members on marketing order questions, provided each member is given the right to cast his own ballot in any referendum.

## 224 / Marketing Philosophy

1. We should work aggressively to see that farm producers receive maximum profitable prices for their commodities. We reaffirm our belief in the laws of supply and demand and the free and open movement of the market and its prices. Every educational means available should be used to educate farmers and ranchers on the principles of a market-oriented agriculture. Land grant colleges should be funded to develop and implement this educational goal.
2. We support:
  - 2.1. Legislation to require payment in full within 30 days of sale for all agriculture commodities, unless otherwise agreed to by the seller, at all levels of the agricultural marketing chain;
  - 2.2. The principle of keeping farm-to-consumer channels open;
  - 2.3. Efforts to ensure open markets to all producers;
  - 2.4. Legislation prohibiting states from imposing production standards or practices onto other states' agricultural products;
  - 2.5. An improved USDA commodity price reporting system based upon required price reporting by first purchasers. USDA should establish a mechanism to monitor and report changes in the farm-to-consumer price spread for commodities;
  - 2.6. Developments in electronic marketing and encourage our members to use them where possible; and
  - 2.7. Providing value-added marketing opportunities for farm producers and encouraging of the use of U.S. farm products; and
  - 2.8. Funding for the Value Added Agricultural Product Market Development Grant to help producers develop value-added enterprises.
3. We will continue to oppose the efforts of any group which, by force or intimidation, would deny buyers the freedom of choice in the marketplace. We oppose the use of slotting fees. Public institutions should be required to buy domestic agricultural products when they are available.
4. We continue to take aggressive steps to investigate and solve national and international marketing problems through the expansion of existing marketing projects and the development and implementation of new programs where feasible.
5. We will:
  - 5.1. Monitor the current changes in marketing practices for many farm commodities which are moving from producer to buyer without entering the open market, but are being produced and marketed to contractual specifications;
  - 5.2. Determine the need for any necessary legislation to ensure that farmers engaging in contract production and marketing are adequately protected;
  - 5.3. Assist individual member producers in their efforts to negotiate fair and equitable production contracts by:
    - 5.3.1. Developing an information clearinghouse on and glossary of terms for production contracts;
    - 5.3.2. Working with commodity groups in developing a list of negotiators available for individual member producers to contact in assisting them in negotiating production contracts;
    - 5.3.3. Seeking legislation to limit production contract nondisclosure provisions;
    - 5.3.4. Educating producers about the risks involved with buyers call provisions and ensuring that these provisions include:
      - 5.3.4.1. Specific delivery periods with negotiated final delivery date;
      - 5.3.4.2. Payments to seller if delivery period exceeds original contracted delivery period or if buyer "calls" for delivery prior to the contracted delivery period; and

- 5.3.4.3. Pricing ability to and beyond delivery;
- 5.3.5. Support farmers' ability to choose arbitration, mediation or a civil trial in any and all disputes between farmers and agribusinesses. We therefore support legislation that prohibits clauses in agricultural marketing or production contracts that require farmers to submit to arbitration and give up rights to mediation or a civil trial;
- 5.4. Study the establishment of a mechanism to provide education and information for farmers engaged in contract production and marketing;
- 5.5. Continue to investigate and evaluate new concepts that will allow the market to give accurate economic signals;
- 5.6. Encourage seed and chemical companies to include local elevators in the premium structure, thus making specialty crops available to more farmers;
- 5.7. Aid farmers in forming small local producing groups that could aid farmers in capturing specialty production premiums;
- 5.8. Encourage companies that contract with producers to offer them stock purchases or profit sharing; and
- 5.9. Publicly urge all parties who have entered into commodity marketing agreements to fulfill those agreements, despite changes in the prices for the commodity so contracted.
- 6. We believe that the marketing of grain should remain in the hands of private individuals and organizations. We oppose the formation of any new interstate grain compact.

## **225 / Risk Management/Crop Insurance**

### **1. *Crop/Revenue Insurance***

- 1.1. USDA should not change compliance policy pertaining to conservation plans without an open comment period.
- 1.2. We support:
  - 1.2.1. The availability of crop yield and/or revenue insurance for all producers of all crops, aquaculture livestock and poultry in the country;
  - 1.2.2. Taking all necessary steps to include furrow-irrigated rice in the traditional crop insurance program;
  - 1.2.3. The development of new risk management programs to supplement or be an alternative to current crop and future livestock insurance programs;
  - 1.2.4. Annual reviews to ensure proper premium ratings that are actuarially sound by crop, county and state;
  - 1.2.5. Continuation of the federal government financial support, at a percent not less than current levels, for the program with the private sector continuing to serve as the primary deliverer of insurance;
  - 1.2.6. Continuation of everyone being eligible for the program, regardless of size of the operation or payments;
  - 1.2.7. Improved risk management education programs;
  - 1.2.8. Providing producers of all crops options for various insurance products that accurately reflect individual risk considerations regardless of end-market designation when making crop insurance purchasing decisions;
  - 1.2.9. The ability of an insurance provider to bring new technology and innovation to the crop insurance industry;
  - 1.2.10. Requiring clear delineation during the sales and billing processes to distinguish between federal crop insurance policies and private company add-on products;
  - 1.2.11. Development of crop revenue policies that provide coverage for all grain quality discounts, including unmarketable grain and grain damaged by acts of nature, for producers that follow good farming practices determined by the Risk Management Agency (RMA). Discount factors must be comparable to the level of discounts experienced by producers in the market;
  - 1.2.12. Loss calculations utilizing quality standards recognized in the marketplace;
  - 1.2.13. Actual Production History (APH) not being affected when a crop is unable to be planted and prevented planting payments are accepted;
  - 1.2.14. APH reflecting actual yield with no reduction for quality losses;
  - 1.2.15. Alteration of crop insurance grain quality adjustments to reflect USDA grain inspection standards. When verifying crop quality loss adjustments, sampling and inspection conducted by state or federally licensed elevators grading to a "marketable" quality product should be accepted proof of loss;
  - 1.2.16. Revising loss adjustment procedures for aflatoxin/vomitoxin by multiplying the Quality Adjustment Factor (QAF) by the crop insurance price instead of bushels delivered;
  - 1.2.17. Updating planting dates and replanting dates to better reflect variety maturity, growing season length, Land Grant University or processor recommendations, geographic areas and weather conditions. We also support flexibility to allow the secretary of agriculture to adjust planting and harvest dates, with loss protection for changing those dates provided to private companies. All crop acreage reporting dates should be a minimum of 30 days after the actual planting date;
  - 1.2.18. Payment reduction of 65 percent for haying and grazing a cover crop before October 1st on prevented planting acres;
  - 1.2.19. Changes to RMA qualifications of a beginning farmer from 5 years to coincide with Farm Service Agency (FSA) qualification of 10 years;
  - 1.2.20. Special provisions for seed crops requiring pollinator rows for seed production;
  - 1.2.21. Removing mandatory harvest requirements from federal crop insurance claim provisions;
  - 1.2.22. Planting and harvesting technologies being accepted for compliance for crop insurance unit designation;
  - 1.2.23. Coordination of rules between the RMA and the FSA to allow for proper differentiation between irrigated and non-irrigated tracts within a farm;

- 1.2.24. Federal crop insurance recognizing FSA figures and maps;
- 1.2.25. Changes to RMA standards that allow more than one tract, in lieu of more than one FSA farm serial number, to qualify for Enterprise Units;
- 1.2.26. A crop insurance program which offers replant benefits that accurately reflect actual cost of replanting the damaged crop;
- 1.2.27. Simplifying application, reporting and claim procedures by promoting flexibility in the process and communication between agents, adjusters, FSA and others;
- 1.2.28. A program which requires consistent interpretation and implementation of all federal crop insurance provisions, especially Prevented Planting provisions;
- 1.2.29. Allowing acreage reporting revisions based on accurate FSA certification;
- 1.2.30. Timely adjustment and payment of claims;
- 1.2.31. RMA requiring approved insurance providers (AIP) to compensate a producer in the amount of 18 percent Annual Percentage Rate (APR), should the company not settle a claim within 60 days;
- 1.2.32. The APH staying with the land;
- 1.2.33. Requiring RMA claim guidelines to take into consideration economic justification when Best Management Practices are used to determine treatment thresholds and timeliness of applications;
- 1.2.34. Having RMA change the test weight "reduction in value" discount in corn back to original regional levels;
- 1.2.35. The exclusion of crop losses caused by other parties' negligence in the calculation of APHs;
- 1.2.36. Farm owner/operator choice to combine or separate farms, tracts or fields rather than being designated as a single farm unit;
- 1.2.37. The structuring of crop insurance policies so that premiums do not continue to increase for producers whose APH yields are lowered due to multi-year losses;
- 1.2.38. Allowing new producers and/or beginning farmers to use county RMA averages instead of the T-yield when establishing yield for federal crop insurance;
- 1.2.39. Adjusting crops at or below harvest cost to be considered a zero level of production;
- 1.2.40. The removal of "production to count" from all crop insurance policies;
- 1.2.41. USDA developing standard production evidence procedures for both FSA and crop insurance purposes;
- 1.2.42. Making Area Risk Protection Insurance (ARPI) policies available in all counties;
- 1.2.43. Requiring USDA to release the individual county final yield averages needed for ARPI policies one month prior to the deadline for the crop insurance sales closing date for the federal crop insurance program;
- 1.2.44. Using actual production yields rather than NASS survey yields to calculate ARPI insurance policies;
- 1.2.45. Requiring crop insurance agents to receive training and pass a written examination on each specific crop they wish to be certified to sell;
- 1.2.46. Abolishing or modifying the "one-in-three" rule that requires a farmer to plant and harvest a particular program crop at least one out of three years in a field in order for that crop to be eligible for crop insurance;
- 1.2.47. Exempting a year that is declared a disaster from the "one-in-three" calculation;
- 1.2.48. A crop insurance policy provision to provide coverage due to regulation of a quarantined disease;
- 1.2.49. Trend Yield adjustments for all insurable commodities;
- 1.2.50. Provisions that allow increasing APH when adopting new technologies such as drip irrigation;
- 1.2.51. Allowing harvested apples and peaches, regardless of the intended use, to be counted toward yield and APH;
- 1.2.52. Reducing the legal weight for one bushel of apples from 42 pounds to 40 pounds for all states as defined in USDA's Apple Crop Insurance Provisions;
- 1.2.53. Elimination of the "staged production guarantee";
- 1.2.54. Making permanent the emergency rule allowing winter cover crops to be harvested in the spring without jeopardizing crop insurance eligibility for the primary crop planted after the winter crop is harvested;
- 1.2.55. Adopting conservation practices to control soil and nutrient loss on acres that are eligible to receive prevented planting payments;
- 1.2.56. Requiring crop insurance premium due dates to be set based on harvest zone times and due when crops are harvested, not before;
- 1.2.57. A producer receiving an APH based on the settlement yield when a canning field is "passed" for harvest;
- 1.2.58. Producers who rotate crops being allowed to qualify for county average when calculating yields for the purpose of federal crop insurance on acres producing crops historically grown in their geographic area;
- 1.2.59. Allowing farmers to separately insure by practice, such as double cropping, irrigation/non-irrigation, or organic/non-organic as part of either a basic or an enterprise unit so that neither crop's claim calculation impacts the other;
- 1.2.60. A farmer receiving a portion of their claim (50-75 percent) when the toxin level qualifies the grain as a total loss and the farmer is eligible for a claim. The balance of the money should be paid when the grain is completely disposed;
- 1.2.61. A crop insurance program which allows the use of all elevator quality factors conducted by certified graders using certified testing equipment. These factors include moisture, foreign material, test weight, damage, alpha-amylase enzyme and mycotoxins;
- 1.2.62. Rule changes that would allow farmers to recover commodity losses under the crop insurance program if they have been adversely affected by erroneous information given out by FDA and USDA;
- 1.2.63. Legislation which strongly addresses crop insurance fraud;

- 1.2.64. The Pasture, Rangeland and Forestry (PRF) program being based on smaller rainfall index quadrants to give each farm an accurate assessment;
- 1.2.65. Specialty crop insurance products being made available to commodity specific producers who request coverage provided a survey be conducted of the relevant industry;
- 1.2.66. A study on an insurance premium discount for producers who use new technologies that protect against yield loss;
- 1.2.67. Payment of crop insurance claims for crop losses caused when authorities intentionally breach a levee or open a federal control structure;
- 1.2.68. The continuing availability of crop insurance for tobacco including fields with an acceptable crop rotation management plan;
- 1.2.69. Fields used for crop rotation, including forage crops, being exempt from the sodbuster regulation for crop insurance;
- 1.2.70. Maintaining up-to-date federal rate maps to reflect flood and other risks as accurately as possible;
- 1.2.71. Development of a crop revenue policy for limited irrigated crops;
- 1.2.72. A re-evaluation of irrigated T-yields to ensure they are more in line with water use;
- 1.2.73. Changing the tolerance for production yield for rice from one pound per acre to one one-hundredweight (cwt) per acre;
- 1.2.74. A crop insurance program that covers a crop until the time of the crop's normal harvest time, and the policy includes provisions for abnormally late harvest due to adverse weather events;
- 1.2.75. The ability of all states to insure individual blocks of grape varieties;
- 1.2.76. The current legislatively approved farmer premium discount schedule;
- 1.2.77. Acres planted to cover crops managed to promote soil health be considered "fallow" for the following year's crop including fall planted crops;
- 1.2.78. Creation of a stakeholder advisory committee within each RMA regional office. These committees should be composed of producers, Approved Insurance Providers (AIPs), agents, adjusters and regional agronomists to advise policy makers as to possible effect of procedure;
- 1.2.79. Maintaining a revenue-based policy with the opportunity to use the Harvest Price Option;
- 1.2.80. Continuation of the Whole Farm Revenue Protection (WFRP) as a pilot program. Premiums should be based on the amount of risk. Coverage should be based on a five-year Olympic average. The current \$1 million eligibility cap for animals and animal products, as well as nursery and greenhouse production, should be increased. The minimum qualifying requirements for the 80 and 85 percent coverage level should be reduced from three to two commodities;
- 1.2.81. State-listed noxious weed control requirements be enforced on fields with prevented planting; and
- 1.2.82. Development of special crop insurance products to compensate farmers for wildlife damage.
- 1.3. We oppose:
  - 1.3.1. The public release of crop insurance indemnity payments made to individual producers;
  - 1.3.2. Requiring irrigation after crop failure has occurred;
  - 1.3.3. The double selling of tobacco pounds through the use of both the open market and contracts when federal tobacco crop insurance claims are sought. The acreage for tobacco crops on which insurance is paid should be verified to be destroyed and not allowed to be marketed;
  - 1.3.4. Crop insurance that includes an automatic harvest deduction rather than a calculation by a crop adjuster only for grape producers;
  - 1.3.5. RMA announcing special provision changes so late in the season that it negatively affects producers who have already made plans and rental agreements for the next year's particular crop;
  - 1.3.6. Caps or limits being applied to crop insurance premium assistance to producers;
  - 1.3.7. Means testing and payment limitations for crop insurance; and
  - 1.3.8. Farmers being charged a farm visit fee to verify that a cover crop that includes a fruit and/or vegetable was not harvested as a fruit or vegetable.

## 2. **Disaster Programs**

- 2.1. We support:
  - 2.1.1. Programs for livestock and tree producers, which include the Livestock Forage Program (LFP), the Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish Program (ELAP), the Livestock Indemnity Program (LIP), the Tree Assistance Program (TAP), and the Emergency Haying and Grazing of Conservation Reserve Program (CRP) authorities;
  - 2.1.2. The creation of voluntary risk management products for contracted poultry growers to assist them financially during disease outbreaks or interruption in the supply of birds;
  - 2.1.3. A federal flood insurance program for grain stored on farms;
  - 2.1.4. Disaster assistance for catastrophic natural disasters that:
    - 2.1.4.1. Provides assistance for quantity and quality losses;
    - 2.1.4.2. Covers all affected segments of agriculture;
    - 2.1.4.3. Does not exclude declared types of natural disasters;
    - 2.1.4.4. Provides timely delivery of assistance; and
    - 2.1.4.5. Requires recipients to have crop insurance or NAP coverage, if it is available for their commodity;
  - 2.1.5. Not penalizing producers who have purchased higher levels of crop insurance;
  - 2.1.6. The availability of disaster assistance payments for producers who are victims of bioterrorism;

- 2.1.7. Disaster payment determinations based on best available data;
- 2.1.8. Allocation of disaster assistance by Congress without regard to existing farm program payments;
- 2.1.9. The ability of a producer to receive disaster assistance in the year of the disaster even if harvest is scheduled for the following year;
- 2.1.10. Disaster coverage for crop losses due to governmental restrictions or pest infestations;
- 2.1.11. USDA Emergency Loan interest rates being set lower than other USDA loan rates;
- 2.1.12. Producers who have paid the maximum NAP fee of \$750.00 for three specified crops in a county being considered in compliance for disaster-related programs and the statement "or any other" crop being included in the policy. The NAP premium should be pro-rated to reflect appropriate percentages of crop ownership as stated in the rental agreement;
- 2.1.13. Efforts to streamline the FSA NAP insurance program record keeping requirements for multi-crop farms;
- 2.1.14. Acres planted for conservation programs designed to promote soil health that are destroyed by the crop insurance deadline should be considered "fallow" for the following year's crop, including fall planted crops;
- 2.1.15. NAP coverage for all instances of double crops be permitted unless a certified crop advisor determines the practice is not a Best Management Practice; and
- 2.1.16. Increased funding for livestock disaster assistance programs, such as ELAP. We recommend that poultry disaster assistance be authorized for growers, including contract growers, and implemented by USDA to cover Avian Flu production/revenue losses and associated disposal and clean-up costs.
- 2.2. We oppose livestock producers losing the ability to obtain both PRF and LFP and continual funding of USDA disaster programs.
- 3. ***Business Interruption***
  - 3.1 We support USDA providing business interruption payments and the availability of private business interruption insurance to help manage the risks of a Class A animal disease outbreak.

## FARM POLICY / FARM PROGRAMS

### **235 / Conservation Reserve Program**

- 1. We support:
  - 1.1. The protection of tenant farmers' rights;
  - 1.2. Reasonable limits on participation to protect the economic stability of individual counties or regions; and
  - 1.3. Eligibility for Conservation Reserve Program (CRP) enrollment for highly erodible land producing all crops.
- 2. Land that is not environmentally sensitive enough to be placed in the CRP should not be required to have a conservation compliance plan. Land enrolled in CRP should be limited to only those site-specific locations in critical need of conservation measures, such as highly erodible land. In regions where working land conservation programs are better for the rural economy, general whole farm enrollments should be eliminated unless all acres on the farm meet the local criteria for conservation measures. We favor targeted acreage signups that provide enhanced environmental protection, conservation and renewed economic opportunities in these areas.
- 3. We support:
  - 3.1. The current rule limiting CRP acres to 25 percent of the total county crop acres including Conservation Reserve Enhancement Program (CREP) and all experimental pilot projects except for small acreage enrolled in continuous CRP. Any waivers in effect when expiring contracts were enrolled should remain in effect, as determined by the appropriate state Farm Service Agency committee;
  - 3.2. Limitations on participation rates so as not to adversely affect local farmland rental rates;
  - 3.3. Producers being allowed to maintain their crop base history on CRP acres as long as the producer has met all contract obligations;
  - 3.4. Tree planting programs for such land;
  - 3.5. Farm land that was enrolled in the old CRP program, planted with approved grasses, should not be required to be plowed and reseeded. Established grasses should qualify on highly erodible land accepted in the new CRP sign-up;
  - 3.6. Existing grass waterways and buffer strips on land with a three-year crop history should be eligible for continuous CRP sign-up. However, acres enrolled in the continuous CRP should not count against county acreage caps;
  - 3.7. The current CRP rule on length of the rental agreement with farmers continue and that at the end of the 10-year contract the farmer is given the option of bringing the land back into production or bidding it back into the reserve with additional consideration given to the existing CRP enrollee to rebid their established CRP land;
  - 3.8. Benefits to incentivize the leasing or selling of acres under CRP contracts to beginning farmers;
  - 3.9. Cost-share options should be approved to accelerate conservation structure installation in the year prior to CRP contract expiration;
  - 3.10. Provisions should allow an additional 5 to 10-year extension;
  - 3.11. CRP contracts should be allowed to remain as written. There should be no additional restrictions put on the use of the land when it comes out of the long-range CRP;
  - 3.12. Compensation for land removed from production to provide water quality protection. Such land should be eligible for CRP. Producers receiving CRP payments should not be allowed to produce nontraditional crops (biomass) on CRP acres because it provides CRP contract holders an economic advantage over other producers;



- 3.13. Haying and grazing of CRP acres be permitted at the discretion of the state FSA office in weather-related or other emergency situations or as a maintenance management tool in a timely manner;
- 3.14. That the basic businesses of licensed hunting preserves be allowed to continue to operate on CRP ground;
- 3.15. At the end of 3 years of the second 10-year CRP forestry program, the secretary of agriculture should allow producers to thin the trees at their discretion without forgoing CRP payments;
- 3.16. Mandatory control of noxious weeds by local and site-specific measures on CRP and CREP lands;
- 3.17. Contract holders being required, without cost-share, to mow, spray or burn all CRP plantings prior to the pollination of noxious weeds, including Palmer amaranth, as needed to control their spread;
- 3.18. Making changes to the accepted management practices that are allowed on filter strips or CREP. This would include allowing the strips to be cut and harvested in a timely manner to prevent an adverse effect to run-off waters;
- 3.19. A fire protection plan appropriate for each state be included in all present and future CRP contracts;
- 3.20. If CRP payments are reduced or delayed for more than 60 days, the producer would have the option to withdraw from the contract without penalty and program crop bases would be restored to their prior level;
- 3.21. The payment of interest if CRP payments to participants are more than 30 days past due;
- 3.22. Landowners being given six months' notice by FSA before official termination of their contract, with payments being made through the termination date;
- 3.23. The annual controlled burning of CRP land under best management practices (BMP). The landowner and tenant should not be penalized for such burns;
- 3.24. Allowing CRP buffer strips to be used for drainage ditch maintenance soil redeposition with subsequent revegetation;
- 3.25. Altering the qualifications of CRP so that erosion risk profile and water quality benefits, not wildlife habitat, would constitute the primary reason a piece of ground would be selected to participate in CRP;
- 3.26. Reviewing the water quality benefits of CRP using credible data;
- 3.27. Requiring that seed for program acres be free of invasive species of weed seed, such as Palmer amaranth; and
- 3.28. All drains being eligible for filter strips.
4. We believe existing contract holders should have the option to rebid into the program when their contracts expire. Calculation of CRP rental rates should be re-examined to ensure they mirror, but do not exceed, the rental rates of comparable land in the immediate area. Rates should be based on the agricultural production value of the land.
5. Contracts for new and re-enrolled acres should reflect the following principles:
  - 5.1. Class 1 & 2 land would not be eligible for the general sign-up for CRP, and rent should reflect fair market rental rates of the county;
  - 5.2. Highly erodible farmland, including both wind and water erosion;
  - 5.3. An expansion of the continuous signup CRP to include:
    - 5.3.1. Filter strips along waterways;
    - 5.3.2. Greater widths of waterways, filter strips, field borders and riparian buffers;
    - 5.3.3. Setbacks at road intersections;
    - 5.3.4. Crop protection product setbacks around tile inlet structures;
    - 5.3.5. Up to one-acre filter strips around standpipes and other intakes where surface water enters directly into subsurface water;
    - 5.3.6. Grassed terraces;
    - 5.3.7. Buffers around villages, timbered areas, irrigation reservoirs, ponds and stormwater retention basins;
    - 5.3.8. Expanding the statewide allocations on field borders and upland restoration projects; and
    - 5.3.9. Allowing enrollment of and acceptance of "infeasible to farm" acres (an area that is too small or isolated to be economically farmed);
  - 5.4. Land retired to enhance air quality;
  - 5.5. Full point credit in the Environmental Benefits Index under new CRP seeding criteria for current grass stands meeting 75 percent of CRP requirements;
  - 5.6. A partnership with BLM's Wild Horse and Burro program whereby contract holders could receive either a CRP rental payment or a payment for housing wild horses and burros during all or a portion of the contract;
  - 5.7. Basing the judging criteria for CRP re-enrollment on the land's erosion potential as cropland and not on its current erosion status as CRP; and
  - 5.8. Developing a new CRP contract that would allow grazing after five years of enrollment with payments being greatly reduced each year for the remaining 5-10 years left on the contract.
6. We oppose:
  - 6.1. Producers being eligible to participate in the CRP who break up fragile land (sodbust) after the CRP contract has been accepted by USDA;
  - 6.2. Requirements to destroy existing cover on CRP acres and reseed with other species in order to qualify for re-entry into the program;
  - 6.3. Haying and grazing on CRP acres during the principal growing months, except during times of drought or for maintenance management. A fee commensurate to the value of the forage should be charged if grazing occurs after the principal growing months;
  - 6.4. The use of government programs that provide financial incentives for grazing on expiring CRP acres; and

- 6.5. Any increase in the national acreage cap unless additional acres are tied to continuous sign-up practices and to the most environmentally sensitive ground.

7. **CREP**

- 7.1. We support:
  - 7.1.1. Eligibility for enrollment for all agricultural commodities;
  - 7.1.2. Ensuring CREP practices not jeopardize maintenance, operation and utilization of drainage and flood control systems or facilities;
  - 7.1.3. Ensuring CREP practices not jeopardize the economic viability of the operation;
  - 7.1.4. The continuation of CREP;
  - 7.1.5. Changes in regulation to allow annual mowing or spraying of all CREP enrolled acres to control noxious weeds; and
  - 7.1.6. Allowing production on acres enrolled in CREP where the purpose is irrigation retirement.

8. **CRP Grasslands**

- 8.1.1. We support changing CRP grasslands haying and grazing management rules so they are less restrictive and more flexible for livestock operations.

## 236 / Environmental Management Systems

1. We support:
  - 1.1. Farmers and ranchers in their efforts to voluntarily develop private resource management plans to manage their agricultural resources while meeting their production, economic and environmental objectives;
  - 1.2. State administration of federal environmental programs and encourage such on a state-by-state basis where feasible. Federal cost-share funds should be available;
  - 1.3. Codification of resource management plans at the state level being left up to the individual states;
  - 1.4. Administration of state environmental plans being under the state agency or department most directly involved with agriculture when a confidentiality-assured environmental management system is voluntarily developed in any state;
  - 1.5. All information resulting from an environmental management system should be confidential and the property of the individual farmer or rancher. No portion of it should be stored in any government file or database;
  - 1.6. Working to ensure that the Natural Resources Conservation Service (NRCS) and/or any other government agency shall advise farmers and ranchers as to the scope of any confidentiality and immunity, or lack thereof, regarding participation in any environmental management system;
  - 1.7. Environmental management systems that are designed to provide positive incentives for producers to manage natural resources in such a way that it will benefit the environment and be economically feasible. The incentives should include education, technical assistance, cost-sharing and acceptable immunity;
  - 1.8. Any changes being made to environmental management systems must be initiated only at the option of the farmer or rancher. No immunity should be withdrawn or changed without the consent of the owner of the plan;
  - 1.9. When NRCS is involved in resource management planning, the following criteria should guide its actions:
    - 1.9.1. NRCS should continue to provide traditional technical and educational resource planning programs for farmers and ranchers if no further action is taken on new forms of environmental management systems; and
    - 1.9.2. NRCS has played an important role for many farmers and ranchers in better managing natural resources and that effort should not be lost as program changes are debated;
  - 1.10. The eligibility of all recognized forest products for inclusion in the Leadership in Energy and Environmental Design green building rating system; and
  - 1.11. Adjustment of government support programs for riparian buffer establishment such that these programs can, on a voluntary basis, be utilized in additional watershed areas.
2. We oppose:
  - 2.1. Resource planning on farms and ranches being codified into federal law unless it is totally and unquestionably proven to be voluntary, confidential, based on proven performance standards, and providing acceptable immunity for producers who have exercised good faith compliance with all applicable laws and regulations;
  - 2.2. Attempts by state or federal agencies to develop non-voluntary environmental management systems as a regulatory or permitting framework;
  - 2.3. Implementation of commercial fertilizer management plans or whole farm management plans to address natural resource concerns on our farms; and
  - 2.4. The U.S. Fish and Wildlife Service ban on planting biotech crops and the use of neonicotinoid insecticides on public lands.

## 237 / National Conservation and Environmental Policy

1. We support improving the environment by enhancing conservation, wise use and productivity of our natural resources through private ownership, individual freedom and market-oriented approaches as our most important conservation and environmental goal and a consistent long-term national conservation and environmental policy should be pursued that would:
  - 1.1. Recognize the importance of improving agricultural productivity, while maintaining a productive natural resource base;

- 1.2. Ensure individual freedoms including the right to own and use private property;
- 1.3. Balance economic and social costs with real environmental benefits;
- 1.4. Encourage voluntary, local and incentive-based approaches that rely on market solutions and/or performance-based approaches in which outcomes are well-defined, identifiable, verifiable and realistic;
- 1.5. Focus conservation programs and dollars on soil and water conservation and protection;
- 1.6. Base decisions on sound, scientific principles and peer-reviewed science;
- 1.7. Recognize that education and technical assistance are key components needed to achieve conservation and environmental goals and objectives;
- 1.8. Recognize farmers and ranchers as stewards to the land and protectors of the environment;
- 1.9. Minimize potential loss of acres from fencing restrictions adjoining waterways, creeks, ponds and lakes;
- 1.10. Compensate farmers and ranchers at fair market value for environmental or regulatory costs that contribute to the public good;
- 1.11. Minimize government intervention in agricultural production and private resource management;
  - 1.11.1. Allow local Natural Resources Conservation Service (NRCS) personnel working directly with farmers in coordinating the repair of damage (from normal farming practices) to fields with a highly erodible land (HEL) designation. NRCS should consider field condition limitations before imposing penalties for non-compliance;
  - 1.11.2. Provide greater flexibility for farmers in receiving technical assistance from government agencies for conservation practices and programs to help farmers and landowners comply with federal environmental regulations;
  - 1.11.3. The current assistance cap for organic producers;
  - 1.11.4. Limiting USDA to 30 days to make wetland determinations; and
  - 1.11.5. Limiting USDA to a maximum of 90 days for each appeals decision.
2. We oppose:
  - 2.1. Zero pollution tolerances because they are technically impossible;
  - 2.2. Federal pre-emption of state water laws;
  - 2.3. The use of federal conservation funds for conservation practices on land that is in the process of being developed for non-agricultural use; and
  - 2.4. Any actions that limit tillage methods.
3. Watershed and stream management fees by the Fish and Wildlife Service should not infringe on a producer's ability to build ponds, till soils or obtain technical assistance. Good faith efforts and adherence to generally accepted farming practices or NRCS approved conservation practices should provide immunity from civil and criminal prosecution under environmental statutes.
4. ***Conservation and Environmental Program Implementation***
  - 4.1. Conservation programs should be implemented in a manner that achieves adequate program participation while minimizing the undue loss of productive farmland that may artificially inflate local farmland and/or rental values.
  - 4.2. Federal conservation programs should fund the building of structures such as poultry litter stack houses and composting facilities. The eligibility requirements for this program should be revised to allow more producers to qualify for the program.
  - 4.3. NRCS conservation and environmental programs should:
    - 4.3.1. Be controlled and directed locally by farmer committees elected by farmers, and made available to all agricultural producers. The existing prohibition against funding or reimbursement of existing conservation structures should be removed. Funding should be equally available for repair and replacement of existing conservation structures;
    - 4.3.2. Provide that 80 percent of all USDA conservation funds be targeted for local county use;
    - 4.3.3. Be voluntary, flexible, site-specific and targeted at specific environmental goals and objectives;
    - 4.3.4. Allow for the flexibility that if a farmer achieves the conservation standard of T, they are eligible to receive increased technical assistance funding;
    - 4.3.5. Make cover crop incentives eligible to all farmers (regardless of cover crop history) with priority given to acres that provide the most benefit or to first time applicants;
    - 4.3.6. Allow farmers to repair erosion to their fields without permission;
    - 4.3.7. Require that all information obtained by government agencies on specific individuals or farms be kept confidential and not made available for public information;
    - 4.3.8. Require only the minimal amount of planning necessary to ensure success taking into account agronomic and economic factors as well as environmental considerations;
    - 4.3.9. Provide cost share, tax credits or be based on other positive economic incentives; or provide compensation when an individual's use of property is restricted for the benefit of the public;
    - 4.3.10. Promote broad awareness through demonstration projects, information dissemination, education and technical assistance;
    - 4.3.11. Allow all entities to receive conservation payments as direct deposits, not as System of Award Management (SAM) payments; and
    - 4.3.12. Provide financial and technical support for safe and effective prescribed burning.
  - 4.4. We support:
    - 4.4.1. In determining Conservation Compliance:
      - 4.4.1.1. County FSA committees must be involved in good faith determinations and penalties assessed;

- 4.4.1.2. County FSA committees should receive NRCS technical concurrence before reducing conservation compliance good faith penalties;
- 4.4.1.3. Federal and/or state endangered species reviews or regulations should not be incorporated;
- 4.4.1.4. Farmers should not be held responsible for weather impacts that cause non-compliance but should achieve compliance in a timely manner;
- 4.4.1.5. Graduated payment reductions should also apply to wetland violations; and
- 4.4.1.6. The effect of practices in place on adjacent properties should be considered;
- 4.4.2. Adequate funding for the Environmental Quality Incentive Program (EQIP) for fencing, fresh water and other livestock programs. Funds should be prioritized and distributed on the local level. NRCS should create geographical regions within states to determine cost tables for EQIP. The primary emphasis should be water quality, soil conservation, on-farm alternative energy systems and animal feeding operation requirements with secondary consideration given to innovative practices and wildlife;
- 4.4.3. Changing NRCS policy to allow an appropriate extension of EQIP contracts in areas that have been designated federal disaster declarations (Secretarial or Presidential);
- 4.4.4. EQIP funding for Wildlife Risk Mitigation plans;
- 4.4.5. The use of long-term agreements to maximize the effectiveness of program benefits for existing programs;
- 4.4.6. USDA funding for Soil and Water Conservation Districts to help implement conservation practices;
- 4.4.7. Funding for cost-share programs, including: consultant fees, the Grazing Lands Conservation Initiative, technical assistance, soil mapping and publication of soil survey information. Once a cost-sharing practice is completed and approved by the Farm Service Agency, payments should be made to the participant within 30 days;
- 4.4.8. Expanding the current NRCS practice of providing 30 percent of conservation practice payments up front, to all farmers;
- 4.4.9. Allowing an exemption to the NRCS manual for EQIP money to be used for streambank stabilization practices prior to the adjacent land's expiration in a Conservation Reserve Program (CRP) contract or a Conservation Reserve Enhancement Program (CREP) contract;
- 4.4.10. Greater efforts to advance new technologies with the use of EQIP and CREP funds to better utilize animal-generated nutrients;
- 4.4.11. Funding to ensure that landowners are adequately compensated whenever property is used for purposes intended to achieve mandated natural resource goals;
- 4.4.12. Conservation priority areas shall only be established after consultation with local conservation district boards and producers. Federal funding for cost-share under the EQIP should be available for short-term conservation projects previously funded under the agricultural conservation program and be expanded to include cost sharing for on-farm dam building and other projects for water conservation to be used for livestock and irrigation;
- 4.4.13. A technical certification process and sufficient funding for private sector conservation technicians in which certified technicians would be able to develop and revise conservation plans, provide all required plans and services to farmers within six months of request and install and certify conservation practices. Farmers should be able to work with their NRCS district conservationist to develop the conservation plan required by the 2002 farm bill and not be required to hire the service of a technical service provider (TSP). We urge NRCS to streamline the Comprehensive Nutrient Management Plan (CNMP) process and TSP certification;
- 4.4.14. Development of market-based incentives, pollution permit trading as alternatives to government prescriptions;
- 4.4.15. Preparation of a list identifying existing state and federal environmental regulations/requirements which impact agriculture;
- 4.4.16. Legislative protection for landowners from liability resulting from malfunctions of terraces, structures or other mandates of government regulations;
- 4.4.17. Tree planting as a permanent and economical soil conservation practice that protects marginal, fragile or highly erodible land. In areas along streams and rivers where trees present a hazard of creating debris after a flooding event, NRCS should instead prioritize usage of reed canary grass, tall fescue or other water-tolerant perennial grasses;
- 4.4.18. Funding and maintaining the Forest Land Enhancement Program;
- 4.4.19. Funding for the Conservation Stewardship Program (CSP) with greater accessibility to farmers;
- 4.4.20. Annual open enrollment for the CSP with shortened contracts if funding for the program cannot fully accommodate all applicants;
- 4.4.21. A farmer being allowed to opt out of CSP requirements without penalty if the contract is not fully funded;
- 4.4.22. CSP eligibility based on best management practices including IPM;
- 4.4.23. Enrollment in conservation programs without a requirement to re-seed existing perennial non-noxious cover to meet diversity goals;
- 4.4.24. Grassland and farmland protection programs;
- 4.4.25. Funding for rehabilitation and maintenance for flood prevention sites through low interest loans and grants;
- 4.4.26. The commercial use of un-manned air systems for natural resource management;
- 4.4.27. That two-stage ditches and land used for their construction be eligible for conservation program funding;
- 4.4.28. EQIP projects (contracts) for alternative mortality disposal facilities (composting sheds and/or mechanical composters) be eligible for approval/funding as soon as livestock placement commitments are proven and construction has begun; and

- 4.4.29. An exemption from the current three-year payment limit for the same practice under EQIP for practices that benefit wildlife and have a continual cost to the farmer or rancher implementing them.
- 4.5. We recommend NRCS guidelines and approval processes for building farm ponds should be the accepted standard without intervention by other government agencies.
- 4.6. We recommend the federal guidelines on building of farm and ranch ponds be relaxed to allow for the construction of more ponds. We recommend more cost-sharing for pond construction.
- 4.7. We recommend that distribution of federal funds be simplified and more accessible; moreover, funds should be distributed by county or state entities, when possible.
- 4.8. We recommend NRCS remaining under USDA and acting as a non-regulatory mediator on behalf of producers in environmental compliance issues with regulatory agencies.
- 4.9. We believe farmers should only be required to complete practices related to an EQIP funded project, not all practices in a CNMP, to be in compliance with an EQIP contract.

## **238 / National Dairy Program**

1. We support:
  - 1.1. A market-oriented national dairy program that allows U.S. producers to compete in a world market based on fair and open trade policies;
  - 1.2. An expanded role for markets and private enterprise in establishing prices for all classes of milk;
  - 1.3. A competitive pay price;
  - 1.4. Modifications in the Federal Milk Marketing Order structure, formulas and price classes used to compute milk prices in order to better reflect current market conditions and enhance transparency and take into account the regional differences in the cost of milk production and incorporate multiple component pricing into all classes of milk; an economic analysis prior to any major revisions to the number of milk classes or Federal Milk Marketing Orders. This analysis should include economic impacts to the dairy industry and farmer income;
  - 1.5. Efforts to manage milk supply which account for the regional differences in fluid milk demand and supply;
  - 1.6. Legislation that treats imports of milk protein concentrates, ultra-filtered milk and casein equivalent to and consistent with the importation of similar dairy products;
  - 1.7. Implementation of the California standards for solids-non-fat in fluid milk at the national level;
  - 1.8. Plain and flavored whole milk be required to contain a minimum of 3.5 percent butterfat;
  - 1.9. A national program for dairy product promotion, research and nutrition education and the U.S. Dairy Export Council;
  - 1.10. USDA moving more aggressively on the collection of promotion fees on all U.S. and imported dairy products including milk protein concentrates;
  - 1.11. Any changes needed to facilitate the long-term market development of value-added products;
  - 1.12. A national dairy plant security program to enhance a producer's ability to recover losses due to the financial failure of milk handlers or cooperatives. All those procuring milk from producers should be included in the program;
  - 1.13. Research to determine a "no-effect" level for any antibiotics and aflatoxins in milk according to Food and Drug Administration (FDA) standards;
  - 1.14. Uniform testing procedures for antibiotics and aflatoxins that detect levels according to FDA standards;
  - 1.15. Regulations which provide for and require the inspection of all imported dairy products at the port of entry;
  - 1.16. Banning the sale of artificial or imitation dairy products not labeled imitation;
  - 1.17. Producers having a priority lien on their milk;
  - 1.18. Labeling a product cheese only when it is produced from natural milk products;
  - 1.19. The placing of milk vending machines in public schools;
  - 1.20. Modifying the Federal Milk Marketing Order system to encourage the production of milk protein concentrates in the United States;
  - 1.21. Improving price discovery through mandatory daily electronic reporting of more common dairy products including reporting and auditing of prices and inventories. The number of plants being surveyed should be increased as well as the penalties for inaccurate dairy reporting;
  - 1.22. The enrollment of all dairy producers in the Milk and Dairy Beef Quality Assurance Program and their participation in the National Dairy Farmers Assuring Responsible Management program;
  - 1.23. An increased effort by the dairy industry to develop domestic and foreign markets;
  - 1.24. Inspectors being required to contact the farmer/farm manager upon arrival at the farm;
  - 1.25. A state or local inspector accompanying all U.S. Department of Health and Human Services inspectors. Producers should receive a full report and explanation upon completion of the inspection, which includes: deficiencies, items inspected, equipment disassembled for inspection and overall score;
  - 1.26. A definition of milk protein concentrate (MPC) and a standard of identity that will define appropriate use of these components as well as a means of enforcement;
  - 1.27. The use of Cooperatives Working Together (CWT) and urge participation by all dairy producers;
  - 1.28. The concept of expanding the Export Assistance Program of CWT;
  - 1.29. The producer/handler exemption being limited in all Federal Milk Marketing Orders to 3 million pounds per month to protect other pool producer members from unfair competition, but do not support its elimination;
  - 1.30. USDA to immediately promulgate regulations on the pricing of domestically produced MPCs;

- 1.31. Only pasteurized fluid milk being sold or distributed for human consumption;
  - 1.32. All milk processors providing farms with a minimum of 60 days' notice before any changes can go into effect for premium structure or required fees. Processors must provide at least 90 days' notice before termination of service;
  - 1.33. The FDA allowing milk to be labeled by its fat-free content instead of total fat content;
  - 1.34. Clearly defined, concise rules and regulations by FDA for automated milking installation systems;
  - 1.35. A reform of transportation credit regulations to eliminate producers in a deficit area bearing costs of transporting milk into the area;
  - 1.36. Revisions to the Federal Milk Marketing Order, including fluid milk pricing, progress through the normal channels at USDA that will provide thorough economic analysis and public hearings for producers to be engaged, rather than through legislative override; and
  - 1.37. Revisions to the Federal Milk Marketing Order System to increase touch-base days required by milk handlers, producers and sellers outside an order.
2. We oppose:
    - 2.1. A mandatory quota system, but are willing to consider a flexible supply management system;
    - 2.2. Creation of a mandatory fund financed by a checkoff on dairy farmers to guarantee milk checks;
    - 2.3. A "no" vote on a referendum changing the order, causing elimination of the entire federal order;
    - 2.4. The FDA changing the definition of milk; and
    - 2.5. Any regulations or legislation that will ban or limit flavored milk in schools.

## **239 / National Farm Policy**

1. Agriculture is strategically important to the survival of the United States. Our nation's economy, energy, environment and national security are dependent upon the viability of the agricultural industry. Agriculture must be treated as a strategic resource by our nation and reflected as such in local, state and national government policies.
2. We support a consistent, long-term market-oriented farm policy that will:
  - 2.1. Rely less on government and increasingly more on the market as well as providing more options for insurance and revenue assurance products that are more equitable for all commodities in all production regions of the country against adverse market fluctuations and weather-related hazards;
  - 2.2. Allow farmers to take maximum advantage of market opportunities at home and abroad without government interference;
  - 2.3. Encourage production decisions based on market demand;
  - 2.4. Develop risk management tools to deal with the inherent fluctuations in revenue and income associated with farming;
  - 2.5. Provide strong and effective safety net/risk management programs that do not guarantee a profit, but instead protects producers from catastrophic occurrences while minimizing the potential for farm programs affecting production decisions;
  - 2.6. Is compliant with the World Trade Organization (WTO) agreements; and
  - 2.7. Reduce complexity while allowing producers increased flexibility to plant in response to market demand.
3. We oppose:
  - 3.1.1. New mandatory government supply management programs and acreage reduction programs, excluding the Conservation Reserve Program and conservation easements, for marketing loan commodities under the current farm program;
  - 3.1.2. A farmer-owned reserve or any federally controlled grain reserve with the exception of the existing, capped emergency commodity reserve;
  - 3.1.3. Income means testing. However, if such programs are implemented, they must be based on net income rather than gross income;
  - 3.1.4. Payment limitations; and
  - 3.1.5. Targeting of benefits being applied to farm program payment eligibility.
4. U.S. policies affecting agriculture should be designed to:
  - 4.1. Ensure that U.S. consumers have access to a stable, ample, safe and nutritious food supply;
  - 4.2. Minimize domestic and world hunger and nutrition deficiencies;
  - 4.3. Create and sustain a long-term, competitive and profitable agricultural industry;
  - 4.4. Reduce regulatory burdens on farmers and ranchers;
  - 4.5. Provide a tax structure that is fair and equitable to present and future generations of farmers;
  - 4.6. Continue to improve the environment through expanded incentives to encourage voluntary soil conservation, water and air quality programs, and advanced technological and biotechnological procedures that are based on sound science and are economically feasible;
  - 4.7. Enhance U.S. agriculture's access and competitiveness in the world market;
  - 4.8. Improve the quality of rural life and increase rural economic development;
  - 4.9. Improve Agriculture Risk Coverage (ARC) to decrease county yield disparity;
  - 4.10. Risk Management Agency (RMA) yield data being the primary source of yield data for future government programs similar to ARC-County as long as RMA data at the farm level is protected from Freedom of Information Act (FOIA);
  - 4.11. Compensate farmers for their positive impact on habitat, wildlife and the environment;

- 4.12. Recognize the regional and commodity based differences that exist in U.S. production agriculture and provide programs that meet these needs, while recognizing the need to be internationally competitive; and
- 4.13. Be implemented in a way that minimizes the negative effects on non-program crops and livestock production and ensure that accepted conservation practices such as cover crops do not impact compliance or payment eligibility. Statements of support for individual commodity programs and provisions shall adhere to these general principles of farm programs, regulatory, international trade, and tax provisions.
5. Improving net farm income, enhancing the economic opportunity for farmers, preserving property rights and conserving the environment are our most important goals.
6. We should undertake a comprehensive effort to assure U.S. producer competitiveness. Competitiveness issues should include biotech seed cost, agricultural research, U.S. transportation infrastructure, U.S. farm bill structure and funding, exchange rates and other factors relevant to agricultural global competitiveness.
7. **2018 Farm Bill Principles:**
  - 7.1. We support the following principles to guide development of programs in the next farm bill:
    - 7.1.1. Protecting current Farm Bill program spending;
    - 7.1.2. Maintaining a unified farm bill which includes nutrition programs and farm programs together;
    - 7.1.3. Any changes to current farm legislation be an amendment to the Agricultural Adjustment Act of 1938 or the Agricultural Act of 1949; and
    - 7.1.4. Risk management tools which include both federal crop insurance and commodity programs as top funding priorities.
  - 7.2. **Other Principles:**
    - 7.2.1. **Commodity Programs:**
      - 7.2.1.1. We support:
        - 7.2.1.1.1. Continuation of a counter-cyclical program like the Price Loss Coverage (PLC) program and a revenue program like the ARC program, including using RMA data as the primary source to determine a more accurate county yield as long as RMA data at the farm level data is protected from FOIA. If ARC-County is continued, we support changes to make the program more effective and fairer to all farmers;
        - 7.2.1.1.2. If existing programs continue, the opportunity for farmers to re-elect and/or re-enroll;
        - 7.2.1.1.3. Basing Title I payments on historic, rather than planted, acres;
        - 7.2.1.1.4. Modifying “Actively Engaged” rules to more broadly define “family” by including non-linear familial relationships such as first or second cousins. The family farm exemption from the management restriction and recordkeeping requirements should remain in place;
        - 7.2.1.1.5. Developing farm savings accounts as a risk management option for all producers; and
        - 7.2.1.1.6. The current provisions for the peanut program in the 2014 Farm Bill.
    - 7.2.2. **Risk Management Programs**
      - 7.2.2.1. The availability of crop yield and/or revenue insurance for all producers of all crops, aquaculture, livestock and poultry in the country; and
      - 7.2.2.2. Changes in the Livestock Forage Program to allow contiguous counties also be declared eligible for disaster assistance, and for increasing the number of weather stations in a county.
    - 7.2.3. **Dairy:**
      - 7.2.3.1. Further development and availability of the new Dairy Revenue Protection insurance product and the ability for producers to use it in conjunction with the Dairy Livestock Gross Margin (LGM) program and a commodity title dairy safety net;
      - 7.2.3.2. Expansion of RMA risk management programs for dairy producers, with the inclusion of milk as a defined commodity;
      - 7.2.3.3. Require a commodity title dairy safety net program that:
        - 7.2.3.3.1. Gives farmers an option to select either a program that provides protection against a decline in milk price or a decline in milk margin;
        - 7.2.3.3.2. Includes significant enhancements to any gross margin program to effectively support dairy farmers, including:
          - (i) Adjusting the program trigger to function monthly;
          - (ii) Increasing Tier 1 coverage from 4 million pounds of milk to 5 million pounds of milk for all dairy producers;
          - (iii) Increasing the catastrophic margin level from \$4.00 to \$5.00 and maintaining the ability to buy up to \$8.00 margin coverage; and
          - (iv) Making strategic adjustments to the feed formula.
    - 7.2.4. **Conservation:**
      - 7.2.4.1. Maintaining funding for federal conservation programs which maintain environmental benefits;
      - 7.2.4.2. Working lands conservation programs over retirement lands programs;

- 7.2.4.3. Maintaining the current prioritization of the Environmental Quality Incentives Program (EQIP) funding being targeted to livestock producers;
- 7.2.4.4. Calculation of the Conservation Reserve Program (CRP) and the Conservation Reserve Enhancement Program (CREP) rental rates being re-examined annually at enrollment to ensure they mirror, but do not exceed, the rental rates of comparable land in the immediate area;
- 7.2.4.5. Marginal and highly erodible land returning as the main focus of the CRP. The current limit of 24 million acres in the CRP should continue;
- 7.2.4.6. Improvements to the State Technical Committees to make them more ag friendly by encouraging producers' participation and input; and
- 7.2.4.7. Limits the size of pollinator tracts with an emphasis on smaller parcels and cap pollinator rates; and
- 7.2.4.8. A path to eligibility for farms that have not previously been in compliance.

**7.2.5. Specialty Crops:**

- 7.2.5.1. Incorporating all types of domestic fruits and vegetables (fresh, frozen, canned and dried) into the Fresh Fruit and Vegetable Program providing an affordable option for increasing the variety available year-round for low income school children and more market opportunities for producers. Priority must be given to fresh and locally grown product when available not withstanding price; and
- 7.2.5.2. Maintaining adequate funding for the specialty crop industry with emphasis on fundamental research, marketing and promotions, and pest management programs.

**7.2.6. Livestock:**

- 7.2.6.1. The exploration of new risk management tools for livestock producers; and
- 7.2.6.2. Raising the \$20 million annual cap for LGM insurance programs.

**7.2.7. Energy:**

- 7.2.7.1. Adequate funding for the Rural Energy for America Program (REAP).

**7.2.8. Rural Development:**

- 7.2.8.1. Streamlining programs and a more transparent and efficient grant and loan approval process for rural development programs that includes the timely approval of applications and a more effective priority-setting process so that federal funds are expended on projects with the greatest economic potential; and
- 7.2.8.2. Modifying the broadband programs to increase utilization of loans and grants in rural/underserved communities. We support adequate funding for improvements in USDA's Community Connect, Distance Learning and Telemedicine, and Rural Gigabit Network pilot programs.

**7.2.9. Trade:**

- 7.2.9.1. Increased funding for the Foreign Market Development (FMD) program and Market Assistance Program (MAP).

**7.2.10. Credit:**

- 7.2.10.1. Increasing the amount of funding authorized for the Farm Service Agency loan guarantee programs and raising the current caps on individual amounts a farmer may be granted; and
- 7.2.10.2. A floating conservation-oriented commodity loan program that increases loan prices, addresses conservation goals and satisfies the credit needs of beginning farmers.

**7.2.11. Research:**

- 7.2.11.1. Funding for agricultural research and education.

**7.2.12. Acreage Crop Reporting Streamlining Initiative (ACRSI):**

- 7.2.12.1. Simplifying procedures, reducing paperwork requirements and streamlining interactions between the Farm Service Agency, the Natural Resources Conservation Service and the Risk Management Agency; and
- 7.2.12.2. Congress creating Farm Bill language directing USDA to adopt better data integration and analysis practices from farmer driven data to improve the overall efficiency and effectiveness of farm programs, crop insurance, and conservation programs while supporting producer profitability and environmental performance on working lands.

**8. General Issues**

**8.1. We support:**

- 8.1.1. Giving farmers the ability to sign up once for the duration of the farm bill, assuming there are no changes to the farming operations;
- 8.1.2. Allowing farms with fewer than 10 base acres to be eligible to receive farm program payments;
- 8.1.3. Requiring compliance by the Commodity Credit Corporation (CCC) with all federal rule-making notification procedures;
- 8.1.4. Farm Service Agency (FSA) evaluating the drought criteria used for drought compensation;
- 8.1.5. Providing timely notification to producers of all program requirements;
- 8.1.6. Providing payment notification information that match 1099 tax forms with descriptions that clearly reflect the source of the payment;



- 8.1.7. Implementation in such a manner as to minimize the disruptions to landlord-tenant relationships. We support efforts to provide the state FSA Committee authority to determine eligibility requirements for farm program benefits;
- 8.1.8. The elimination of any USDA requirement to report the specific cash rental amounts between a landlord and a tenant in an effort to protect a farmer's right to privacy. We do, however, support the requirement to report the type of lease agreement;
- 8.1.9. Requiring FSA to constantly review and make public the formula used to set posted county prices (PCPs) to ensure they accurately reflect market conditions at the county level and that the differential between the cash price and PCP does not penalize producers or county elevators. The formula for calculating the terminal price, differential, and the PCP should be public information to allow producers the opportunity to maximize program benefits;
- 8.1.10. Providing the secretary of agriculture discretionary authority to provide assistance to producers during times of economic disaster;
- 8.1.11. Allowing for verification of actual physical measurement if computer measuring or Global Positioning System (GPS) measurements of farm acres results in different acreage measurements than has been the historical case. The cost incurred for such measurement should be borne by the party in error;
- 8.1.12. Allowing a single sign up that covers all programs for a crop year;
- 8.1.13. Programmatic and systemic efficiencies that eliminate the need for repeated farmer visits to county FSA offices;
- 8.1.14. Changing FSA regulations to not require farms that are owned and operated by the same individual, but not contiguous, be reconstituted into one farm;
- 8.1.15. Individuals directly involved in family farming operations not having payment eligibility adversely affected by farm business loans secured by cross collateralization, (same assets pledged for multiple producer loans);
- 8.1.16. The establishment of a reasonable time limitation on USDA's ability to alter or reverse an FSA compliance determination so that no producer enrolled in a farm program may be penalized in a subsequent crop year;
- 8.1.17. Allowing either a conservation compliance plan or a confined animal feeding operation permit to meet eligibility requirements for farms which require a conservation compliance plan for eligibility for certain USDA farm programs;
- 8.1.18. Funding sources to assist farmers in complying with livestock regulations;
- 8.1.19. The FSA facility loan program to include all commodity storage;
- 8.1.20. Allowing tenants with multiple landlords to treat each farm as a separate entity for compliance with the farm bill;
- 8.1.21. Action by a landlord not placing any tenant farm program payments in jeopardy. The tenant should be able to maintain eligibility for all farms;
- 8.1.22. Consolidation of the power of attorney form to enable the Natural Resource Conservation Service (NRCS), the FSA and the Risk Management Agency (RMA) to honor one power of attorney form;
- 8.1.23. Producers being able to use Federal Crop Insurance records for proving yield for base and yield updates;
- 8.1.24. Allowing grain bag storage systems as storage for USDA commodity loan purposes;
- 8.1.25. Efforts to harmonize methods of property descriptions between FSA, Crop Insurance, and the RMA to streamline information sharing between the two agencies and to develop a common method to establish crop yields for the various programs;
- 8.1.26. Defining "specialty crops" as any fruit, vegetable, nut or non-program crop grown for consumption and sales;
- 8.1.27. Funding to support the specialty crop industry through the following prioritized funding options:
  - 8.1.27.1. Per state competitive grant program to enhance grower directed research and extension programs;
  - 8.1.27.2. Expanded crop insurance;
  - 8.1.27.3. Dedicated funding for specialty crop growers in working lands programs; and
  - 8.1.27.4. USDA commodity purchases;
- 8.1.28. The recognition of horticulture, Christmas trees, sod and equine as agriculture enterprises eligible for government assistance through disaster programs, crop insurance and conservation programs;
- 8.1.29. Removal of matching fund requirements for public grants and loans intended to help small farmers. In the interim, in-kind contributions like labor should be allowed to be applied to matching fund considerations;
- 8.1.30. Use of producer-generated GPS data be allowed to supplement FSA and crop insurance purposes;
- 8.1.31. Native pollinator conservation efforts in farm policy legislation;
- 8.1.32. Cotton intercropped with cucurbit crops be counted toward base acres;
- 8.1.33. USDA requiring mandatory monthly reporting of rice stocks and rice production;
- 8.1.34. Requiring the FSA Adjusted Gross Income (AGI) Statement be signed and effective for the full length of each Farm Bill period. Each individual entity should be responsible for reporting changes to conditions of approved status. AGI should be subject to random verification;
- 8.1.35. The Farmers' Market Nutrition Program (FMNP) for Women, Infants, and Children (WIC) be combined with the FMNP Senior program that is already part of the Farm Bill;
- 8.1.36. A cottonseed and/or cotton lint farm program that provides an option for generic base acres to be reallocated to a new cotton farm program. In the process of reallocation, generic base acres that have been in agricultural use but not

planted to an ARC/PLC crop must be allowed to maintain their base acres. If cottonseed and/or cotton lint are not included as Title I farm program commodities, we support annual appropriations for a ginning assistance program;

- 8.1.37. Modifying or eliminating the Stacked Income Protection Program (STAX) if cottonseed and/or cotton lint are included as Title I ARC/PLC farm program commodity(s);
  - 8.1.38. Voluntary base acreage and yield updating in the next Farm Bill;
  - 8.1.39. The use of commodity certificates for repaying loans for all program commodities;
  - 8.1.40. A 90-day lock-in period for marketing loan gains for all commodities;
  - 8.1.41. Maintaining the ARC-Individual program;
  - 8.1.42. Collaborating with USDA on how the Specialty Crop Block Grant Program (SCBGP) funds can be better spread among numerous entities and an appeals process for grants that have been awarded;
  - 8.1.43. The current use of SCBGP funds for market promotion and research and not for implementation of the Food Safety Modernization Act (FSMA). The FSMA congressional mandate must be funded through the Food and Drug Administration budget;
  - 8.1.44. The exemption of growers from the registration and reporting requirements associated with the System for Award Management;
  - 8.1.45. Eliminating the reporting requirement for non-program grass waterways/fallow areas that are baled for forage;
  - 8.1.46. Continuation of the Good Neighbor Authority (forestry) program;
  - 8.1.47. The use of a longer deadline period for conservation compliance first time farmer exceptions; and
  - 8.1.48. When farm program benefits are denied due to an alleged violation and the enforcement action is decided in the respondent's favor, we support changes in the law to require the government agency to be responsible to pay the respondent's legal fees and any denied benefits for the unsubstantiated claim.
- 8.2. We oppose:
- 8.2.1. Producers becoming ineligible for participation in any USDA program due to their participation in federal or state water projects;
  - 8.2.2. Compliance status of one farm affecting the ability to receive benefits on another farm;
  - 8.2.3. The extension of the CCC commodity loans beyond the current term;
  - 8.2.4. The system of anonymous reporting of operator violations to the FSA and NRCS;
  - 8.2.5. The use of conservation programs by entities unrelated to agriculture;
  - 8.2.6. Penalties for farm program violations being applied to the entire farm operation instead of the portion of the farm in question; and
  - 8.2.7. The Data Universal Number System being a requirement for participation in farm, conservation and other USDA programs.

## **240 / Sustainable Agriculture**

1. Agriculture provides society numerous benefits including, but not limited to food security, a safe and healthy food supply, environmental benefits and community stability. It is important to remember that agriculture needs the flexibility to alter cropping patterns and practices to meet the demands of operating in an open marketplace where our competition comes from farmers worldwide. When considering sustainable agriculture, there is only one constant and that is agriculture is only sustainable when it is profitable.
2. Sustainable agriculture should recognize the benefits of accepted management practices that American agriculture currently employs, such as Integrated Pest Management. Sustainable agriculture should be flexible enough to fit America's diverse climates, cropping patterns, land use standards, and regulatory requirements. Regulations should not limit agricultural practices without strong scientific and economic justification. Sustainable agriculture should rely on measurable results and focus on adaptive management for continual improvements rather than a rigid set of practices.
3. We support scientific research and education that encourages all participants in the agricultural industry to produce, process and distribute safe food, feed, fiber and fuel in a manner that is economically viable and enhances the quality of life for present and future generations.
4. We support methods of farming that result in:
  - 4.1. A profit for the farm operator;
  - 4.2. A producer striving to show continuous improvement in his/her environmental performance; and
  - 4.3. An adequate supply of high quality safe food, feed, fiber and fuel.
5. We are keenly aware that the means to accomplish these ends may vary from farm operation to farm operation and that no single method of farming will work with every operator.
6. We support:
  - 6.1. Research aimed at reducing overall inputs needed to sustain a profitable farming operation; and
  - 6.2. Efforts to provide information to farmers on proven means of improving the efficiency of inputs.
7. We oppose:
  - 7.1. Any attempt to mandate low input methods of farming;
  - 7.2. Requiring low input methods as a condition of participation in government farm programs; and

7.3. Programs that are used by organizations whose goal is to eliminate or control commercial agricultural practices.

## **241 / Wetlands Reserve Program**

1. We support the Wetlands Reserve Program (WRP).
2. WRP should include a buyout clause that would allow producers to remove these areas from the program.
3. Authority for the federal government to purchase permanent easements under the program should be terminated.
4. Prior to a landowner putting part or all of a farm in a government wetland program, all adjoining landowners should be made aware of this, especially where surrounding landowners' water flow or natural drainage is affected.
5. The program should not be used to take entire farms out of production.
6. We support using created WRP acreage for farmland wetland mitigation.

## TRADE / TREATIES

### **250 / Foreign Aid**

1. We believe the United States should use its agricultural capacity to enhance food security and economic development, thereby enhancing not only the reputation of the U.S. as a reliable supplier of agricultural products and expertise, but also as a leader in fostering economic development globally.
2. We support:
  - 2.1. Securing a commitment from the federal government to provide leadership in enhancing global food security and economic development;
  - 2.2. Increasing federal commitment to food and agricultural assistance programs;
  - 2.3. Foreign aid in the form of agricultural products and value-added agricultural products rather than cash, whenever feasible;
  - 2.4. Encouraging recipient nations to use or purchase U.S. agricultural goods and services; and
  - 2.5. Giving emergency food relief needs the highest priority in foreign aid programs.
3. We oppose foreign aid being provided to recipient countries to stimulate production or distribution of agricultural commodities for export that could create economic hardship for U.S. producers.
4. The federal government should be urged to apply countermeasures against countries which discriminate and/or restrict agricultural products from the United States, particularly those countries that receive U.S. foreign and military aid.
5. Proposals to conduct American foreign aid programs through United Nations agencies should be rejected.
6. Aid should be given to encourage private enterprise economic systems.
7. ***Food For Peace Program (P.L. 480)***
  - 7.1. We support:
    - 7.1.1. P.L. 480 as an important program that should be continued and assessed in the context of a broader strategy for expanding U.S. food aid with the following priorities:
      - 7.1.1.1. Concentrating on the least developed countries;
      - 7.1.1.2. Focusing on small landholders;
      - 7.1.1.3. Utilizing local staples;
      - 7.1.1.4. Serving local markets; and
      - 7.1.1.5. Improving recipient nation regulatory systems to increase food safety and facilitate local and regional trade;
    - 7.1.2. Federal legislation eliminating cargo preference provisions on P.L. 480 and other aid programs;
    - 7.1.3. Continuation of P.L. 480 and believe the primary emphasis should be given to humanitarian needs;
    - 7.1.4. The expansion of P.L. 480, particularly in areas of the world that are suffering from immediate drought or plagued with hunger problems;
    - 7.1.5. Efforts to shift P.L. 480 recipient countries to commercial sales by shortening credit terms and increasing interest rates as certain recipient countries become more affluent; and
    - 7.1.6. Expansion of P.L. 480 within World Trade Organization (WTO) consistent parameters and encouragement for Congress to require USDA and United States Agency for International Development (USAID) to utilize all appropriated funds.
  - 7.2. Because P.L. 480 has many objectives, including foreign policy, national security, humanitarian aid, and market development, we believe financing of this program should be shared by all agencies, in addition to USDA, whose interests are benefited.
  - 7.3. We encourage USDA to only use quality/approved shippers for P.L. 480 purchases and that all shipments are inspected and documented prior to shipment to ensure quality.
  - 7.4. Concessional sales or grants under this program should be made in such a manner as to encourage economic development within the recipient nations.
  - 7.5. The limiting factor in food aid programs is money, rather than an actual shortage of commodities in world markets. In order to meet emergency needs throughout the world, we favor the establishment of an international fund to be used for the purchase of agricultural commodities to meet humanitarian needs in disasters and other emergencies. Participating nations could be permitted to make part of their contributions in the form of commitments or commodities rather than actual currency deposits. Even the poorest of nations could contribute according to situation and ability. All nations should support such a fund and should share in its control in proportion to their contributions.

## 251 / Global Environmental Agreements and Treaties

1. We strongly oppose any U.S. participation in any agreement that would:
  - 1.1. Impose new regulation on American farmers through the United Nations;
  - 1.2. Increase costs for fuel, fertilizers and agricultural chemicals; and
  - 1.3. Put U.S. farmers at a disadvantage in international trade because of exemptions for developing nations.
2. We oppose:
  - 2.1. Ratification of any international agreements binding the United States to control greenhouse gases;
  - 2.2. U.S. Senate approval of any environmental treaty without the use of sound science ensuring our nation is not placed at a disadvantage or our sovereignty threatened;
  - 2.3. The creation of any global environmental agency with extensive powers to regulate the world's environment;
  - 2.4. Regulation of carbon dioxide under the Montreal Protocol; and
  - 2.5. The United Nations being given any authority or regulatory power over the natural resources of the United States.
3. Treaties not ratified by the United States may impact the ability of U.S. agriculture to trade worldwide. We recommend that all action by the executive branch focus on protecting the rights of U.S. producers and our ability to trade. U.S. involvement should not be viewed as an endorsement of a treaty's purpose or de facto ratification.

## 252 / International Trade

1. We are strong advocates of fair and open world trade.
2. Aggressive efforts must be made at all levels to open new markets and expand existing markets for U.S. agricultural products.
3. Agricultural exports will be increased by:
  - 3.1. Continuing to seek new markets for commodities and value-added products to enhance farm income and improve the farm economy;
  - 3.2. Continuing to export regardless of domestic supply;
  - 3.3. Reducing trade restrictions;
  - 3.4. Immediate, unrestricted trade and distribution of U.S. approved biotech products;
  - 3.5. Aggressive market development;
  - 3.6. The use of export licenses only for information purposes and not to limit the amount, timing or destination of exports;
  - 3.7. Providing USDA and U.S. Trade Representative (USTR) with the necessary resources to monitor and aggressively enforce trade agreements and reduce trade barriers; and
  - 3.8. Decreasing the regulation on the movement of U.S. agricultural commodities to Canadian ports for overseas shipment.
4. We support:
  - 4.1. An incremental or phased-in approach to open livestock and meat markets, this approach must be accompanied with strict steps for trading partners to reach World Organization for Animal Health (OIE) standards and a time certain for full implementation of those standards;
  - 4.2. Policies and actions that enhance and maintain a competitive domestic processing (value-added) industry and infrastructure for U.S. produced agricultural commodities;
  - 4.3. Agricultural imports from non-World Trade Organization (WTO) countries being subject to the same regulations and restrictions as members of the WTO; and
  - 4.4. Agricultural products that also have an industrial use or application remaining classified as an agricultural commodity for purposes of trade; Legislated import quotas are unacceptable solutions to import problems; and
  - 4.5. Funding for trade programs to ensure that U.S. imports meet the strict production criteria outlined in the Food Safety Modernization Act (FSMA) in order to ensure that any agricultural imported commodity or products meet the same or comparable requirements that U.S. agricultural producers must meet. This new funding should come from Food and Drug Administration (FDA) sources as opposed to the farm bill.
5. We oppose:
  - 5.1. International commodity agreements to allocate markets, control supply and restrict world prices to a narrow price range;
  - 5.2. Attempts to disguise protectionist policies as an endorsement of the multi-functional characteristics of agriculture;
  - 5.3. Any unilateral action by the United States to eliminate import restrictions and subsidies without equivalent commitments by other countries;
  - 5.4. The Generalized System of Preferences (GSP) for agricultural products, whereby developing countries are granted duty-free entry on certain products, since this runs counter to the Normal Trade Relations (NTR) principles;
  - 5.5. Protectionist restrictions on imported and exported farm inputs such as machinery, parts, petroleum and fertilizer; and
  - 5.6. Tariffs on fertilizer imports, including the antidumping duties placed on solid urea imports.
6. **Trade Agreements**
  - 6.1. Our government should insist on strict adherence to bilateral and multilateral trade agreements to which the United States is a party to prevent unfair practices by competing nations and to assure unrestricted access to domestic and world markets. All trade agreements should be continuously monitored and enforced to ensure they result in fair trade.
  - 6.2. We support the Trade Promotion Authority (TPA) for the president of the United States.
  - 6.3. We oppose efforts to put in place any sunset provision in free trade agreements.
7. **Trade Negotiations**

- 7.1. We believe that agriculture's best opportunity to address critical trade issues is in the multilateral arena.
- 7.2. We encourage the U.S. agricultural industry be a high priority in world trade negotiations, so that the nation's food security will be preserved for future generations. We encourage all countries to adhere strictly to WTO rules.
- 7.3. We will not take a final position on any potential trade agreement until the negotiations are completed.
- 7.4. The AFBF Board will analyze, review, debate and vote on each and every free trade agreement and partnership (either bilateral or regional). We will only support an agreement or partnership if it provides a positive outcome for U.S. agriculture. The effects on all agricultural commodities will be considered.
- 7.5. We urge the administration to support the following trade negotiations objectives:
- 7.6. **WTO Negotiations:**
  - 7.6.1. Inclusion of a peace clause;
  - 7.6.2. Include all ultra-filtered dry dairy products plus casein under WTO quotas for dairy;
  - 7.6.3. Shortening of the WTO dispute settlement process;
  - 7.6.4. Opposition singling out any one commodity for separate negotiations by the WTO;
  - 7.6.5. Encourage USTR to work with WTO member countries to establish objective criteria to determine which countries qualify as developing countries in the WTO discussions rather than the current self-election process;
  - 7.6.6. Provide special provisions for developing economies if self-determination is eliminated and an objective criteria for determining developing country status is adopted;
  - 7.6.7. The use value tax treatment of agricultural land be classified in any WTO agreement as a permitted, non-disciplined producer support element; and
  - 7.6.8. Any modifications must be compatible with current farm programs as outlined in the farm bill.
- 7.7. **WTO and all other negotiations:**
  - 7.7.1. Elimination of export subsidies;
  - 7.7.2. Elimination of non-tariff trade barriers;
  - 7.7.3. Discipline and transparency of state trading enterprises;
  - 7.7.4. Ensure market access for biotechnology products;
  - 7.7.5. Include all agricultural products and policies in the negotiations;
  - 7.7.6. Address issues concerning import sensitive products;
  - 7.7.7. Elimination of export sanctions and all export restraints;
  - 7.7.8. Adopt a formula approach for the negotiations;
  - 7.7.9. A single undertaking in trade negotiations;
  - 7.7.10. Opposition to the Precautionary Principle;
  - 7.7.11. Opposition to the use of geographic indicators;
  - 7.7.12. Opposition to special unilateral tariffs for developing nations;
  - 7.7.13. USDA as the federal agency for food inspection and food safety, having the primary role in the U.S. trade negotiations;
  - 7.7.14. Trade agreements should not be tied to social reforms, labor or environmental standards of other countries; and
  - 7.7.15. Trade agreements negotiated with other countries to encourage equal implementation of patent rights relating to biotechnological agricultural seed products.
- 7.8. We support consideration of the adverse effects of imported agricultural products on domestic prices before increasing individual agricultural import quotas or reducing the tariffs.
- 7.9. We support provisions in trade agreements that prevent economic damage to import sensitive commodities and circumvention of domestic trade policy and tariff schedules while advancing U.S. agricultural trade and food security interests.
- 7.10. Future negotiations shall take into account advantages realized by foreign producers through subsidy or other means with respect to import sensitive products that put U.S. producers at a disadvantage. Any formal negotiation of any nation's accession in the WTO should include a positive outcome for American agriculture.
- 7.11. We oppose tariff reductions if it results in creating an oligopoly.
8. **Remedy/Enforcement**
  - 8.1. The federal government must enforce current trade agreements more aggressively to protect U.S. farmers from the non-compliant trade practices of other countries.
  - 8.2. The U.S. government needs to enhance its procedures and responsibilities to protect U.S. interests in North America Free Trade Agreement (NAFTA), WTO and other free trade agreements to increase monitoring and reporting on unfair practices of nations with respect to:
    - 8.2.1. Importing and/or dumping agricultural products;
    - 8.2.2. Subsidizing transportation and commodities;
    - 8.2.3. Influence of exchange rates;
    - 8.2.4. Labeling country of origin and quality of inspection;
    - 8.2.5. Excessive market fluctuation and/or influence;
    - 8.2.6. Sanctions and embargoes that affect U.S. agriculture;
    - 8.2.7. State Trading Enterprises;
    - 8.2.8. Export subsidies;
    - 8.2.9. Biotechnology; and

- 8.2.10. Foreign government ownership of commodity processing facilities that export to the United States.
- 8.3. We should take an active role in supporting the interests of individual commodity producers, when consistent with our policy, for import relief when domestic economic conditions warrant such relief. We favor immediate import remedies consistent with our international obligations to deal with potentially disastrous disruptions during a short marketing period for perishable U.S. commodities caused by a sudden influx of imported competitive products.
- 8.4. We support:
  - 8.4.1. Legislation to give producers of raw agricultural commodities legal standing in petitioning for relief from imports of processed agricultural products;
  - 8.4.2. A "Special 301" procedure for agriculture;
  - 8.4.3. Implementation of a timely trade dispute resolution process should take into account the perishability, seasonality and regional production of horticultural products;
  - 8.4.4. Strict enforcement of anti-dumping provisions of the Omnibus Trade Act of 1988;
  - 8.4.5. USDA and the USTR working with industry representatives to provide a timely and aggressive response to any infringement of trade agreements;
  - 8.4.6. Elimination of the privilege of shippers of new products into the U.S. to post bonds in lieu of cash deposits when paying antidumping and/or countervailing duties;
  - 8.4.7. The U.S. government strongly enforcing U.S. trademarks and patents, particularly when U.S. government entities consider sharing intellectual property with foreign trading partners;
  - 8.4.8. Better reciprocal agreements between the United States and Canada to protect U.S. producers in collecting monies due in private sales transactions; and
  - 8.4.9. All reporting, monitoring and inspection requirements being fully adhered to by importing countries and strictly enforced by the appropriate agencies.
- 8.5. Legislation should be enacted which provides financial assistance for costs of research and legal services incurred by farmers or their representatives who show prima facie evidence of injury and/or successfully file trade relief petitions seeking relief from unfair trade practices.
- 8.6. Countervailing duties should be imposed on imports which are subsidized and the U.S. government should not waive such duties until it finds the production or export of the commodity exported to the United States has ceased to be subsidized. We support legislation that would allow countervailing duties to be imposed quickly when such subsidies are proven. Until trade distorting subsidies are reduced or eliminated, we support import tariffs on subsidized agriculture product imports into the U.S. in order that U.S. agriculture products may remain competitive in the marketplace.
- 8.7. We oppose the use of technical customs classification rulings to modify the correct and legal duty on imported products.
- 8.8. We call for a return to adherence to the Normal Trade Relations (NTR) principle as a step in making WTO a viable organization for handling trade problems. The United States should approve NTR tariff treatment for any country that agrees to reciprocate and conduct itself in accordance with WTO rules. China should adhere to the rules set by the WTO and be closely monitored to ensure agricultural trade commitments are upheld.
- 8.9. Since the passage of the NAFTA, we support strict enforcement of import restrictions and enhanced export support from our government, and we support the concepts of equivalent quality inspections for domestic and foreign products. We support measures that would better protect producers who ship vegetables to Canada, especially in regard to grades and standards. NAFTA trade relief should be negotiated to protect regional producers of fresh fruits, vegetables and nursery products.
- 8.10. We urge a reciprocal agreement be executed between the U.S. and Canada for the transportation of agricultural and forestry commodities and transshipment to noncontiguous states.
- 8.11. We support the negotiation and implementation of a revised Softwood Lumber Agreement so domestic timber producers are protected from unfairly subsidized and dumped Canadian imports.
9. ***Embargoes/Sanctions***
  - 9.1. The threat of unilateral sanctions or other restrictions adversely affects markets and is an inappropriate tool in the implementation of foreign policy.
  - 9.2. If a unilateral sanction is declared because of an armed conflict, it should apply to all trade.
  - 9.3. The U.S. government should lift all trade sanctions on all countries that may purchase U.S. farm commodities. Requirements for specific licenses and the prohibition on third country financing for agricultural commodities should be eliminated.
  - 9.4. An embargo should not be declared without the consent of Congress.
  - 9.5. Unless an embargo is approved by Congress, agricultural export contracts with delivery scheduled within nine months of the date of sale should be honored.
  - 9.6. Countervailing duties should be imposed on imports that are subsidized with trade-distorting subsidies. The U.S. government should not waive such duties until it finds the production or export of the commodity exported to the United States has ceased to be subsidized in a trade-distorting manner. We support legislation that would allow countervailing duties to be imposed quickly when such trade-distorting subsidies are proven. Until trade-distorting subsidies are reduced or eliminated, we support import tariffs on such subsidized agricultural product imports into the U.S. in order that U.S. agriculture products may remain competitive in the marketplace.
  - 9.7. Producers should be compensated by direct payments for any losses resulting from unilateral sanctions.
  - 9.8. We should not limit the use of export credits and programs in response to domestic supply.
  - 9.9. We will aggressively seek immediate normalization of trade and travel relations with Cuba.

## 10. *Export Programs*

### 10.1. We support:

- 10.1.1. Commercial trade for cash and normal credit terms without subsidies;
- 10.1.2. The development of export programs for agricultural products by private entities;
- 10.1.3. A joint venture by all of agriculture to develop WTO- consistent export promotion programs;
- 10.1.4. The expansion and development of hay and forage export markets;
- 10.1.5. Individual shipment violations not leading to the disruption of trade;
- 10.1.6. The use of the most current proven technologies for animal health protocols for agricultural exports (e.g., in-vitro frozen embryos, blue tongue, etc.); and
- 10.1.7. Continued funding of the Export/Import Bank.

## 11. *Sanitary, Phytosanitary and Food Safety Standards/Imports*

### 11.1. We support:

- 11.1.1. The prohibition of imported agricultural products that are produced using chemicals and antibiotics banned or not approved for U.S. commercial use. We urge more inspection and stronger enforcement of these rules;
- 11.1.2. Harmonization of domestic food safety and quality standards with our international trading partners based on the guidelines set by the WTO and Codex Alimentarius;
- 11.1.3. We recommend quality standards and increased testing of imports for pesticides;
- 11.1.4. Adequate funding to inspect imports; and
- 11.1.5. Taking advantage of new security equipment at ports of entry to detect illegal plant and animal products or diseases.
- 11.2. To prevent the spread of pests and disease, we favor strict enforcement at all ports of entry against smuggling of food, birds, plants and animals into this country.
- 11.3. We support the establishment and enforcement of firm protocols to prevent the introduction of exotic and invasive pests and disease.
- 11.4. We encourage a thorough inspection system by USDA, Food and Drug Administration (FDA) and the Department of Homeland Security (DHS) on all products moved across the Mexican or Canadian border or other ports of entry into the U.S. The federal government should provide adequate and efficient services at all U.S. border crossings to protect the general health and welfare.
- 11.5. We recommend that all imported agricultural products at point of entry be subject to the same or equivalent inspection, sanitary, quality, labeling and residue standards as domestic products from the United States and Puerto Rico. Any products that do not meet these standards, Food Safety Modernization Act (FSMA) standards and the Food Quality Protection Act (FQPA) standards should be refused entry. The point of entry inspections should be in addition to "processing plant," "field" or other required U.S. government inspections in countries of product origin and should be paid for through user fees paid by the importer. We should increase efforts to ensure that imported foods meet standards equivalent to those set for domestic products. Rejected products should be marked in such a manner that they will not be accepted at other ports. We support increased fees for inspection of imported agricultural products.
- 11.6. We recommend that authority for the inspection of imported agricultural products be transferred from DHS to USDA Animal Plant Health Inspection Service (APHIS).
- 11.7. We urge DHS and APHIS, as they develop regulations relative to regionalization as required by WTO, to work cooperatively with industry in developing a program that ensures U.S. producers and consumers they will not be put at undue risk from the introduction of foreign plant and animal diseases.
- 11.8. We support APHIS in the establishment of minimal risk regions with respect to agricultural import restrictions based on a risk assessment of the potential for introduction of bovine spongiform encephalopathy (BSE), foot-and-mouth disease or other foreign animal diseases and the interventions that are in place in the designated region. APHIS should disclose the determination criteria and protocols with affected industries when a region is determined to be classified as minimal risk. Minimum requirements for such designation should include:
  - 11.8.1. The existence of a national animal identification and tracking program;
  - 11.8.2. Adequate active testing and monitoring programs for all OIE Class A animal diseases;
  - 11.8.3. Food inspection programs that are deemed equivalent to U.S. programs; and
  - 11.8.4. Product labeling that will enable tracking of the product.
- 11.9. We support the use of sound science and OIE guidance in classifying countries as a minimal risk region for BSE. Farm Bureau reaffirms its support for using sound science as a basis for reopening our markets to ensure continued consumer confidence.
- 11.10. We support a ban on the utilization and importation of animals, animal products, animal protein and animal byproduct protein (e.g., meat, bone, blood meal) for any use in the United States from sources known to have BSE, foot-and-mouth disease or other infectious and contagious foreign animal diseases that have not been designated as a minimal risk region. We urge USDA to closely monitor and strictly enforce animal health regulations (through frequent inspections, information collection, etc.) to protect U.S. consumers and the livestock industry.
- 11.11. We recommend an audit of the meat inspection system to ensure regulations are being followed. Rejected lots of meat should be tracked and denatured.
- 11.12. We oppose importation of livestock from any country without adequate testing, quarantine and tracking due to the possible spread of disease.

- 11.13. We recommend the use of the USDA quality grade stamp to only meat derived from animals born, raised, and processed in the U.S.
- 11.14. We recommend the allocation of 30 percent of the tariffs collected on imported seafood be used for promotion and research of aquaculture products.

## **253 / United Nations**

1. The United States should evaluate its participation in the United Nations (U.N.). We urge a congressional investigation into the need for and effectiveness of our participation in the U.N. programs. The investigation should serve as the basis for determining our future participation in these programs.
2. Any nation not contributing its equitable share to the support of the U.N. should not be permitted to vote.
3. We support:
  - 3.1. Reduction in all U.N. programs establishing international environmental standards, land-use regulations, interpreting environmental laws, rules or regulations of the United States, and interfering in the land-use or development of any U.S. business;
  - 3.2. Congressional efforts to reduce the U.S. share of the U.N. budget;
  - 3.3. The U.N. and its affiliated organizations should be used as tools to encourage the nations of the world to cooperate in the solution of international problems. U.N. actions should not obligate the United States to participate in specific programs without ratification by the Senate; and
  - 3.4. U.S. production agriculture involvement in the U.N. discussion on sustainable agriculture.
4. We oppose:
  - 4.1. One world government, and any treaty or pact that encourages one world government;
  - 4.2. U.S. troops being under U.N. command;
  - 4.3. The stationing, except for training, of foreign U.N. troops and equipment in this country;
  - 4.4. Any plan to create a U.N. park;
  - 4.5. U.N. ownership of any public lands within the United States;
  - 4.6. Implementing an international tax authority that is being proposed by the U.N.; and
  - 4.7. The U.N.'s Agenda 2030 plan for sustainable development; and
  - 4.8. The Yellowstone to Yukon Conservation Initiative.

## **SECTION 3 - MARKETING / BARGAINING / GOVERNMENT REGULATORY FUNCTIONS**

### **AQUACULTURE / EQUINE / LIVESTOCK / POULTRY**

#### **301 / Animal Care**

1. Proper care of livestock, poultry and fur-bearing animals is essential to the efficient and profitable production of food and fiber. No segment of society has more concern for the well-being of poultry and livestock than the producer. Animal-based medical research benefits both humans and animals - including pets, farm animals and endangered species. Research utilizing animals is necessary to ensure more effective human and veterinary medical practices.
2. Results from peer reviewed animal stress research should be emphasized along with practical ways to implement the results on farms and ranches.
3. We will encourage all commodity groups to pool resources to create and continue a direct concentrated effort to educate consumers on the facts associated with the production of livestock and other agricultural commodities using accepted best management practices.
4. Regulations should not unduly restrict the right of farmers, distributors, or retailers to hold and sell live animals. Likewise, the right of individuals to purchase live animals to prepare for food consistent with their personal or cultural beliefs should not be restricted beyond reasonable safeguards relating to the health of the species, safe handling, processing of animals and ensuring food safety.
5. We support:
  - 5.1. The proper treatment of animals;
  - 5.2. A farmer's right, in consultation with their veterinarians, to set appropriate protocol for common animal husbandry practices to be administered by the farmer or trained employee that are appropriate for their farm;
  - 5.3. Properly researched and industry-tested poultry and livestock practices that provide consumers with a wholesome food supply and enable farmers to improve the care and management of livestock and poultry;
  - 5.4. The use of scientifically proven technologies for agricultural production practices;
  - 5.5. The rights of individual commodity groups to develop a voluntary national production standard;
  - 5.6. Continued cooperation with other agricultural and agricultural- related organizations to address the animal care issue;
  - 5.7. The practice of educating livestock exhibitors and breeders about ethics and positive animal care practices;
  - 5.8. The exemption of farm visits by the general public, whether for profit or not, from licensing under the federal Animal Welfare Act;
  - 5.9. Vigorous enforcement of fines and/or reimbursement for animal research lost and all costs and damage incurred when farms or research facilities are willfully damaged. Responsible persons or organizations should pay all costs;



- 5.10. Criminal prosecution for individuals obtaining employment or entry into agricultural facilities under false or misleading pretenses;
- 5.11. Legislation that requires person(s) witnessing animal abuse to report findings to management and/or the proper authorities as soon as feasible or within 24 hours of witnessing such action;
- 5.12. A proactive and aggressive effort to address attacks by activist organizations on animal agriculture and the food industry;
- 5.13. Legislation to prohibit photography or audio recordings on private premises without the landowner's knowledge or consent;
- 5.14. The interstate commerce clause of the U.S. Constitution for all food commodity products which comply with public health or food safety regulation. There should be no restrictions on state-to-state movement of food products that do not affect the safe and healthy use of those products; and
- 5.15. Producer-led, voluntary quality assurance programs for all livestock sectors. We encourage all segments of the value chain, from farm to fork, to participate in their respective quality assurance program.
6. We oppose:
  - 6.1. Legislation or regulations that limit a producer's rights to breed livestock or domestic animals on the farm;
  - 6.2. Any mandatory requirement that producers establish psychological profiles or daily psychological monitoring of individual animals;
  - 6.3. Initiatives, referendums or legislation that create standards above sound veterinary science and best management standards;
  - 6.4. Any laws or regulations which would mandate specific farming practices in livestock production;
  - 6.5. Federal legislation or regulations attempting to place an additional tax or fee associated with animal care practices on each animal produced by an agricultural production facility;
  - 6.6. Legislation and regulations which would prohibit or unduly restrict the use of animals in research;
  - 6.7. The use of educational materials in our public schools that discourage use of animal products;
  - 6.8. The concept of animal rights and the expenditure of public funds to promote the concept of animal rights;
  - 6.9. Laws or regulations elevating the well-being of animals to a similar status as the rights of people;
  - 6.10. Legislation that would give animal rights organizations the right to establish standards for the raising, marketing, handling, feeding, housing or transportation of livestock including equines, poultry, aquaculture and fur-bearing animals;
  - 6.11. Any legislation that would pay bounties to complainants;
  - 6.12. The training of law enforcement personnel exclusively by any animal rights/welfare organization/group or the exclusive use of the groups' literary/course material for the purpose of the enforcement of animal welfare laws of the proper handling and containment of animals; and
  - 6.13. Regulation/legislation that restricts the ability to transport animals, other than concerning the legality of ownership or the temporary containment of the spread of disease or feral hogs.
7. We urge Congress to continue to address the problem of animal rights terrorism:
  - 7.1. We support the Animal Enterprise Protection Act of 1992 and urge all states to adopt similar statutes;
  - 7.2. Amend the federal tax code to allow for suspension or revocation of tax-exempt status for federally recognized charities linked to terrorist groups in the event that such relationships are confirmed by federal or state investigation;
  - 7.3. The IRS should diligently pursue removal of tax-exempt status to animal rights organizations whose level of political activity exceeds the level allowed for charitable organizations; and
  - 7.4. Direct the Office of Personnel Management to allow for permanent removal of the charity from the Combined Federal Campaign list of eligible charities in the event that such relationships are confirmed by federal investigation and be required to return all funds they have received as a result of being on the Combined Federal Campaign list.
8. We recommend:
  - 8.1. Stricter enforcement of laws requiring livestock market owners to water and feed livestock kept overnight in stockyards and markets;
  - 8.2. Industry-coordinated, non-ambulatory animal handling educational activities and oppose additional unreasonable federal regulations;
  - 8.3. The livestock industry opposes the shipment of non-ambulatory livestock from the farm to livestock markets or auctions;
  - 8.4. Separate classification of non-ambulatory livestock -- those due to an injury or accident and those which are diseased. Non-ambulatory livestock due to injury or accident should be allowed to be slaughtered and processed for personal use;
  - 8.5. Non-ambulatory livestock be properly handled or treated on the farm to avoid unnecessary suffering;
  - 8.6. If the proper professional treatment on the farm fails, non-ambulatory livestock be euthanized on the farm and properly disposed;
  - 8.7. If livestock becomes non-ambulatory during transport or while being held at livestock markets, non-ambulatory livestock should receive appropriate veterinary treatment, and special arrangements be made to have animals that remain nonresponsive after treatment euthanized, properly disposed and not used for human consumption;
  - 8.8. The livestock industry support additional research and evaluation of livestock husbandry including proper methods for the movement of non-ambulatory livestock, design of livestock production, handling and transportation systems; and
  - 8.9. The livestock industry encourages aggressive initiatives within its ranks to communicate the best modern animal husbandry and handling practices, including but not limited to:
    - 8.9.1. Methods to prevent livestock from becoming non-ambulatory;
    - 8.9.2. Information on practical and acceptable methods for the proper movement of non-ambulatory livestock;
    - 8.9.3. Facility designs that promote the safe and appropriate production and movement of livestock; and
    - 8.9.4. Education of producers and their employees on accepted protocols for animal care and antibiotic residue avoidance.

### **302 / Animal Health Emergency Management Preparedness**

1. Animal disease has a direct impact on food safety, which is fundamental to international trade.
2. Adequate USDA animal health facilities are critical to maintaining our world-class research on both foreign and domestic diseases. The United States should use every means necessary to ensure that these diseases do not reach U.S. soil.
3. We recommend that the USDA continue to work to develop an accurate rapid testing program for Johne's disease. Additional research is needed for developing diagnostics and vaccines, understanding the biology of organisms and determining why diseases emerge. We and the international community must give priority to other emerging infectious diseases such as foot-and-mouth disease (FMD), Exotic Newcastle Disease, West Nile Virus, vesicular stomatitis, bovine spongiform encephalopathy (BSE), classic swine fever, porcine epidemic diarrhea virus, pseudorabies, tuberculosis, salmonella, E. coli, scrapies, avian influenza and contagious equine metritis.
4. We support:
  - 4.1. The continued education and regulations for biosecurity issues already in place;
  - 4.2. The development of a new world-class national animal health emergency management system for the United States and fully funded animal disease response teams to respond in a quick and adequate manner;
  - 4.3. The development of pre-approved on-farm disposal plans to help manage Class A animal disease outbreaks;
  - 4.4. A farm premises identification program that is confidential and only used in case of a Class A animal disease outbreak;
  - 4.5. Cooperative efforts, between government and industry, at the international, national, state and local levels in crafting this management system, such as the National Animal Health Emergency Management system. Components of this system include prevention, preparedness, response and recovery;
  - 4.6. Expansion of the North American Vaccine Bank for foreign animal disease to meet emergency response requirements as defined by the USDA;
  - 4.7. Changing the focus of USDA's FMD emergency response plan from eradicating infected animals to implementing a widely available vaccination control program;
  - 4.8. The international border-state tuberculosis standards and adequate regulations to ensure imported cattle are tuberculosis-free;
  - 4.9. The development and production of foot-and-mouth disease vaccine on U.S. soil and/or by a U.S.-controlled company;
  - 4.10. Funding for emerging infectious animal disease research on scrapie, Johne's, porcine reproductive and respiratory syndrome (PRRS), anthrax, chronic wasting disease, porcine circovirus type 2 (PCV2), influenzas and similar respiratory diseases affecting domestic livestock and poultry, and cryptosporidiosis, which is a critical component to a national animal health emergency management system; and
  - 4.11. The inspection of all species and equipment from any country known to have FMD and/or BSE or any other disease that may pose a threat to the U.S. livestock industry.

### **303 / Aquaculture**

1. We urge Congress to continue and adequately fund regional aquaculture centers.
2. Recognizing the extremely short shelf life of some aquaculture feeds, we recommend that aquaculture feed labels include date of production and be legible.
3. Individual tagging or other marking of aquacultural products should not be required. Records commonly maintained in the course of normal business should be sufficient to document legally produced aquacultural products.
4. We recommend that soft shell crabs and turtles be included in any future aquaculture census conducted by U.S. government agencies.
5. We recommend that USDA's National Agricultural Statistics Service conduct a national census of aquaculture every five years.
6. We recommend that freshwater aquaculture producers be exempt from permits and fees required as a prerequisite to allow them to hold, raise and sell aquaculture species.
7. We encourage USDA Animal Plant Health Inspection Service (APHIS) to work with the aquaculture industry and producers in developing rules to contain Viral Hemorrhagic Septicemia (VHS) while not adversely affecting the marketing and including interstate transport of live fish not infected with the virus.
8. We urge the Aquatic Nuisance Species Task Force to adopt farm-level aquatic invasive species (AIS) hazard analysis and critical control point (HACCP) programs as a means to prevent the spread of AIS. Environmental DNA (eDNA) and polymerase chain reaction (PCR) testing should not be used as primary regulatory enforcement tools.
9. We urge Congress to adequately fund USDA Veterinary Services' budget requests for surveillance funding for VHS disease to prevent its spread within the United States.
10. We support:
  - 10.1. Federal legislation recognizing aquaculture and aquaponics as an agricultural industry with full benefits of traditional agriculture such as production insurance, health certification, loan guarantees and expedited approval;
  - 10.2. APHIS as the lead agency in establishing animal health certification and a national aquatic animal health plan;
  - 10.3. "Icing/Chill Kill" being recognized by USDA/APHIS as a form of euthanasia;
  - 10.4. Efforts to resolve the fish import situation, particularly Vietnamese and Chinese Basa. Efforts should include all areas such as anti-dumping, increased Food and Drug Administration (FDA) inspection and specific labeling;

- 10.5. Federally funded U.S. aquaculture research priorities that are developed with industry input and direction to assure such findings will serve industry needs, including the development of a live fish test to address disease concerns. Federally funded aquaculture research at publicly funded institutions (including the regional aquaculture centers) should not compete with private sector aquaculture. Such aquaculture research funding should contain an extension component to get research results out to the targeted U.S. aquaculture industry;
- 10.6. Action being taken to amend the Lacey Act to allow free interstate commerce of legitimately grown or harvested aquaculture products. Any limits to the movement of nonindigenous species should be balanced with the need to investigate new species to culture;
- 10.7. Legislation to exempt private aquacultural products from the Lacey Act. Until such an exemption occurs, we support:
  - 10.7.1. Reducing the extreme penalties that are assessed with a violation;
  - 10.7.2. Increasing the market value from \$350 to \$50,000 to trigger the felony provisions;
  - 10.7.3. Changing the current language from “knowingly” to “willingly or purposely”; and
  - 10.7.4. Exempting farmers and farms from warrantless arrest and search and seizure;
- 10.8. Federal assistance in the form of low-interest loans or other disaster relief for fish farmers who must remodel or go out of business due to whirling disease;
- 10.9. General labeling of aquaculture drugs for classes, families or other groupings or life stages of aquatic species. We oppose species-by-species labeling of drugs;
- 10.10. The concept of group or lot identification and oppose individual identification for aquaculture in the event animal ID is maintained;
- 10.11. Congressional action to transfer authority for wildlife damage to aquaculture crops and livestock from the Fish & Wildlife Service (FWS) to USDA's Wildlife Services regarding the control of predatory birds and other predators. Increased funding for programs that allow continued legal depredation efforts and roost dispersal of avian species that affect aquaculture production and loss of property to private and commercial fishery owners;
- 10.12. The coordination of the various segments of the industry in order to promote industry understanding and harmonization;
- 10.13. The 1991 language of nationwide permit 4 with regards to planting shellfish in submerged aquatic vegetation beds, instead of the 1996 revision language;
- 10.14. A scientific study of the beneficial environmental and economic effects of shellfish aquaculture in coastal regions of the United States;
- 10.15. The exemption of fish farms from Farm Service Agency (FSA) restrictions on loans in a floodplain;
- 10.16. The strict enforcement of current laws and penalties in cases of theft and/or willful destruction of fish and shellfish raised for sale;
- 10.17. The legalization of the sale of U.S.-propagated freshwater turtles that have been certified salmonella-free;
- 10.18. FWS and the National Marine Fisheries Service (NMFS) allow aquaculturists to obtain plant materials, invertebrates, vertebrates, broodstock, eggs or juveniles from the wild as required for aquaculture purposes as long as the wild population is not adversely affected;
- 10.19. Any legally acquired plant materials, invertebrates, vertebrates, broodstock, eggs or juveniles should be the property of the aquaculturist upon arrival at the farm and be considered agricultural products;
- 10.20. The development of a rapid response team by the federal government to control nonindigenous aquatic species should be a joint APHIS and FWS effort, since APHIS is the most experienced federal agency in dealing with invasive species;
- 10.21. The use of private aquaculture for contracts prior to building new public hatcheries or expanding existing facilities. Priority should be given to aquatic species quality and full cost of production of those species;
- 10.22. The development of paddlefish and sturgeon farming through continued research on captive propagation and husbandry practices. We also support a cooperative effort between paddlefish and sturgeon farms and state and federal agencies. We recommend amending the Endangered Species Act to allow free interstate and international commerce of legitimately grown or harvested paddlefish and sturgeon products including the shortnose sturgeon;
- 10.23. USDA Food Safety and Inspection Service should, as directed by the 2008 Farm Bill, immediately begin the inspection of all domestic and imported fish that is called or considered "catfish";
- 10.24. Increased funding for consumer education, research and economically practical methods for treatments of shellfish to control and remove *Vibrio* and urge the FDA to allow time for such research to be conducted before moving forward with ongoing efforts and proposals to prevent summertime harvesting of shellfish intended for raw consumption; and
- 10.25. Funding for National Oceanic and Atmospheric Administration (NOAA) to be the lead agency in facilitating the discussion on the expansion of marine aquaculture sites in federally regulated waters with industry and local, state and federal agencies. NOAA having a cohesive plan to:
  - 10.25.1. Identify marine aquaculture sites in federal waters;
  - 10.25.2. Assist industry in the placement of marine aquaculture in federal waters;
  - 10.25.3. Reduce conflicts among competing uses;
  - 10.25.4. Minimize adverse impacts on the environment; and
  - 10.25.5. Identify activities for potential co-location with aquaculture operations.

11. We oppose:

- 11.1. Any federal regulatory agency that would duplicate or supersede state controls in regulating the aquaculture industry at the state level;
- 11.2. FWS listing any species as injurious wildlife under the Lacey Act until a formal risk assessment has been conducted on that species by FWS;
- 11.3. FWS listing aquatic animal diseases as injurious species under the Lacey Act because USDA/APHIS already regulates aquatic animal diseases in the United States;
- 11.4. FWS requiring fish farmers to keep a daily, instead of monthly, log on birds killed under an FWS depredation permit or depredation order;
- 11.5. Any change or reclassification of baitfish as a food additive by the FDA;
- 11.6. The listing of triploid black carp and grass carp as an injurious wildlife species;
- 11.7. Any component of the Management and Control Plan for Asian Carp that might place unnecessary and/or burdensome regulations on aquaculture producers;
- 11.8. Canadian restrictions on importation of live bighead and grass carp. All carp must be killed before leaving a Canadian fish market;
- 11.9. FDA mandated sale prohibitions without consultation with the interstate Shellfish Sanitation Conference; and
- 11.10. The closure of the Harry K. Dupree Stuttgart National Aquaculture Center.

### **304 / Commercial Fishing**

1. We support:
  - 1.1. Regulatory or legislative reform of federal requirements for maintenance of logbooks by commercial fishermen which divulge proprietary information and individual trade secrets; and
  - 1.2. The commercial harvesting of Atlantic herring to be rendered into a fish meal product to be used in aquaculture feed.
2. We oppose all legislation that attempts to make any commercially caught fish a gamefish only or to make the sale of such fish illegal.

### **305 / Beef Checkoff**

1. We support the Beef Promotion and Research Act of 1985 and the Federation of State Beef Councils. We favor allowing the free market system to work in the U.S. beef industry.
2. We support the following changes to the beef checkoff provisions:
  - 2.1. An opportunity to petition for a referendum;
  - 2.2. An increase of the checkoff rate;
  - 2.3. Enhanced understanding of the Federation of State Beef Councils;
  - 2.4. Making the checkoff more inclusive; and
  - 2.5. Half of the beef checkoff stay in the state of origin without the requirements that producers sign a form to keep checkoff funds in state.
3. Unless approved by a cattle producer referendum in advance, we oppose:
  - 3.1. Any national beef checkoff program established under the Commodity Promotion, Research, and Information Act of 1996; and
  - 3.2. Other changes to the selection process for the Cattlemen's Beef Board.

### **306 / Equine**

1. We support:
  - 1.1. The use of equine for transportation, recreation and business;
  - 1.2. Legislation and rulings that allow the sale, possession and transport of horses intended for processing or rendering, and encourage a national education campaign targeted toward legislators and the media as to the consequences of eliminating equine harvest, resulting in unintended animal abuse and neglect, and the negative impact on the equine industry;
  - 1.3. Domestic ownership, control and location of equine processing facilities with the understanding that facility owners will pay for approved USDA inspection if federal funding is not available;
  - 1.4. The reopening or development of new equine harvesting facilities;
  - 1.5. The classification of horses as livestock;
  - 1.6. Maintaining accessibility to federal and state lands for equine activities through the passage of the National "Right to Ride" Act;
  - 1.7. Funding for USDA Food Safety and Inspection Service (FSIS) inspectors in facilities that harvest horses;
  - 1.8. Including all aspects of the equine industry in the agricultural census;
  - 1.9. Encouraging equine owners to follow American Association of Equine Practitioners (AAEP) core vaccination guidelines for equine health and disease related issues;
  - 1.10. Including horses in the definition of livestock as it applies to qualifying for federal disaster programs;
  - 1.11. Individual and non-governmental organization rights to remove horses from harvest as long as they take possession of the horses and are responsible for their care and feeding;
  - 1.12. When an equine is in the custody of a government agency and an adoption has not been able to take place within 6 months, that equine should be euthanized with minimal stress without delay and processed;

- 1.13. Legislation that would recognize the inherent risks of equine activities;
- 1.14. The development of a national testing and surveillance program for Piroplasmosis;
- 1.15. Funding for USDA FSIS to create withdrawal protocols for animal remedies used in the equine industry;
- 1.16. Working with veterinary schools and veterinary associations to encourage education on the use of captive bolt gun for equine euthanasia. This AAEP and American Veterinary Medical Association (AVMA) approved euthanasia method is more environmentally friendly than barbiturate overdose and ensures more options for carcass disposal;
- 1.17. Congress directing funds that were previously allocated to inspection of processing plants (and removed in 2015 budget) to research withdrawal times for equine pharmaceuticals and develop rapid diagnostic drug residue testing procedures for horses bound for processing;
- 1.18. All inspection processes relative to the Horse Protection Act by industry and/or USDA should include science-based criteria to arrive at an objective summation of compliance or non-compliance; and
- 1.19. The unrestricted use of horse pads for purposes of shoeing horses.
2. We oppose:
  - 2.1. The passage of the Horse Slaughter Prevention Act or similar legislation;
  - 2.2. The classification of horses as companion animals;
  - 2.3. Any regulations that prohibit the harvest of equines;
  - 2.4. Any legislation that would curtail movement into Mexico and Canada of horses that meet the requirements of existing trade agreements;
  - 2.5. Coggins testing for horses going directly to slaughter; and
  - 2.6. Legislation or regulation that would ban the use of double deck livestock trailers for horses as long as the trailers are adequately designed.
3. Equine Dentistry
  - 3.1. We support excluding certified equine dentists from being regulated as practicing veterinarians.

### **307 / Livestock and Poultry Health**

1. We recognize the need for feed additives and medication in livestock, poultry and minor species. We favor judicious use and withdrawal restrictions of feed additives and therapeutics. We oppose the banning of such additives and therapeutics. We urge thorough investigation of the accuracy of the tests used by government agencies to determine drug residues in livestock and poultry. Producers who have had a drug tissue residue violation and remain compliant for 12 consecutive months should have their names removed from all violators lists.
2. When animals or groups of animals are partially or completely condemned, there should be a complete written report to the seller recording any permanent identification of the animals and stating the reason for condemnation.
3. Livestock feed labels should provide clear, concise and accurate information regarding ingredients and nutritional information. The Food and Drug Administration (FDA) and state feed control officials should consider making modifications in labeling requirements by developing more specific classifications of animal protein sources such as "non-ruminant derived animal proteins," "ruminant derived animal proteins" and "non-mammalian derived animal proteins" to provide producers with the information they need to make the certifications about feeding practices that the marketplace is demanding. It is unnecessary to label feed ingredients according to species origin. We support the use of the current warning statement of feed labels that states, "Do not feed to cattle or other ruminants" if the feed contains ingredients prohibited to be fed to ruminants by FDA rules.
4. To help ensure international uniformity in standards for pharmaceutical approval the FDA should use scientific research data of foreign countries to assist in approving animal health products for use in the United States. We further encourage Congress to ensure adequate funding for the National Animal Disease Center, National Veterinary Services Laboratory and Center for Veterinary Biologics and the Poison Plant Disease Center.
5. In an effort to protect the entire livestock and poultry industry, we believe that farm animals raised in urban areas should follow similar animal health protocol and production practices as those raised in agricultural areas.
6. We encourage producers to participate in voluntary quality assurance programs.
7. We encourage the use of electronic animal health papers, with the ability to include but not require actual digital photos of the animal, for relevant species. Digital photos of equine may be practical; however, digital photos of mass transit animals like cattle and hogs are not practical.
8. In an attempt to minimize economic impacts, no human disease should be named after an animal or commodity.
9. We oppose any producer checkoff or assessment to fund national livestock disease eradication programs, including but not limited to brucellosis, scrapie and pseudorabies.
10. We support:
  - 10.1. Legislation that would continue the ability of veterinarians to prescribe drugs and the accepted extra label usage of drugs needed for proper animal care. Adequate funding should be provided for the Food Animal Residue Avoidance Databank to allow for continued, free, immediate expert consultation to livestock owners and veterinarians in the event of accidental drug or toxin exposure to livestock or poultry. Veterinarian-prescribed and FDA-approved animal medication should be permitted to be stored in production facilities in properly secured enclosures;
  - 10.2. The continued sale of veterinary prescribed and over-the-counter animal health products and oppose further restrictions on their use, including any required on-farm reporting of drugs administered to livestock;

- 10.3. Amending the Controlled Substance Act to allow a veterinarian to transport and dispense controlled substances in the usual course of veterinary practice at a site other than the registrant's registered principal place of business or professional practice, so long as the site is within a state where the veterinarian is licensed to practice;
- 10.4. Adequate funding for FDA's proposals to increase the research development and availability of approved animal drugs for minor uses and minor species (MUMS Document) as well as the concept that there should be different requirements for drug approval for minor species and minor uses;
- 10.5. Research, development and importation of labeled animal health products;
- 10.6. Expedited approval for import to the U.S. of U.S. approved products which, due to economic constraints, are no longer manufactured in the U.S.;
- 10.7. The development of a core animal disease surveillance, control and eradication program to prevent the introduction of foreign or emerging animal diseases and poultry diseases and pests into this country and to control and eradicate those that exist;
- 10.8. The efforts of state agencies to control rabies. We recognize the need for restricted labeling of rabies vaccine. We encourage continued research into effective ways to immunize wildlife against rabies and make those vaccines readily available to responsible state agencies;
- 10.9. The development and identification of a swift and accurate live animal diagnostic test for Chronic Wasting Disease (CWD) and an eradication program;
- 10.10. Federal agencies assisting in providing funding for genetic resistance research to eliminate CWD in cervidae;
- 10.11. Farm animal vaccines containing potentially dangerous endotoxins be required to be labeled to identify possible side effects and preventive measures;
- 10.12. The National Veterinary Medical Services Act (NVMSA), which provides veterinary school graduates student-loan repayment if they agree to work in underserved areas. We encourage Congress to fund NVMSA and USDA to work with the livestock industry to develop participation guidelines that include giving priority to those who agree to enter the food animal and rural veterinary fields;
- 10.13. We support the elimination of the tax on Veterinary Medicine Loan Repayment Program (VMLRP) awards;
- 10.14. USDA continuing to work with the livestock and dairy industries to further develop methods to control leukosis;
- 10.15. USDA requiring all commercial feeds being sold show the total digestible nutrients in the feed;
- 10.16. Animal and Plant Health Inspection Service (APHIS) actively pursuing epidemiological studies on Vesicular Stomatitis (VS) and that the Agricultural Research Service (ARS) move quickly to study vectors, reservoirs and mode of transmission;
- 10.17. APHIS and ARS supporting research for the development of a licensed VS vaccine and protocol for vaccine use;
- 10.18. APHIS maintaining adequate staff involvement and monetary support to find solutions for the current outbreak and prevent recurrence of VS;
- 10.19. APHIS carefully evaluating international restrictions on animals and especially on products to assure that such restrictions are science-based;
- 10.20. Federal legislation, regulations or programs that support regionalization by APHIS to modernize animal movement regulations;
- 10.21. More research and education on the impact of Lyme disease and other tick-borne diseases carried by wildlife that cause serious illness to humans and animals;
- 10.22. The United States having its own testing requirements for animal diseases based only on sound science, with every effort to adhere to the Office of International Epizootics risk assessment standards;
- 10.23. Producers' continued access and ability to use polyether ionophores (e.g., monensin, lasalocid) as a feed additive to reduce methane production in cattle and to serve as a coccidiostat in poultry;
- 10.24. Changing the federal definition of a veterinary-client-patient relationship (VCPR) to allow for the use of telemedicine when making an animal health diagnosis and recommending a course of treatments;
- 10.25. Ionophores used in livestock and poultry production be reclassified as antiparasitics, not antibiotics; and
- 10.26. That any producer checkoff or assessment to fund a national livestock disease surveillance or eradication program be subject to producer oversight and/or contain a mandatory sunset provision.

## 11. ***Animal Antibiotics***

- 11.1. To protect the continued use of critical animal health products we support the following:
  - 11.1.1. Clarification and further review of FDA's veterinary feed directive (VFD) in regards to therapeutic drug use protocols. We also support a plan for education regarding the purpose and implementation of the VFD for producers, feed distributors and veterinary professionals;
  - 11.1.2. FDA's Veterinary Feed Directive (VFD) preserving the right for producers to use feed additives and injectable antibiotic products;
  - 11.1.3. Sound science as the basis for decision-making and policy development regarding antibiotics/antimicrobials used in food animal production;
  - 11.1.4. Use of the National Antimicrobial Resistance Monitoring System, the National Animal Health Monitoring System and USDA's food safety monitoring system to address issues of antimicrobial resistance trends in food-borne bacteria and animal health;
  - 11.1.5. Regulation of antibiotics/antimicrobials at the national level to avoid a state-by-state patchwork of regulation;

- 11.1.6. A multi-agency approach to on-farm antimicrobial-resistant bacteria trend research and surveillance that includes APHIS, ARS, Food Safety and Inspection Service and livestock producers;
  - 11.1.7. Rather than limitations or elimination of animal health and food safety protection tools, we would accept veterinarian oversight of antibiotic use, where veterinarian oversight is defined as a working relationship with a licensed veterinarian and allow for the purchasing of animal pharmaceuticals using a prescription without the requirement of purchasing directly from a veterinarian;
  - 11.1.8. The veterinary/patient client relationship as it relates to medical use and antibiotics, and the information should remain confidential and not subject to Freedom of Information Act requests. Similar to other farm data, all animal health records are the property of the farm and require the owner's written permission to be accessed;
  - 11.1.9. Current slaughter surveillance, testing and inspection as appropriate food safety and animal health protocol;
  - 11.1.10. The use of a standard symbol for all drugs that require a withdrawal time;
  - 11.1.11. The FDA allowing the extra label use of cephalosporin antimicrobial drugs in animals when warranted; and
  - 11.1.12. Amending the VFD to allow veterinarians to prescribe extra-label use of antimicrobial drugs in animals when warranted, including in the treatment of minor species. The VCPR establishes sufficient oversight of veterinarians for extra-label use when necessary.
- 11.2 We oppose any attempt to reclassify over-the-counter non-prescription injectable antibiotics to prescription-only status.
12. ***Bovine Spongiform Encephalopathy (BSE)***
- 12.1. We support:
- 12.1.1. Continued research to verify the means of transmission of BSE and methods to inactivate the causative agent;
  - 12.1.2. Federal legislation, regulations or programs which will support the establishment of a fund within USDA to pay beef and dairy producers to voluntarily submit the heads of downer animals for increased BSE surveillance;
  - 12.1.3. A uniform international standard to confirm BSE;
  - 12.1.4. Confidentiality of all inconclusive BSE test results;
  - 12.1.5. Announcements relating to BSE testing be made during non-trading hours at the Chicago Mercantile Exchange (CME);
  - 12.1.6. Continued monitoring and surveillance programs for BSE and other Transmissible Spongiform Encephalopathies (TSE) in the United States; and
  - 12.1.7. A ban on the inclusion in ruminant feeds of any animal proteins scientifically shown to transmit BSE.
13. ***Brucellosis***
- 13.1. Since brucellosis is a dangerous disease agent transmittable from wildlife to domestic livestock and humans, we support the enactment of a mechanism and the appropriation of funds to require federal agencies in custody of wildlife to compensate livestock owners and other aggrieved entities for actual expenses and losses brought about by conflicts from wildlife when such losses can be substantiated.
- 13.2. We support the Bi-National Tuberculosis and Brucellosis Committee in its effort to control/eradicate bovine TB and brucellosis in Mexico and to prevent its spread to this country. We urge USDA to adopt regulations consistent with the border states' consensus document. The goal is the complete eradication of the diseases in both countries. This should include the development and validation of rapid tests for the diseases as well as the ability to trace infected animals back to their point of origin. If TB-infected cattle continue to arrive in the United States from any Mexican state, we should urge USDA to place more stringent inspection, quarantine and testing requirements on all imported animals from that state.
- 13.3. We support:
- 13.3.1. A quarantine of wildlife in Yellowstone Park until it is certified free of brucellosis and TB;
  - 13.3.2. Adequate program funding to complete eradication and provide needed monitoring and surveillance;
  - 13.3.3. The federal government continuing full funding of brucellosis control activities in all infected states;
  - 13.3.4. A voluntary herd depopulation program and increased surveillance in order to speed up brucellosis control;
  - 13.3.5. Efforts to strengthen brucellosis laws and regulations and make them uniform among states;
  - 13.3.6. Updating state and federal rules regarding vaccination of cattle to coincide with RB51 vaccine science versus Strain 19 vaccine, including mandatory vaccination of heifers for breeding and possibly adult cattle; and
  - 13.3.7. State and federal funding for developing a more effective vaccine for protecting cattle and wildlife from brucellosis spread by wildlife and expanding research and diagnostics to understand the true health exposure.
14. ***Cattle***
- 14.1. We support:
- 14.1.1. Implementation and funding for the National Strategic Plan for the Cattle Fever Tick Program developed in 2006;
  - 14.1.2. Immediate funding to eliminate Fever Ticks from the temporary preventive quarantine areas and prevent their spread throughout the United States;
  - 14.1.3. Research to develop a test for accurate chute-side testing for Persistent Infectious Bovine Viral Diarrhea (PI-BVD);
  - 14.1.4. The program developed by the cattle industry requiring that all bulls 18 months of age and older offered for sale, at auctions or at private treaty, be for slaughter only unless verified trichomoniasis-free with written certification of a negative trichomoniasis test within 30 days prior to sale; and
  - 14.1.5. Research and eventual eradication of the screw worm.
15. ***Johne's Disease***
- 15.1. We support:

- 15.1.1. Implementation of a multi-year program to identify Johne's disease infected animals and to provide an indemnity payment at fair market value for disposal of cattle whose fecal culture has tested positive for this disease; and
- 15.1.2. The voluntary Johne's herd status program developed by USDA and an accurate rapid testing program. USDA should:
  - 15.1.2.1. Develop an accurate blood test for Johne's Disease; and
  - 15.1.2.2. Support funding to reduce the producer's cost to test for Johne's Disease.

**16. *TB (Tuberculosis)***

**16.1. We support:**

- 16.1.1. USDA developing a more accurate TB test;
- 16.1.2. USDA allowing states to have split state status for TB certification;
- 16.1.3. The Emergency Action Plan to complete the eradication of TB, and sufficient federal funding for the elimination of TB in the United States;
- 16.1.4. Amending the Code of Federal Regulations (CFR) and the Uniform Methods and Rules (UM&R) governing the USDA TB eradication program to allow the state's animal health authority to quarantine TB-infected herds, employ test-and-remove procedures to eliminate infection, and control movement within areas of risk defined by scientific analysis, rather than requiring depopulation of infected herds and downgrading the TB status of the entire state. Additionally, we support amending the CFR and UM&R to base any downgrading of states' status on prevalence and risk of disease spread;
- 16.1.5. Counting test-and-remove herds as TB positive herds only for the one year in which the herd had a positive TB test;
- 16.1.6. Changes in the national *Mycobacterium bovis* TB testing requirements that eliminate the need for an individual test for animal movement from a lower disease prevalence zone to a higher disease prevalence zone; and
- 16.1.7. The establishment and utilization of a science based zoning approach and testing process to address disease risk (e.g. a 10 mile radius zone around new TB positive domestic livestock herds where wildlife is involved).

**17. *Poultry***

**17.1. We support:**

- 17.1.1. A ban on the inclusion of ruminant animal proteins in poultry feeds;
- 17.1.2. The practice that all poultry crates and Pullman trailers used to haul live fowl (spent hens) for slaughter be cleaned and sanitized after each use at the poultry processing plant;
- 17.1.3. The development of a high-containment facility by USDA to study avian influenza and an appropriate vaccine;
- 17.1.4. The continuation of the federal-state cooperative agreement for animal avian health and surveillance of low-path H5/H7 avian influenza at current levels;
- 17.1.5. Authorization of poultry disaster assistance for growers, including contract growers, implemented by USDA to cover Avian Influenza (AI) production /revenue losses and associated disposal and clean-up costs;
- 17.1.6. Preventing, detecting and responding to future cases of highly-pathogenic AI as a priority for poultry growers, industry and federal and state animal health officials. Prevention starts with sound workable biosecurity procedures included in the daily management activities carried out by growers and integrators; and
  - 17.1.6.1. We support:
    - 17.1.6.1.1. Expanding federal, state and industry response capabilities to enable rapid detection and response in domestic poultry flocks;
    - 17.1.6.1.2. Modifying USDA's indemnity program to split payments between owners/integrators and contract growers in the event of flock depopulation; and
    - 17.1.6.1.3. Streamlining the process for payment of indemnity and the cost of eliminating viruses to assist growers in returning to production.

17.2. We oppose mandatory testing of commercial laying flocks for *Salmonella enteritidis* until there is a statistically significant reliable testing procedure and protocol. Furthermore, we recommend that the trace-back program be discontinued.

**18. *Sheep***

**18.1. We support:**

- 18.1.1. More research and education on the impact of Bluetongue in livestock;
- 18.1.2. All owners of sheep participating in the Federal Scrapie Eradication Program;
- 18.1.3. Identification and trace back of source flocks for scrapie. All source flocks for scrapie should be identified for a minimum of one year even if there is a change in ownership. The National Scrapie Eradication Program should be administered consistently across state lines, including rules for tagging and identification of breeding animals;
- 18.1.4. Continued priority funding for scrapie research until the disease is controlled through the ongoing testing regimen; and
- 18.1.5. The implementation and funding of a USDA Sheep and Goat Scrapie Voluntary Flock Certification Program. We will support efforts to develop a swift and accurate live animal diagnostic test for scrapie and other TSEs.

18.2. We oppose banning domestic sheep from federal and state lands where Big Horn Sheep have been introduced.

**19. *Specialty Livestock***

**19.1. We support:**

- 19.1.1. USDA recognizing privately-owned cervidae and camelidae as domestic livestock. We urge individual states to take similar action;



- 19.1.2. USDA seeking authority to regulate the interstate movement of cervidae and camelidae and developing uniform standards of testing and appropriate follow up procedures. Individual states are encouraged to adopt these standards; and
- 19.1.3. The removal of the Department of the Interior's (DOI) authority to regulate exotic animal agriculture. DOI should continue to regulate non-domesticated animals.

20. **Swine**

20.1. We support:

- 20.1.1. Adequate funding of the pseudorabies eradication plan developed by the swine industry and strengthening the pseudorabies laws and regulations to require cleanup of infected herds;
- 20.1.2. Programs to develop and utilize swift and accurate tests to diagnose trichina in swine at slaughter and ultimately certify the United States trichina-free;
- 20.1.3. An efficient, strong, and adequately funded brucellosis control program leading to eradication of this disease in swine from the United States and Puerto Rico;
- 20.1.4. USDA continuing to assist countries which have experienced outbreaks of African swine fever to eradicate this disease and prevent its spread to the United States; and
- 20.1.5. Creating assurance among swine producers, veterinarians and packers allowing for the timely marketing of animals from herds infected with a non-reportable disease (e.g., Seneca Valley Virus) where animals are otherwise safe to travel, not contagious and pose no food safety risk.

21. **Transportation/Interstate & International**

- 21.1. Agencies that have import responsibility for mammal, gastropod, reptile, avian or aquatic animal species should be mandated legislatively to coordinate import requirements with USDA to reduce the risk of animal diseases being introduced. Firmer measures should be taken and more stringent penalties imposed to avoid the smuggling of pet birds into the country by requiring the micro-chipping of all imported birds during the time they are in commerce.

21.2. We support:

- 21.2.1. The USDA program to prevent the introduction of exotic diseases into the United States from foreign countries;
- 21.2.2. The USDA working with the state animal health officials on the development of an electronic signature option for animal health certificates that require a veterinary signature;
- 21.2.3. USDA regulations allowing certified veterinarian technicians to issue health certificates for interstate movement of livestock;
- 21.2.4. Federal regulations and programs which will encourage greater uniformity among states and countries in the testing and health requirements necessary for interstate and international transportation of livestock, nontraditional livestock and birds;
- 21.2.5. The establishment of a reciprocal agreement among brucellosis-and TB free states which would enable interstate movement of cattle originating from brucellosis and TB free herds by waiving the requirement for multiple pre-movement brucellosis and TB testing;
- 21.2.6. Stepped-up surveillance to prevent the illegal entry of livestock, avian, aquatic and reptilian species from any foreign country; and
- 21.2.7. Permanent inspection stations for imported livestock on the U.S. side adjacent to the border.

**308 / Livestock Identification**

1. A national animal identification system that facilitates animal disease traceability should be considered a separate and distinct issue from country-of-origin labeling. We favor the continued use of legally recognized traditional methods of permanent identification of livestock for individual ownership.
2. Any new method of livestock identification should only be considered if it is proven equally practical and effective as current methods and is a legally recognized form of proof of ownership in all states having livestock brand law. We urge the USDA to conduct a full cost analysis study of a national animal identification system program and to publish the details. No action should be mandatory until Congress has published the cost figures and appropriated funding.
3. We support the establishment and implementation of a market-driven voluntary national animal identification system capable of providing support for animal disease control and eradication, and further enhancing export markets for U.S. beef products. Individual states and/or tribes should have control of the animal ID program, not a private "for profit" company. We support the opportunity for each state to decide the entity controlling their respective animal ID program database. However, in the event of a disease outbreak, the controlling entities must be equipped to communicate and utilize the system to track and trace animals in a timely manner.
4. A cost effective national system of livestock identification, with adequate cost share among government, industry and producers should be established and regulated by an advisory board of producers, processors and USDA. Any such program must protect producers from liability for acts of others after livestock leaves the producers' hands, including nuisance suits naming everyone who handled particular livestock.
5. We support the following guidelines for a livestock identification program:
  - 5.1. The program must be as simple and inexpensive as possible for producers to implement;
  - 5.2. Cost share support from the federal government is vital especially for development and implementation;
  - 5.3. Producer information shall be confidential and exempt from disclosure under the Freedom of Information Act (FOIA);

- 5.4. Information shall be made available only to the proper animal health authorities in the event of an animal disease incident. Any unauthorized use shall constitute a felony;
- 5.5. The identification of animals will not be required until transported across state lines;
- 5.6. All imported animals should be permanently identified regarding their country of origin upon entry into the United States;
- 5.7. Ensuring the security of producer information and respecting the privacy of producers by only collecting data necessary to establish a trace-back system;
- 5.8. All current animal disease programs should be incorporated into a national animal identification system. Producers should need only one number for all programs; however, due to the voluntary nature of a national animal identification system, an opt-out method should be available to producers at their request;
- 5.9. Allowing an exclusion from any government mandated livestock traceability program for cattle under 18 months of age and those going directly to slaughter;
- 5.10. The development of uniform standards for electronic identification;
- 5.11. The development and adoption of livestock identification technology which will enhance the implementation of value-based marketing;
- 5.12. The hot-iron brand identification method as a legal, federally recognized method of permanent identification/proof of ownership in those states that have livestock brand laws; and
- 5.13. Meeting the reasonable identification requirements of foreign trade partners and overseas customers, ensuring the U.S. reputation as a reliable supplier of meat.
6. We oppose the labeling of the U.S. and Canadian cattle herds as one North American herd.

### **309 / Livestock Information Reporting**

1. We support mandatory price reporting for the livestock industry.
2. We support accurate and timely reporting of wholesale and retail meat prices.
3. Price reporting programs should be administered by the Agricultural Marketing Service (AMS) of USDA.
4. We support:
  - 4.1. Price reporting information being provided to the Grain Inspection, Packers and Stockyards Administration to enhance enforcement of the Packers and Stockyards Act;
  - 4.2. State and federal market reporting activities involving auction barns, special and seasonal feeder animal sales and beef, swine, poultry, dairy, lamb and goat breeding animals being continued;
  - 4.3. USDA-AMS developing protocols and rules to allow auctions to self-report results and price information when conditions or funding prevent official reporters from attending individual auctions or sales;
  - 4.4. Modernizing the livestock market reporting by the USDA for daily accurate and correct market information that will minimize the possibility of manipulation by market speculators;
  - 4.5. USDA including in its monthly livestock reports, information indicating the number and origin of imported and destination of exported livestock;
  - 4.6. USDA implementing publication rules that maintain confidentiality of individual and private business information; and
  - 4.7. USDA developing better reporting mechanisms for sheep, lamb and goat market information.

### **310 / Livestock Marketing**

1. Livestock producers should have access to competitive markets for price discovery that accurately determines the value of their products.
2. We support:
  - 2.1. Development and implementation of value-based marketing systems which convey the true value of product quality from the retail market to the farm;
  - 2.2. Contracts and marketing regulations should recognize species-specific business and marketing structures;
  - 2.3. Rights of producers and packers to enter into formula pricing, grid pricing and other marketing arrangements and contract relationships. Contracts and marketing arrangements should specify a negotiated base price before commitment to deliver. Such contracts and pricing arrangements should not be used to manipulate the market to the detriment of producers. We encourage producers to retain control over contract delivery and/or contract completion in furtherance of value-added marketing;
  - 2.4. Encouraging co-ops to play a larger role in the meat industry by building or acquiring packing houses; and
  - 2.5. Development of new risk management tools to enhance the ability of family livestock farmers to cope with market fluctuations.

### **311 / Organic Nutrient Management**

1. Organic agricultural by-products, including manure, are valuable resources and we oppose classifying them as industrial, solid or hazardous waste, or raw sewage.
2. We believe:
  - 2.1. In investment in technical support and the development of information resources in conjunction with the Soil and Water Conservation District, Cooperative Extension Service, and Natural Resources Conservation Service;

- 2.2. Adequate research should be completed to determine air quality and odor parameters that provide scientifically proven levels for livestock health and worker safety;
- 2.3. There must be no direct discharge from manure storage systems or livestock facilities to surface waters, drainage ditches or field tiles due to negligence, poor management and faulty structural design. Direct discharges due to natural causes should be exempt from civil and punitive penalties and damages;
- 2.4. Research on manure management is a high priority including such topics as odor reduction, waste and nutrient management and artificial wetland remediation of nutrients. Some flexibility should be allowed in wetlands management;
- 2.5. Any proposed law, rule or regulation which would restrict a farmer's nutrient management practices shall only be implemented if consistent with best management practices (BMPs) developed at the state level with the cooperation and assistance of our state land grant institutions with considerations given for local conditions. The authority for enforcement and implementation of these standards should be clearly defined to protect farmers from differing interpretations by state or federal agencies;
- 2.6. Coordination is required between the permitting agency for a livestock facility and the agency which designs the facility;
- 2.7. Government agencies must utilize proven scientific practices when developing policies concerning manure management facilities and the application of manure;
- 2.8. Government cost-share funding should be made available to producers for constructing manure handling facilities to correct existing problems;
- 2.9. Industry should develop guidelines for responsible and balanced environmental protection for confined animal units. These guidelines should include, but not be limited to, provisions covering manure control and management, separation distances, odor management, emergency spill response plans, etcetera; and
- 2.10. Expansion of any existing regulatory authority should not threaten the ability of independent producers to compete. Any standards that require changes in infrastructure for existing facilities must be based on proven scientific research and shall consider a cost-benefit analysis.
3. We support:
  - 3.1. Programs that educate farmers on techniques regarding properly managed organic nutrient systems and a public relations program to emphasize methods by which farmers protect the environment by using properly managed organic nutrient systems; and
  - 3.2. The concept of a voluntary certified nutrient applicator program.
4. We oppose:
  - 4.1. Efforts to impose a new layer of federal regulations and bureaucracy to existing federal and state regulations affecting agricultural operations;
  - 4.2. Any federal mandate on nutrient management. Each state should negotiate and/or implement its own specific program. Information obtained by government agencies on agricultural producers pertaining to nutrient management plans should be kept confidential;
  - 4.3. Awarding punitive damages in odor lawsuits; and
  - 4.4. Undue restrictions on spreading poultry litter on farmland.

### **312 / Packers and Stockyards Act**

1. We will work with the Grain Inspection, Packers and Stockyard Administration (GIPSA) for more strict enforcement of regulations requiring poultry to be weighed on the nearest scale within a reasonable time, not to exceed eight hours, after the poultry is picked up at the farm.
2. USDA, in conjunction with the Department of Justice (DOJ), should closely investigate all mergers, ownership changes or other trends in the meat packing industry for actions that limit the availability of a competitive market for livestock producers. Action should be taken to oppose further concentration of meat packers. USDA and DOJ should more aggressively enforce current antitrust laws pertaining to packer concentration.
3. Beef packers who process more than 1,000 head per day should be monitored so they cannot manipulate the market through forward contracting.
4. From a regulatory standpoint, captive supplies should be defined as all cattle owned, or controlled or contracted by a packer seven or more days prior to delivery.
5. The bonding requirement for livestock dealers and packers should be strengthened and more stringently enforced. The requirement should be reviewed on a quarterly basis and be adjusted to reflect the volume of the maximum financial exposure to producers and/or their brokers and then be made available to the public.
6. We believe GIPSA should be accountable to the livestock industry by providing current information concerning license and bond amounts of livestock market, livestock dealers and livestock order buyers.
7. We support:
  - 7.1. Continuation of GIPSA as a separate agency of USDA;
  - 7.2. The addition of dairy cattle and milk processors as named in the Packers and Stockyards Act;
  - 7.3. An amendment to the Packers and Stockyards Act of 1921 that would include the ratite (emu, ostrich and rhea) industry wherever applicable;
  - 7.4. Legislation on a state and national basis, establishing GIPSA as the overall authority and provider of oversight to ensure livestock contracts are clearly-written, confidentiality concerns are addressed, investments are protected, enhanced price transparency and price discovery are enhanced and terms of contracts are honored;

- 7.5. More vigorous enforcement of U.S. antitrust laws in keeping with original intent; to include the Sherman Act of 1890, Clayton Act of 1914 and Packers and Stockyards Act of 1921; and
- 7.6. Legislation that would prohibit packers from manipulating the number of captive supply cattle slaughtered from week to week in order to manipulate the cash market.
8. We oppose:
  - 8.1. Any attempt to lessen the ability of GIPSA to adequately enforce anti-trust laws and regulations;
  - 8.2. Prohibiting a packer or livestock buyer from purchasing, acquiring or receiving livestock from another packer, livestock buyer or another packer's or livestock buyer's "affiliate" companies or farms;
  - 8.3. The government making livestock buyers, packers, contractors or livestock owners justify in writing why and how they are buying or selling livestock on the spot market; and
  - 8.4. Any ban on contract livestock buyers purchasing livestock for more than one packer.
9. The Packers and Stockyards Act should be amended to:
  - 9.1. Extend prompt pay requirements to wholesalers and retailers of livestock products;
  - 9.2. Include a dealer trust provision that gives first priority to unpaid sellers of livestock in the event of a dealer default;
  - 9.3. Provide jurisdiction and enforcement over the marketing of poultry meat and eggs as already exists for livestock;
  - 9.4. Strengthen the ability of GIPSA to stop predatory practices in the meat packing industry;
  - 9.5. Provide producer restitution when a case is successfully prosecuted;
  - 9.6. Provide GIPSA enforcement authority to ensure that all instruments used in quantifying quality factors for value determination for livestock are performing to a set standard; and
  - 9.7. Include breeder hen and pullet operations so they are treated the same as broiler operations.
10. Any proposed GIPSA rules or legislation should address the following:
  - 10.1. Separate and different rules should be allowed for different species of livestock;
  - 10.2. An economic impact study must be conducted by USDA;
  - 10.3. Opportunities for marketing arrangements between packers and producers must be allowed and preserved;
  - 10.4. Confidentiality of contract information must be maintained; and
  - 10.5. Establish legal thresholds for proof of injury.

### **313 / Poultry**

1. We encourage individual producers to voluntarily adopt and follow litter/manure management plans.
2. We should continue to seek opportunities with poultry companies to further understanding between companies and farmers. Special emphasis should be on integrity of the present contractual relationship.
3. We encourage closer cooperation between builders of poultry houses and agricultural insurance companies and lenders to make sure the houses meet specifications of building codes.
4. We urge companies to justify mandatory modification of buildings and equipment through research documentation. Any modification should be a long-term agreement, negotiated in writing, between the grower and company before installation. The length of contracts should adequately protect a grower's investment in buildings and equipment.
5. We encourage exporting poultry meat products and continuing efforts to ensure that these products are not discriminated against by foreign markets.
6. We request the availability of a non-insured crop disaster assistance program for contract poultry farmers on a per flock basis, to be administered through the Farm Service Agency.
7. We support:
  - 7.1. Our poultry farmers and their role in the poultry industry;
  - 7.2. Open dialogue between the individual poultry farmer and the company representative as the most effective method of issue resolution;
  - 7.3. Collecting information concerning economic conditions of poultry farmer/members and farmer/poultry company relations;
  - 7.4. The National Poultry Technology Center and encourage support for federal funding for the Center to improve efficiency, effectiveness and economic viability of poultry production facilities;
  - 7.5. Affected growers being compensated for loss of income if an integrator closes a processing facility;
  - 7.6. Contract producers continuing to be furnished weight tickets for all poultry sold from their farms and for feed delivered to the farm. The weight tickets and feed charges should be in the farmer's hands by the time the producer receives the check;
  - 7.7. The pay averaging criteria be revised to compensate for company production decisions that influence a farmer/producer's settlement;
  - 7.8. Maintaining tournament production contracts allowing growers the opportunity to earn better than average pay as a result of proper management and capital investment;
  - 7.9. Integrators and farmers work together to practice all possible bio-security methods to help prevent disease;
  - 7.10. Integrators notifying all producers of any contagious diseases in their area;
  - 7.11. The burial of dead birds as an emergency management option when mortality exceeds normal daily mortality and the capacity of normal disposal or treatment methods;
  - 7.12. Aggressive research to address the inadequate scientific information concerning phosphorus;
  - 7.13. Changes to Animal and Plant Health Inspection Service (APHIS) plans to use normal mortality rates instead of using "remainder of the flock" in determining compensation; and

- 7.14. Development of an insurance product through Risk Management Agency (RMA) to protect contract poultry growers from losses due to Avian Influenza (AI) or other infectious diseases.
8. We oppose poultry integrators being allowed to void contracts or cut bird placements of growers because of failure to update equipment when their performance is equal to the company average in the area.

#### **314 / Rendering Facilities and Collection Points**

1. We encourage research that adds value and marketability of rendering facility products.
2. We support:
  - 2.1. The streamlining of the permitting process for rendering facilities and encourage livestock producers to use rendering facilities; and
  - 2.2. Legislation that provides economic and regulatory relief to rendering facilities and encourage further development and construction of rendering facilities and collection points.

#### **315 / Sheep and Goats, Wool and Mohair**

1. The USDA should evaluate the testing requirement of the wool grading program with emphasis on producer cost and feasibility.
2. Imported goat milk or curd must meet USDA milk quality regulations.
3. We support:
  - 3.1. The continuation of a strong sheep, goat, wool and mohair industry in the United States and recognize the need for continued promotion and development of value-added processing;
  - 3.2. The use of domestically raised lamb and goats;
  - 3.3. The designation of sheep and goats as minor species so that cattle research data can be used to approve animal health products for use in these species;
  - 3.4. The development of a separate sheep and goat checkoff program for promotion of their respective industries;
  - 3.5. The current loan program for wool and mohair;
  - 3.6. A lamb checkoff if consistent with our commodity promotion policy;
  - 3.7. The use of livestock protection animals on federal, state and public lands;
  - 3.8. Free trade of breeding stock that meet USDA health standards;
  - 3.9. The development of an orderly marketing framework involving all countries importing lamb into the United States; and
  - 3.10. The development of an appropriate somatic cell count test for dairy goats and sheep.
4. We oppose using a somatic cell count test designed for bovines to regulate dairy goat and sheep milk.

#### **316 / Wildlife Pest and Predator Control**

1. Controlling wildlife damage is a critical factor in maintaining the success of American agriculture. Toward that goal we support:
  - 1.1. Developing practical recommendations on methods for controlling all wildlife pests by providing adequate funding to USDA for intensive research;
  - 1.2. Contracts with land grant universities being considered to conduct this research. The results of all research should be more widely distributed to livestock producers;
  - 1.3. Programs to control prairie dogs on private and public land;
  - 1.4. Establishment of statewide or interstate compacts designed to administer a predator bounty system;
  - 1.5. Continuation of all established predator control practices and broader use, including traps and chemical toxicants under federal or state supervision;
  - 1.6. Aerial hunting to help control predator numbers;
  - 1.7. The use of livestock protection collars in animal damage control;
  - 1.8. Legislation which would require the control of wildlife including endangered species or provide depredation permits for farmers who suffer losses from wildlife;
  - 1.9. The continuation of the federal-state cooperative program for funding and administration of predator control;
  - 1.10. The continuance, in rural and urban areas, of predator and rodent control which benefits public health and safety;
  - 1.11. Control programs to reduce wildlife populations to manageable levels in areas where they are numerous and destructive;
  - 1.12. A standing depredation order for black vultures and the double-crested cormorant;
  - 1.13. The U.S. Fish and Wildlife Service (USFWS) refunding the \$100 application process fee for depredation permits not issued;
  - 1.14. New and more effective means of predator control;
  - 1.15. Federal, state and local officials to create a consistent process for livestock producers to follow when obtaining federal depredation permits. The process should include the ability for producers to work with local agencies to complete and submit all needed paperwork;
  - 1.16. Congress taking immediate steps to provide agencies/research scientists with adequate funds for wildlife pests and predator control and research designed to develop additional control methods, such as electronic surveillance and detection devices;
  - 1.17. Research to document the losses of livestock and game animals caused by predators and the resultant economic losses;
  - 1.18. Reinstatement of more effective permits which allow commercial duck and fish producers to control depredating gulls and other predators;
  - 1.19. USDA reviewing the availability of government trappers;

- 1.20. All Fish and Wildlife refuges allowing hunters and trappers to control pests and predators on any refuges with overpopulation;
- 1.21. Property owners having the right to protect crops and livestock from protected wildlife and predators;
- 1.22. A system to compensate farmers for damage from state or federally protected wildlife;
- 1.23. USDA Animal and Plant Health Inspection Service (APHIS) Wildlife Services working to eradicate feral hogs;
- 1.24. USDA taking action through the administrative rules process to end the release of live feral hogs in the United States. We support the eradication of feral hogs as an invasive species. All landowners should be encouraged to eradicate feral hogs on their land by any means possible;
- 1.25. A continued increase in funding for USDA-APHIS Wildlife Services for their continued legal depredation efforts and roost dispersal of avian species that affect aquaculture production. This funding shall be utilized to efficiently manage, mitigate and further assist aquaculture producers in their efforts to deter avian depredation at aquaculture production facilities. This shall include adequate staffing and the use of efficient and proven dispersal and depredation practices; and
- 1.26. The current ability to obtain depredation permits of avian predators that affect aquaculture production.
2. We oppose:
  - 2.1. The introduction or reintroduction of any species, including rodents, that prey on livestock, damage crops or animals that potentially carry contagious or zoonotic disease if such introduction or reintroduction is done without the approval of the state legislature;
  - 2.2. USFWS or anyone else, being able to release dangerous predators on or near private property. It should be mandatory to require them to capture and remove them; and
  - 2.3. Bureau of Alcohol, Tobacco, Firearms and Explosives regulating explosive pest control devices under federal explosive laws that require individual permitting and qualified storage facilities for the use of such devices.

## FOOD: PROTECTION, QUALITY AND SAFETY

### **336 / Agricultural Chemicals**

1. Agricultural chemicals are important in continuing to supply consumers with an abundant, safe, nutritious, high quality and reasonably priced food supply. We are committed to continuing the use of agricultural chemicals in a safe and judicious manner so as to protect the health and safety of producers, our employees, our families, our communities and the environment.
2. We encourage people using pesticides for nonagricultural purposes to become better educated on the safe application of these products.
3. We support access to critical pesticides used for crop and livestock production, along with increased funding for research on alternative crop and livestock protection tools. We request the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA) and USDA increase cooperation and expedite registration of additional new crop protection tools and traits.
4. We will work with and encourage the agricultural chemical industry through its advertising to present a positive and professional image of farmers and agriculture to the general public.
5. We encourage state control of container disposal and recycling programs.
6. **Regulation**
  - 6.1. We believe implementation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) should be based on credible scientific information in order to benefit farmers, the environment and the public and should be the sole federal regulatory authority over pesticides.
  - 6.2. The United States, Canada and Mexico should harmonize registration guidelines, labeling requirements and accept registration material for agricultural pesticides from those countries.
  - 6.3. We encourage testing of pesticides based on realistic levels of exposure or consumption.
  - 6.4. We believe that when a pesticide product receives an emergency use exemption under Section 18 of FIFRA, the state administering the pesticide provisions where the exemption was issued be authorized to re-issue that emergency use until a full FIFRA assessment is completed.
  - 6.5. We urge that risk/benefits be considered when the Environmental Protection Agency (EPA) or other agencies make a determination to restrict or cancel pesticides or agrichemicals.
  - 6.6. EPA should consider actual use data in its risk assessment process to support pesticide registrations and avoid decisions based on worst case assumptions. EPA should not assume that farmers apply pesticides at the maximum dosage rates or frequency of application as the label will allow.
  - 6.7. USDA and EPA should work cooperatively to find alternatives for pesticides that, as a result of regulatory action, have lost registrations and uses. We encourage the development of voluntary Pest Management Strategic Plans.
  - 6.8. We also request re-evaluation of previously canceled pesticides based on current scientific data.
  - 6.9. USDA should expand its scientific capabilities to better serve as a full partner with EPA in pesticide regulatory activities. EPA should be required to strengthen and take more seriously its required consultation with USDA.
  - 6.10. EPA should be able to contract with USDA to perform the testing for pesticide residues.
  - 6.11. Pesticide manufacturers and formulators should be held responsible for the safety and efficacy of crop protection products, if the chemical is used in accordance with the label.
  - 6.12. Atrazine, Acetachlor and Simazine are effective, economical crop protection chemicals that must continue to be available to farmers.

- 6.13. Provisions for experimental use, emergency exemptions and state special use registration are particularly important until federal registration is completed.
- 6.14. We support:
  - 6.14.1. Legislation that would limit authority for pesticide regulation solely to federal and state governments;
  - 6.14.2. Adoption of a negligible risk standard;
  - 6.14.3. The right to import U.S.-approved pesticides from other countries;
  - 6.14.4. The continued use of agricultural chemicals which currently have no viable alternatives, such as methyl bromide.  
We encourage research funded through state and federal agencies to find alternatives for methyl bromide that are economically viable, of equal performance and sensitive to the exposure needs of individual crops. Until a viable alternative is found, we support the use of a fair, science-based process for Critical Use Exemptions. The process should contain a reliable, consistent set of standards equitable to all parties involved;
  - 6.14.5. Clean Air Act amendments to allow U.S. producers to have access to methyl bromide consistent with phase-out dates for non-industrialized countries as outlined in the Montreal Protocol;
  - 6.14.6. Continuation of the Pesticide Data Program which provides pesticide residue information in food products for use by EPA in setting tolerance standards and registering pesticides;
  - 6.14.7. We recognize the ecological importance of pollinators and the necessity to judiciously utilize crop protection products to protect against loss of crop yield. We support the coexistence of crops and pollinators and urge that any pollinator risk assessment required for registration or regulation of crop protection products be based on field-relevant, sound scientific data;
  - 6.14.8. The concept of state management plans. However, we oppose the proposed EPA state management plan rule which fails to recognize effective state programs and imposes federal requirements to maintain uses of important crop protection tools;
  - 6.14.9. The continued use of the neonicotinoid pesticide group for agricultural and horticultural crops;
  - 6.14.10. If a crop protection product has gone through a review three times or more, the time frame between reviews should be doubled; and
  - 6.14.11. Consistent funding and streamlining of the pesticide review process within EPA to expedite registration.
- 6.15. We oppose:
  - 6.15.1. Any legal action made against the federal government based on excessively broad interpretations of environmental laws, which restrict or limit the safe and proper use of agricultural chemicals. Actions impacting a limited geographical region may set harmful and nationally recognized legal and regulatory precedent;
  - 6.15.2. Any regulation that would require a permit prior to application of a chemical for crop protection;
  - 6.15.3. Any requirement that applicators be required to notify all neighbors prior to any pesticide/fertilizer application and/or fumigant buffer zone limitations proposed by the EPA;
  - 6.15.4. Any curtailment of the safe and proper use of agricultural chemicals unless research and scientific data determine that injury to health and well-being would result;
  - 6.15.5. The inclusion of the Private Right of Action provision in the language of FIFRA;
  - 6.15.6. Any reduction to the quantity of methyl bromide requested by methyl bromide users for nomination as Critical Use Exemptions to the Parties of the Montreal Protocol, and we oppose any reduction by the EPA in the amount of Critical Use Exemptions authorized by the Parties of the Montreal Protocol; and
  - 6.15.7. Any additional EPA regulation of seed treatments for planting.

## 7. ***Labeling and Handling***

- 7.1. We recommend the agricultural chemical industry and agricultural producers work with the appropriate agencies to develop and use reusable, returnable and soluble pesticide containers and an economically and logistically feasible plan to dispose of containers.
- 7.2. We recommend that compliance with federally approved label instructions absolve farmers from liability claims for health issues, environmental pollution and from paying the cost of cleaning up environmental contamination.
- 7.3. We recommend that EPA financially support continued education on the proper use and handling of agricultural protectants.
- 7.4. We recommend that farmers triple rinse or pressure rinse containers and to return them for recycling in areas where such programs are currently available.
- 7.5. We support:
  - 7.5.1. Clarification of the current label on 2,4-D to allow its continued use as part of no-till systems;
  - 7.5.2. The use of vegetable oils as the base or carrier for pesticides;
  - 7.5.3. EPA cooperating in sponsoring amnesty programs for proper disposal of hazardous chemicals and discontinued chemicals;
  - 7.5.4. A permanent labeling system covering product name, date of manufacture, effective life and proper storage requirements being required to avoid the use of ineffective pesticides;
  - 7.5.5. EPA reconsidering labeling for pesticide application wind speeds in view of advancements in engineering and technology such as wind guards and low drift spray tips;
  - 7.5.6. The development and immediate use of uniform, permanent international symbols on agricultural chemical containers to ensure proper handling;
  - 7.5.7. Printing the EPA registration number and re-entry interval of each pesticide active ingredient in legible type size directly below its name;

- 7.5.8. Periodic upgrading of EPA/state pesticide applicator training to ensure a sound and effective source of training, information and certification on the proper handling and safe use of pesticides;
- 7.5.9. The development of more effective equipment for farm applications;
- 7.5.10. The safe use of pesticides and practices which will ensure the safety of handlers, applicators and agricultural workers; and
- 7.5.11. A list available online of all label changes.
- 7.6. We oppose:
  - 7.6.1. Politically mandated buffer zones; and
  - 7.6.2. EPA's attempt to shorten the permit certification timeline for pesticide applicator licensing and increase testing standards to make it more difficult for farmers to obtain a pesticide applicator license.
- 8. ***Data and Record-keeping***
  - 8.1. We support:
    - 8.1.1. Uniform pesticide record-keeping and statistically valid reporting for use in evaluating and maintaining pesticide registrations. The enforcement of record-keeping for restricted use farm chemicals should be done at the state level and in a manner that educates and is helpful to the producer rather than punitive;
    - 8.1.2. The voluntary collection of actual residue data from farm and orchard products to establish use patterns of the agricultural chemicals used in crop production. This data should be used in the pesticide registration, reregistration, cancellation and special review process only; and
    - 8.1.3. Increased funding for the USDA to increase credible information on pesticide use collected by the National Agricultural Statistics Service (NASS).
- 9. ***Specialty (Minor) Crop Chemicals***
  - 9.1. We urge Congress and the appropriate agencies to address the cost of label registration and reregistration for chemicals to be used on minor use crops and to provide methods of label clearance for them. Reregistration of specialty use chemicals should not be required unless research by qualified specialists demonstrates a need to change the registration.
  - 9.2. To expedite specialty crop pesticide registrations, we urge that chemicals cleared for application on edible food crops be additionally registered, with agreement of the manufacturer, for like applications of that same crop when planted for nonfood uses. If a chemical is cleared for control of a specific pest on an edible food crop, it should also be cleared for pest control on nonfood crops.
  - 9.3. We support:
    - 9.3.1. Legislative solutions to ensure availability of specialty crop use pesticides. These solutions shall include, but not be limited to, expanded Interregional Research Project #4 (IR-4) activities, tax credits to registrants who maintain these uses and reduced third-party registration liability;
    - 9.3.2. Encouraging the EPA to re-register Monosodium Methanearsonate;
    - 9.3.3. The use of Canadian data by the EPA for the registration of chemicals for use on minor oilseed crops; and
    - 9.3.4. Aerial application of agricultural chemicals is a safe and effective tool for farmers, and we oppose any efforts to limit or restrict this application method.
  - 9.4. We oppose any farmer, landowner or chemical dealer liability when anhydrous ammonia, ammonium nitrate or any other legitimate farm chemical is stolen from a farm premise.

### **337 / Biotechnology**

- 1. We will encourage and educate producers to be good stewards of biotechnology to:
  - 1.1. Maintain the integrity of the U.S. food and grain supply;
  - 1.2. Ensure technology remains effective through adherence to regulations (i.e. buffer, refuge, storage, transport, Integrated Pest Management); and
  - 1.3. Preserve opportunities for future biotech products and processes.
- 2. We urge state and federal political leaders to develop a positive national strategy for biotechnology research, development and consumer education. Part of this strategy should include an open and frank dialogue with all interested parties. We believe that our competitive advantage in world markets will be maintained only by the continued support and encouragement of technological advancements.
- 3. The approval of new products should be based on safety and efficacy criteria. Consideration of socioeconomic criteria should not be required.
- 4. We support initiatives that assist in the research, development and regulatory clearance of specialty crop biotechnology products. U.S. government agencies, particularly the USDA and the Food and Drug Administration (FDA), should continue to serve their respective roles in providing unbiased, scientifically-based evaluations concerning the human and animal safety and wholesomeness, as well as the environmental impacts of biotechnology-enhanced commodities. U.S. government agencies should evaluate whether there are improvements in the regulatory approval process or removal of obsolete statutes that could further enhance consumer confidence. We encourage USDA to take a lead in coordinating efforts to evaluate and move approved products and technologies to the marketplace in a timely manner.
- 5. We encourage seed companies to continue producing and making available conventional and genetically modified seed varieties. We favor strong patent support to encourage these new technologies. Patents should be broad enough to provide reasonable protection of development costs but should not be so broad as to grant one developer the right to a whole class of future developments for common plants or growing processes already in the public domain.



6. We oppose legislation outside of the established protection of intellectual property which serves to limit competition or innovation in biotechnology, either through intent or unintended consequences.
7. We support:
  - 7.1. Increased efforts through biotechnology and animal stem cell research to more rapidly develop traits with recognized consumer benefits, to increase the marketability of our products, to solve environmental concerns, to increase net farm income by decreasing input costs and to improve product quality and quantity to feed our ever-growing population;
  - 7.2. Patenting of animals to allow biotechnology companies to recover the costs of research and development of transgenic animals for agriculture. However, royalties from patents on transgenic animals must be structured in a manner which allow producers a clear understanding of their obligations and do not disrupt the existing livestock marketing systems;
  - 7.3. The continued development of animal cloning as a means to advance assisted reproductive technology such as artificial insemination, embryo transfer and “in-vitro” fertilization;
  - 7.4. Active involvement by the United States in the development of international standards for biotechnology. In order to protect producers from liability, adequate testing methods must be made available for all commercialized crops. Producers should not be penalized for testing costs. The original buyer of commodity crops should be responsible for testing of the commodity and upon taking delivery such testing should be accepted by end users. Producers shouldn't bear liability for off-farm introduction of biotech matter;
  - 7.5. Harmonization of international standards for biotech, testing and adventitious presence. The international bodies established to administer the sanitary and phytosanitary agreement of the World Trade Organization should retain the authority to influence the regulation of international trade in agricultural products enhanced through biotechnology;
  - 7.6. Seed tags on packages of agricultural seed stock that warrant genetic purity of seed contained therein. We will also support legislation which allows producers to recover all damages in those instances where the seed does not conform to the genetic purity indicated on the seed tag. Adequate and accurate information on acceptable markets and market and planting restrictions must be provided in writing to producers prior to the time they purchase the original input product;
  - 7.7. Measures to reimburse farmers when there is independent documentation that biotech products have lost their effectiveness. In such cases, we call on seed companies to refund the technology fees paid by farmers;
  - 7.8. The maintenance of U.S. export markets by securing foreign regulatory acceptance of biotech products. Sellers of agricultural products enhanced through biotechnology should assume major responsibility for this acceptance. Extra efforts should be made to make farmers aware of markets where the products are not accepted by using such methods as color markings on bags, boxes or bulk delivery systems and/or seed tags;
  - 7.9. Scientifically accurate consumer education about the safety and benefits of genetically engineered crops;
  - 7.10. Congress taking the appropriate actions to ensure that the USDA's Agricultural Research Service plant-breeding programs be permitted to utilize biotechnology and other developing technologies in their breeding programs;
  - 7.11. An industry developed protocol for biotech crops before coming off patent that brings advanced technology to the market place and facilitates negotiated data sharing and use;
  - 7.12. Establishing domestic low level presence standards for biotechnology, including maximum acceptable levels;
  - 7.13. Developing standards for trading partners for the testing of low-level presence of biotech events that are not acceptable so that other products can move in the trading market; and
  - 7.14. Requiring seed companies to print both the cold and warm germination test results on all cotton, corn, peanut and soybean seed tags.
8. We oppose:
  - 8.1. All attempts by local political subdivisions to limit the production or use of genetically modified crops or animals;
  - 8.2. Any law or regulation requiring registration of farmers who use or sell products, including biotechnology. approved for sale by the FDA;
  - 8.3. Individual states establishing separate policies on agricultural biotechnology labeling, identification, use and availability;
  - 8.4. Split registration or limited use registration of seeds enhanced through biotechnology. Producers should seek and seed companies should provide adequate and accurate information on acceptable markets and market restrictions in writing to producers prior to the time they purchase the original input product. Adequate and universally accepted testing methods for biotech adventitious presence in seed should be established. Seed that is approved for restricted use or controlled distribution should be labeled and have visually distinguishing characteristics. FDA should set acceptable standards for determining what is non-biotech. Standards governing the identification or availability of biotech products should be established uniformly across the United States;
  - 8.5. The imposition by foreign countries of any import restrictions, labeling or segregation requirements of any agricultural product enhanced through biotechnology, once such commodity has been certified by the scientific community as safe and not significantly different from other varieties of that commodity;
  - 8.6. The adoption of policies, such as the creation of an indemnity fund, that tax or penalize growers for choosing to use approved biotechnology traits;
  - 8.7. The practice of seed marketers imposing a surcharge on U.S. customers that is not imposed on foreign customers; and
  - 8.8. Classifying plants derived through biotechnology as pesticides.
9. ***Products Not Destined for Food or Feed***
  - 9.1. Plant-made pharmaceuticals offer benefits in preventing and treating diseases. USDA should ensure appropriate protocol for the approval of research and production of pharmaceutical or industrial crops to protect the integrity of agricultural products.

- 9.2. Producers of biopharmaceutical crops and the regulatory agencies governing them should take extraordinary measures to ensure food safety and to protect the integrity of the U.S. food and grain marketing system. We urge the USDA and FDA to utilize a scientifically sound risk-based approach (tolerances) to regulation of introduced proteins in biopharmaceutical and industrial crops. FDA should consider establishment of risk classifications of such proteins and USDA should take these risk classifications into account when establishing requirements for experimental field trial and production permits.

### **338 / Direct Marketing**

1. We support:
  - 1.1. The USDA definition of Direct Marketing Farmers: Farmer-producers that sell their own agricultural products directly to the general public, which includes fruits and vegetables, meat, fish, poultry, dairy products, and grains; and
  - 1.2. The USDA recognizing and accepting State Inspection of Meat and Poultry products at USDA facilities.

### **339 / Fertilizer**

1. Fertilizer is a necessary input for agricultural producers.
  - 1.1. We support:
    - 1.1.1. The use of industry developed Best Management Practices (BMPs) for ensuring the safe and responsible holding, storage, transportation and use of all fertilizers;
    - 1.1.2. Continued research into the discovery of alternative sources of plant nutrients;
    - 1.1.3. Expansion of existing mines and development of new mines and production facilities;
    - 1.1.4. The creation of a USDA-led, inter-agency working group to develop specific strategies or actions to help address and alleviate shortages and excessive price increases for fertilizer;
    - 1.1.5. Coal gasification technology being used to produce nitrogen-based fertilizers; and
    - 1.1.6. Increased research in nutrient use and stewardship.
  2. Each chemical, production process and fertilizer is unique. Therefore, we believe:
    - 2.1. Anhydrous ammonia:
      - 2.1.1. If suppliers are mandated to modify anhydrous ammonia by adding deterrents, the supplier should be compensated by the government authority mandating the deterrent's use so that the additional cost will not be passed on to the farmer;
      - 2.1.2. If a farmer or landowner takes reasonable steps to secure anhydrous ammonia on their property, we oppose any criminal or civil liability being imposed on the farmer/landowner if the product is stolen and/or used for an illegal purpose;
      - 2.1.3. The continued availability and use of anhydrous ammonia as a valuable tool for agricultural production;
      - 2.1.4. The classification and labeling of anhydrous ammonia as a nonflammable gas;
      - 2.1.5. The Surface Transportation Board continuing to regulate the pricing of transportation of anhydrous ammonia through pipelines;
      - 2.1.6. Vigorous prosecution of the theft and/or use of anhydrous ammonia for methamphetamine production or other illegal purposes; and
      - 2.1.7. Research on additives or deterrents for anhydrous ammonia that would prevent its illegal use.
    - 2.2. Ammonium Nitrate:
      - 2.2.1. Department of Homeland Security (DHS) granting advance approval, rather than at the point of each sale, for purchase of ammonium nitrate when protocol is followed in confirming ID and registration;
      - 2.2.2. In regulation of the sale of ammonium nitrate, as long as the requirements are reasonable for farmers, fertilizer distributors and dealers; and
      - 2.2.3. We are opposed to any reformulation of ammonium nitrate that reduces its effectiveness as a fertilizer or increases its cost.

### **340 / Food Quality and Safety**

1. The American food supply is the safest, most abundant and affordable in the world. Agricultural chemicals and other technological advances play a major role in maintaining both the quality and quantity of our food supply.
2. We will monitor initiatives to improve and streamline food safety to ensure that policies and procedures are in place that build trust and reliability in U.S. agriculture.
3. We believe food safety issues at the producer level should be handled through "quality assurance programs."
4. We encourage the education of all food handlers on the proper preparation, cooking and serving of all food products and on sanitary practices as part of state licensing procedures.
5. Ensuring a safe, secure food supply is a critical concern when establishing domestic and international policy. We should continue to communicate accurate, timely information on food safety issues to the mainstream media and the general public. Our goal is to improve awareness and understanding of agriculture's commitment to providing a safe, high quality food supply at a reasonable price to the public.

6. We encourage food regulatory agencies to research and develop expedient and efficient processes to trace food contamination outbreaks, which result in economic losses and a lack of consumer trust. Food origin traceability should not extend to the field level or input level. Any system should be non-intrusive and economically feasible.
7. Producers of legal agricultural products should not be held responsible or liable for long-term health problems claimed to occur from the products' consumption or use.
8. We support:
  - 8.1. The consideration of both the risks and the benefits of pesticides in the evaluation of chemical products;
  - 8.2. The establishment and promotion of sound scientific research criteria which ensure the safety of food additives;
  - 8.3. Legislative and regulatory decisions concerning food irradiation (cold pasteurization) based on valid research;
  - 8.4. Utilization of USDA approved technologies, such as cold pasteurization and high pressure processing to eliminate *E. coli* and other pathogens from our food supply;
  - 8.5. The use of modern technology in the processing and the handling of food to assure food safety and to promote consumer confidence in the food supply. More research should be conducted by agricultural colleges into inspection methods to eliminate the risk of pathogens in food;
  - 8.6. Immediate actions by USDA and the Food and Drug Administration (FDA) to raise the priority of, and resources devoted to, federal safety and inspection services including Food Safety and Inspection Service and Animal and Plant Health Inspection Service;
  - 8.7. Protection of our food supply by requiring that imported food products be subjected to the same high safety standards and testing as food products produced in the United States;
  - 8.8. Funding appropriate inspection services at a level permitting effective inspection of imported and domestic food products;
  - 8.9. Legislation to require the FDA and the Environmental Protection Agency (EPA) to prepare, in advance of final rule-making, agricultural cost/benefit statements on proposed regulations having a significant impact on agricultural producers;
  - 8.10. Cooperative efforts with food processors, chemical companies, government agencies, scientists and others who are responsible for the food supply of our nation to provide factual information on the safety of our food supply;
  - 8.11. Open communication with willing consumer groups;
  - 8.12. Provisions to allow the transport and storage of fresh eggs based on current USDA standards of 45 degrees Fahrenheit or less, but oppose the mandatory pasteurization of fresh eggs;
  - 8.13. State efforts to ensure the quality and integrity of unpasteurized fruit juices. We oppose FDA regulation of these products;
  - 8.14. Promoting science-based, voluntary commodity quality assurance products;
  - 8.15. Additional research on food safety technology advances;
  - 8.16. USDA and FDA removing *E. coli* as an adulterant;
  - 8.17. The right of private industry or farmers to meet quality demands exceeding U.S. Government standards for products they produce;
  - 8.18. The ability of cheese makers to use wood planks during production to age their cheese;
  - 8.19. The health benefits of animal fat being included with meat promotions;
  - 8.20. The use of preservatives in the meat of farm-bred exotic animals;
  - 8.21. Increased education efforts among producers on the prevention of all pathogens within the food and agricultural industry;
  - 8.22. The burden of proof to be on the complainant to prove negligence on an operation;
  - 8.23. FDA educating the food services industry on the dangers of the mammal meat food allergy, Alpha-gal; and
  - 8.24. Inspectors for federal food safety and security programs being required to present valid identification and upon departure leave notification of who was present.
9. We support efforts to develop food safety guidelines to help prevent microbial contamination of fresh produce. The guidelines must:
  - 9.1. Be based on sound science and risk;
  - 9.2. Provide flexibility to accommodate the great diversity of the fresh produce industry including those in geographically challenged areas;
  - 9.3. Be practical to implement;
  - 9.4. Take the form of good agricultural practices rather than federal or state mandates;
  - 9.5. Be consistent with existing state and federal regulations and guidelines;
  - 9.6. Support Good Agricultural Practices (GAP) and Good Handling Practices (GHP) standards;
  - 9.7. Be implemented in a manner that will not impair our ability to export produce items;
  - 9.8. Provide adequate resources to carry out an education program for the industry and consumers;
  - 9.9. Be tailored to the size, type and capacity of the farm;
  - 9.10. Include a provision that only agricultural products subject to FSMA count toward the gross sales threshold; and
  - 9.11. Allow for animal manure application that is flexible enough for utilization, food production and food safety.
10. Any food safety legislation or regulatory actions should adhere to the following principles:
  - 10.1. Increases in federal or state funding should not come in the form of fees or fines to farmers unless these fees are in the form of industry assessments under a marketing agreement order; and
  - 10.2. Any additional mandated regulatory requirements should not financially impact producers. An indemnification program should be instituted to properly compensate farmers when the government issues an inaccurate food safety warning or recall that causes losses.

11. USDA should be designated as the lead agency in the development and administration of food safety guidelines and should serve as the sole federal agency responsible for food inspection and safety. We support having employees from state agencies act as authorized agents of FDA to conduct required federally authorized inspections mandated under FSMA.
12. We oppose the establishment of user fees, licensing fees or other mandates compelling farmers to hire a third party to comply with federal or state food safety laws.
13. In the event Congress grants FDA food safety authority, FDA should coordinate with USDA in the development and administration of any food safety guidelines related to fresh produce or other agricultural production. FDA should not have on-farm authorities unless a food safety-related cause is indicated by sound science. Any recordkeeping requirements must be accompanied by assurance that information accessed by Federal or state government authorities in regards to food safety protocols will remain confidential. The guidelines must exempt farms engaged in direct sales to consumers from FDA oversight for sale of fruits and vegetables.
14. Following the initial publication of a proposed rule on food safety regulations, FDA should allow a second public comment to allow stakeholder review of any revisions before the final rule is promulgated.
15. We recommend funding to assist in the implementation of food safety regulations should come from the state and federal governments mandating the regulations.
16. Those making public health decisions that result in product recalls, product seizures or destruction of perishable goods must be held accountable when such decisions prove erroneous. Such entities must be required to compensate or indemnify individuals and companies for the monetary losses that occur.
17. We oppose incorporating water quality standards that require recreational water standards for agricultural water.
18. **Good Agricultural Practices (GAP)**
  - 18.1. GAPs are a set of recommendations that can help improve the quality and safety of the produce grown.
  - 18.2. We support:
    - 18.2.1. All government agencies following food safety and security protocol on farm operations;
    - 18.2.2. All GAP auditors complying with the same rules;
    - 18.2.3. Training for all auditors being consistent and uniform for both private and USDA auditors;
    - 18.2.4. GAP certification should have requirements reviewed by industry and science groups; and
    - 18.2.5. USDA having a program to certify private organic (NOP) and state organic inspectors to cross-train as GAP inspectors, thus allowing both inspections to take place on the same trip.
  - 18.3. We oppose:
    - 18.3.1. Expanding GAP programs beyond unprocessed ready-to-eat fruits and vegetables; and
    - 18.3.2. The FDA classifying ethanol by-products, spent grain and other animal feed as food stuffs under FSMA.

### **341 / Food Quality Protection Act (FQPA)**

1. As Environmental Protection Agency (EPA) implements the FQPA of 1996, we will actively participate in the regulation writing process to assure satisfactory implementation of the law and to protect farmers' use of many important and safe agricultural chemicals. Balanced and science-based implementation of the FQPA is of the utmost concern to farmers and ranchers.
2. Failure to implement the FQPA in a balanced way will have serious negative effects on pest management and food and fiber production in the United States, with subsequent adverse impacts on the health and well-being of the American people.
3. Specifically, we support the following FQPA principles:
  - 3.1. Sound Science—implementation decisions must be based on peer-reviewed science founded on reliable and accurate information;
  - 3.2. Transparency—the public must be informed of the criteria used to assess risk and the process by which decisions are reached;
  - 3.3. Balance—as EPA considers canceling older pesticide products as a result of the tolerance reassessment and reregistration process, it must give high priority to the review and approval of new products; and
  - 3.4. Workability—the law must be administered in a practical and realistic way. If EPA fails to follow congressional intent during the implementation process, we support the use of options such as litigation and legislation.
4. We will work aggressively to persuade EPA to find a workable and reasonable implementation of the FQPA. To achieve this, EPA must:
  - 4.1. Use sound science and reliable information, as intended by Congress, in fulfilling the FQPA mandate to protect public health from unacceptable risk of exposure to pesticides;
  - 4.2. Acknowledge to Congress and the public that sound science requires good data and validated methodologies, which require time to develop;
  - 4.3. Not use unrealistic default assumptions in the tolerance reassessment process;
  - 4.4. Abandon the idea of wholesale revocation of tolerances for the organophosphate insecticides;
  - 4.5. Determine whether to apply additional uncertainty factors on a chemical specific, case-by-case basis, considering the weight of all available and reliable scientific evidence;
  - 4.6. Use the most relevant toxicity endpoints in the tolerance reassessment process;
  - 4.7. Establish and maintain a deliberate, consistent and transparent decision-making process;

- 4.8. Give higher priority to making sound scientific decisions than to completing final tolerance reassessments by statutory deadlines. EPA should use the authority provided in the law to make preliminary decisions on tolerances and delay effective dates for a reasonable period of time to allow for data development;
- 4.9. Revoke only those tolerances that pose unacceptable risk and avoid removing uses that only pose a theoretical risk based on worst-case assumptions;
- 4.10. Not revoke tolerances unless tolerance reassessments are based on actual pesticide use and usage information;
- 4.11. Propose and maintain policies and methods for risk allocation and make them available for public review and comment;
- 4.12. Allow adequate time for pesticide users to make a reasonable transition to economic and effective alternative products and practices when existing product tolerances are revoked;
- 4.13. Redress the current resource imbalance between tolerance reassessment and new chemical new registration and accelerate the pace of making decisions of new products and uses. EPA should adopt an incremental risk approach to evaluating Section 18s;
- 4.14. Give high priority to the protection of minor crop uses;
- 4.15. Use USDA's knowledge and expertise throughout the entire decision-making process; and
- 4.16. Maintain pesticide use tolerances if cancellation of a tolerance results in increased imports or until effective, affordable products are in place.
5. To further achieve the goal of having a science-based workable implementation of the FQPA which will assure producers' access to safe, effective and economical crop protection products, we support:
  - 5.1. Giving top priority to streamlining the Section 18 registration process so products become quickly and readily available for emergency use;
  - 5.2. Grower input on products that may lose crops from labels, prior to the agency and the registrant reaching registration decisions;
  - 5.3. Developing additional incentives for registrants to register new products and reduced risk products;
  - 5.4. Utilizing negligible risk to speed the registration process for Sections 3 and 18 registrations and to reduce the cost of registration;
  - 5.5. Increased funding for the Interregional Research Project #4 (IR-4) so land grant institutions may conduct the necessary research needed to meet legislated guidelines for product review;
  - 5.6. Working with industry groups and the appropriate agencies to reduce the impact of the implementation of FQPA on the farm community;
  - 5.7. Inclusion of human risk data, whenever such data are available, in the tolerance reassessment process. Peer reviewed and ethically obtained human risk data should have priority over animal study data; and
  - 5.8. Expansion and full funding of the USDA's Pesticide Data Program to provide accurate data on exposure to pesticide residues at the final point of sale. Tolerance reassessment should rely on these data to the greatest extent possible.
6. We will:
  - 6.1. Urge Congress to review the implementation of the FQPA;
  - 6.2. Ensure the FQPA is being implemented as originally intended by Congress; and
  - 6.3. Support congressional action that will ensure a workable and reasonable implementation of the FQPA.
7. We recommend that EPA use a 95 percent confidence interval when evaluating pesticides for registration.

### **342 / Genomic Editing**

1. We support:
  - 1.1. The use of gene editing in livestock, companion animals, and crops, such as CRISPR and Mutagenesis technologies;
  - 1.2. The use of sound science in the regulation of genetically edited products. We believe that consumers, both domestic and foreign, deserve sound-science-based education on genomic editing;
  - 1.3. A voluntary and uniform labeling system for products designed with gene editing; and
  - 1.4. Continued research of genetic modification.

### 343 / Integrated Pest Management (IPM)

1. IPM can reduce the risk of output loss, the per-unit cost of production and liability from chemical damages.
2. IPM is a defensible use of pesticides because it focuses use where problems have been identified.
3. The loss of environmentally benign pesticides for specialty crops through the reregistration process will weaken IPM efforts.
4. We urge the Environmental Protection Agency (EPA) and USDA to consider the impacts of pesticide product use losses and minimize their adverse effects on specialty and minor use crops.
5. IPM should continue to be a budget priority for USDA and land grant institutions. They should expand their research and development of IPM techniques on a regional basis.
6. We support:
  - 6.1. The widespread promotion and voluntary use of integrated pest management (IPM) as a method of reducing costs, risks, liability and total dependence on farm chemicals;
  - 6.2. Continued research and development of pesticides which degrade more rapidly, are less environmentally persistent and are compatible with accepted IPM practices;
  - 6.3. The removal of pheromones from the pesticide classification in order to permit, expedite and encourage their usage;
  - 6.4. Increased biological pest control research to determine where biological pest control measures can provide practical and feasible substitutes for, and supplements to, chemical controls;
  - 6.5. A "beneficial insects" category in USDA's Competitive Grants program; and
  - 6.6. Expanded educational programs to encourage the widespread adoption of IPM, including the addition of IPM instruction to pesticide applicator training programs.

### 344 / Labeling

1. We support proper labeling of feeds, foods, fibers and other agricultural products, including the specific oils and percentages used in food products. Safe handling instructions on agricultural commodities are encouraged. Warning labels on products should be based on conclusive scientific proof. The correct nomenclature for imitation products used as substitutes for traditional foods and fibers is an integral part of consumer protection. We do not object to new food products entering the market; however, these products should stand on their own merits. Manufacturers of imitation foods should be allowed to label their products with any available name provided no reference is made to the product being simulated and no descriptions are used that imply the traditional food origins. Labels on imitation products should state on the main display panel of the package that the product is an imitation.
2. Labels should not be required to contain information on production practices that do not affect nutrition or safety of the product.
3. We support voluntary Country of Origin Labeling (COOL) that conforms with COOL parameters and meets WTO requirements.
4. USDA should administer rules and regulations for certification. The implementation of COOL should not impose undue compliance costs, liability, recordkeeping and verification requirements on farmers and ranchers.
5. We support the inclusion of all dairy products in COOL legislation.
6. We recommend implementation of COOL to include all peanut products, raw and processed.
7. We support Congressional funding for the implementation of COOL.
8. We support the inclusion of honey and dry beans in COOL.
9. Imported products should be labeled at the distribution point and retail level as to the country of origin and date of packing. Labels on imported products should state on the main display panel of the package that the product is imported in letters not less than one-half the size of the product name. Labels on imported bulk food products should appear on the container panel/bin or in close proximity.
10. Products produced mostly in another country and "finished" in the U.S. or simply moved to the U.S. before final sale should not be labeled as U.S. produced.
11. For animal products to receive a "Grown in the USA" label the animal(s) must have been exclusively born, raised and processed in the United States.
12. We recommend USDA re-establish an official definition of grass-fed beef.
13. The Federal Standards of Identity for fruit juices should not be further weakened. We support percentage labeling for all processed juice and juice beverages to declare juice content. Fruit juices reconstituted from concentrate should be reconstituted at a Brix level equal to the average of the single-strength juice produced from that fruit in the United States. We support the timely enforcement of Food and Drug Administration (FDA) regulations concerning the adulteration of juice.
14. We support:
  - 14.1. Consumer-friendly, science-based labeling of agricultural products that provides useful information concerning the ingredients, nutritional value and country of origin of all food sold in the United States;
  - 14.2. USDA-approved market-based certification programs that identify production practices used to produce such food;
  - 14.3. Legislation to require labeling of clothing and fabrics according to their degree of flammability and melting point when exposed to heat;
  - 14.4. The science-based labeling policies of FDA, including:
    - 14.4.1. No special labeling requirement unless a food is significantly different from its traditional counterpart, or where a specific constituent is altered (e.g., nutritionally or when affecting allergenicity); and
    - 14.4.2. Voluntary labeling using statements that are truthful and not misleading;
  - 14.5. A voluntary and uniform labeling system for products designated as genetically modified organisms (GMOs);

- 14.6. Voluntary labeling of identity-preserved agricultural and food products that is based on a clear and factual certification process;
- 14.7. The use of the "REAL" seal only on dairy products made with U.S.-produced cow's milk;
- 14.8. All levels of government to vigorously enforce laws regarding the fraudulent and misleading labeling of dairy products;
- 14.9. Allowing changes to the fat percentage labeling on bottled milk from "2% Fat" to "98% Fat Free," "1% Fat" to "99% Fat Free," etc.;
- 14.10. Truth in advertising when live plants are offered for sale to the general public;
- 14.11. Imposing severe penalties for intentional mislabeling of agricultural products;
- 14.12. Requiring all food products containing animal or vegetable ingredients being labeled as to the percentage and type of each;
- 14.13. Requiring wines derived from grapes labeled as American or U.S.A. appellations containing 100 percent U.S. grapes;
- 14.14. U.S. origin products proudly displaying the American flag in a prominent position on the label;
- 14.15. Prohibiting the use of commonly known and industry recognized "meat" terms in the labeling and advertising of all lab-grown and plant-based alternatives;
- 14.16. The placement of a Quick Response (QR) Code linked to nutritional information in lieu of providing the actual required nutritional information on packaging; and
- 14.17. Alcoholic cider being defined as made primarily from apples, and pear cider being defined as primarily from pears.
- 15. We oppose:
  - 15.1. False, misleading, negative or deceptive marketing and promotion and/or label claims such as food products derived from the use of biotechnology;
  - 15.2. Use of the non-GMO label on products that currently do not have GMO alternatives;
  - 15.3. FDA's proposal which would require warning labels on unpasteurized juices and fresh fruits and vegetables;
  - 15.4. Any product labeling that states or implies that organic food is in any way superior to other farm products;
  - 15.5. The creation of the new Bureau of Alcohol and Tobacco, Tax, and Trade regulations regarding nutritional labeling of alcoholic beverages;
  - 15.6. Applying the Federal Uniform Packaging and Labeling Regulation requirements to horticultural live plants grown in containers when these products are sold at the retail level; and
  - 15.7. The labeling of plant-based beverages as milk.

### **345 / Mycotoxin**

- 1. We support:
  - 1.1. A uniform sampling and grading standard that takes into account the actual mycotoxin levels;
  - 1.2. The present uniform test for mycotoxin for use in all states and development of an accurate method for testing and sampling at the marketplace;
  - 1.3. Research that accurately reflects the level of mycotoxin that may be ingested by a particular species with no harmful effects;
  - 1.4. Research on the prevention of mycotoxins by USDA and increasing research into the use of mycotoxin-affected commodities;
  - 1.5. Research for more accurate tests to determine mycotoxin levels as opposed to the black light test for final determination of mycotoxin;
  - 1.6. To ensure consistency in price discounts and crop insurance indemnities, we recommend grain buyers base any applicable mycotoxin discounts on tests conducted by trained personnel at Risk Management Agency (RMA) approved labs, and we support the efforts to develop programs that would allow local elevators and feed mills that utilize RMA-approved personnel, testing equipment and procedures to become RMA-approved labs;
  - 1.7. The Food and Drug Administration (FDA) ruling on interstate shipments of grain and other products which contain mycotoxin as long as the ruling provides protection for animals and humans;
  - 1.8. Commodity Credit Corporation changes in the tolerance levels of mycotoxin for privately stored corn in the government loan program to the same levels for public storage facilities;
  - 1.9. The removal of FDA restrictions on interstate and export shipments of mycotoxin corn and cottonseed which has been treated with a high pressure-high temperature ammonification process to reduce the mycotoxin to insignificant levels;
  - 1.10. Funding for an Aflatoxin Mitigation Center for Excellence;
  - 1.11. The standardized use of the "thin layer" test for determining vomitoxin levels in grains and end products; and
  - 1.12. Making permanent the 2012 FDA national emergency corn blending waiver for aflatoxin contamination. This waiver allows corn under 20 parts per billion (ppb) to be blended with corn up to 500 ppb to reach a species-specification level.

### **346 / Product Quarantines**

- 1. We support rules and procedures for removing quarantines on affected agricultural commodities. We recommend the federal government, in consultation and cooperation with state and local agencies, have the authority to impose regional quarantines.
- 2. Quarantines restricting the interstate movement of agricultural products should be based on conclusive science.
- 3. A quarantine period should not exceed 30 days. By the end of that period, the governmental agency imposing the quarantine should be required to take one of the following actions:

- 3.1. Revoke the quarantine;
- 3.2. Continue the quarantine for an additional 30 days, for a total quarantine not to exceed 60 days; except in the case of poultry, the total quarantine should not exceed 30 days;
- 3.3. Condemn the product and dispose of it within 10 days; or
- 3.4. If the quarantine extends into the second 30 days, loan arrangements should be made available to producers whose products are quarantined for conditions beyond their control.
4. We support a revision of the United States Department of Agriculture (USDA) pre- and post-harvest treatment manuals relating to quarantines.

## INSPECTIONS / STANDARDS

### **355 / Fruit and Vegetable Grades and Standards**

1. We support periodic review and revision of federal grades and standards for fruits and vegetables to better reflect conditions due to modern harvest and marketing methods.
2. Fruit and vegetable grades and standards should not be changed solely on the assumption that such a change would alter crop production practices.

### **356 / Grain Standards, Grading, Inspection and Pricing**

1. Farm Bureau, USDA and the grain trade should continue to work cooperatively to improve grain standards which accurately reflect the importance of test weight, protein content, insect infestation levels, moisture, dry matter basis and foreign material in determining quality, grading and pricing factors for soybeans, wheat and feed grains.
2. We support:
  - 2.1. Adjusting U.S. grains and oilseeds premiums and discount schedules to encourage the storage, delivery and export of high-quality, clean grain;
  - 2.2. Offering incentives to minimize the percentage of moisture, foreign material, dockage and shrunken and damaged kernels;
  - 2.3. Strengthening and enforcing federal standards that would reflect the quality of grain sold in world trade;
  - 2.4. USDA accelerating research to develop more objective tests and promoting the use of those tests to accurately differentiate between types of classes of grains based on hardness, protein content and physical and biological characteristics;
  - 2.5. USDA conducting a comprehensive study to identify the changes in grading procedures and standards including sampling and testing methods needed to ensure that class and grade will accurately indicate the appropriate end use for each lot of grain;
  - 2.6. USDA allowing all information available, such as identification by variety, to be used in the classification procedures, pending the adoption of acceptable objective tests;
  - 2.7. Continued development of new grain standards to improve the present U.S. Grain Standards Act. Revised grain standards should indicate clearly and give assurance that we will provide clean, identity-preserved grains for our customers at home and abroad;
  - 2.8. Grading in increments of tenths;
  - 2.9. Premium and discount schedules being consistent and stated at the time of contracting and not be subject to change at delivery;
  - 2.10. Encouraging processors and elevators to provide the economic rationale for all discount rates;
  - 2.11. Amending the United States Grain Standards Act for soft white wheat to include the level of alpha-amylase enzyme based on the falling number test;
  - 2.12. USDA ensuring that grain imported into the country complies with domestic grain quality standards;
  - 2.13. Giving proper and timely notification to farmers and grain dealers if grading procedures or standards are changed;
  - 2.14. Working for the development and funding of a voluntary certification process for identity-preserved grain;
  - 2.15. Development of contract language on grain that will not extend producer liability for grain quality or type past the point of delivery;
  - 2.16. Imposing a late cash payment penalty on grain brokers and mills who fail to pay by the agreed upon contractual date. This penalty should include the contractual payment price plus compensation for delay in payment;
  - 2.17. The prohibition of the practice of adding foreign material, other grains or screenings to a shipment of grains to meet a certain grade. Criminal penalties for violations should be swiftly and surely administered;
  - 2.18. Inspection and cargo weight checks of all export shipments by the Grain Inspection, Packers and Stockyards Administration (GIPSA). GIPSA should also verify the cleanliness, quality and test weight of every export grain shipment;
  - 2.19. Producer representation on the GIPSA advisory council;
  - 2.20. The adoption of the equivalent bushel concept for grain marketing which rewards producers for delivery of a quality product. Because the current grain marketing system discounts producer return for high moisture grain, a change to the equivalent bushel concept would eliminate the economic incentive of manipulating moisture levels and more accurately reflect the commodity's true value;
  - 2.21. Further research of new and advanced technology in testing grains for quality, such as protein and oil content, to determine the profitability of adopting these testing procedures to enhance income of grain producers;
  - 2.22. Standards for the quality and safety of feed co-products coming out of ethanol plants; and
  - 2.23. The continual use of guidelines so that blending of like products can be continued.



3. We oppose:
  - 3.1. The establishment of defect action levels in grain by the Food and Drug Administration (FDA) unless sound science demonstrates a real need;
  - 3.2. Federal grain warehouses being exempted from state grain indemnity laws and applicable coverage; and
  - 3.3. Regulations which prohibit the mingling of grain and feed ingredients at farm and feed milling sites.

### **357 / Hay and Forage Standards**

1. We support:
  - 1.1. The use of the National Forage Testing Association's (NFTA) Lab Certification Program;
  - 1.2. All forage testing labs becoming certified;
  - 1.3. Proper sampling techniques and the use of NFTA-certified labs for all forage testing; and
  - 1.4. Farm Bureau providing leadership for advancing NFTA standardized forage quality testing in the United States.

### **358 / Inspection and Grading of Meat, Poultry and Seafood Products**

1. The objective of federal and state meat and poultry inspection programs is to provide consumers with a supply of wholesome meat and poultry products. This is a service to consumers and costs should be paid from general revenue funds.
2. We support USDA approval of management tools that improve food safety based on cost benefit analysis.
3. We urge that all tests required by other countries for the export of our meat products be conducted by the Food Safety and Inspection Service (FSIS). If FSIS is unable to do the required tests, FSIS should be required to coordinate and facilitate the transfer of any required tests to certified laboratories.
4. We believe all meat, poultry and seafood products should be inspected and tested to the same standard. Funding sources for any new federally mandated seafood inspection program should be consistent with existing funding for other food commodities.
5. Regulations governing the application of federal inspection programs to custom slaughtering plants, locker plants and producer-slaughters should be modified so as not to eliminate these local services.
6. We favor modifying U.S. beef, lamb and pork grade standards if scientific research shows that changes will provide leaner, more acceptable beef, lamb and pork that will benefit consumers, processors and producers.
7. We recommend the USDA provide processing facility plans to assist processors through the requirements associated with constructing a plant.
8. USDA should:
  - 8.1. Adopt a program taking advantage of new techniques proven by research to be effective in reducing bacterial contamination;
  - 8.2. Focus an aggressive education program on safe food handling of perishable foods to minimize the risk of pathogen contamination. The public also must be educated about the relative and changing risk status to individuals;
  - 8.3. Fund and inspect seafood, farm-raised rabbits, privately-owned cervids, buffalo and ratite meat as currently being done with poultry, pork and beef;
  - 8.4. Support small-scale meat processors and examine existing requirements to alleviate the immense burdens placed on small-scale meat processors;
  - 8.5. Develop electronic beef, lamb and pork grading machines and institute their use where practical; and
  - 8.6. Provide more training opportunities and communication regarding meat inspection requirements including Hazard Analysis and Critical Control Points (HACCP) training.
9. We support:
  - 9.1. Limiting FSIS inspectors' authority to shut down plants only for violations of food safety or the Humane Methods of Slaughter Act. FSIS should work to ensure consistency of interpretation and application of regulations, guidelines and directives to plants. We encourage FSIS to work cooperatively with the plant manager when actions to shut down a plant impact the health and welfare of livestock being delivered;
  - 9.2. Changes to Humane Methods of Slaughter Act that will allow more flexibility for inspectors to recognize that every attempt is being made to be in compliance with the law and that no violation exists when a second shot or stun method is immediately employed;
  - 9.3. USDA approval of the use of hot water, steam and other proven rinses of carcasses prior to further processing. We also support USDA approval of the use of pasteurization and completion of research of high intensity pulses of light to kill pathogens;
  - 9.4. Granting the secretary of agriculture authority to impose mandatory quarantine and recall of meat products based on scientific testing and detection procedures. Authority to do trace backs to the farm should be focused on control and eradication of animal health diseases and related epidemiological studies;
  - 9.5. Development of analytical methods for on-site detection of contaminants and other adulterants that may impact food safety;
  - 9.6. Changes to the Wholesome Poultry Act to allow more than one person to slaughter or process poultry at a facility;
  - 9.7. Changes to USDA regulations to allow for part-time supervision of small local slaughterhouses;
  - 9.8. USDA revisions of the yield grade standards for lamb and mutton. This includes mandatory coupling of yield and quality grading and the removal of the kidney and pelvic (KP) fat on the slaughter floor;
  - 9.9. Establishing federal standards for packing plants that purchase cattle, sheep and hogs on a grade and yield basis;
  - 9.10. Legislation to eliminate unnecessary inspection;

- 9.11. Producer-led quality assurance programs that deal with issues of food safety;
- 9.12. Enforcement of meat inspection standards. We recommend that the meat inspection program remain under USDA and not be placed with the Food and Drug Administration (FDA);
- 9.13. Allowing states to enter into Memorandum of Understanding (MOUs) to allow the sale of state inspected meat into other states;
- 9.14. Meat inspectors being deemed essential employees in cases of government shutdowns;
- 9.15. Reclassifying rabbits raised for food from exotic animals to livestock for processing purposes;
- 9.16. Federal meat inspectors being made available to small meat processors;
- 9.17. An exemption for poultry processing facilities of fewer than 20,000 birds annually, allowing them to lease to other processors who have a Hazard Analysis and Critical Control Points (HACCP) plan and are processing their own birds; and
- 9.18. The establishment of a new set of inspection rules that allow physically injured but otherwise healthy livestock to be slaughtered under FSIS oversight.
10. We oppose:
  - 10.1. User fees to finance federally mandated meat, poultry, non-traditional food animals and seafood inspection;
  - 10.2. The use of excessive penalties on producers, processors and handlers. Producers should have feasible control or prevention programs available to them before punitive actions are taken;
  - 10.3. Characterizing meat animals as carriers of *E. coli*;
  - 10.4. Uniform grade names for all graded foods;
  - 10.5. Cutbacks in funding of the federal meat inspection programs unless the regulations are changed; and
  - 10.6. The expansion of exemptions from the federal meat inspection standards.

### **359 / Organic Standards**

1. We support continued evaluation and improvement of the USDA organic accreditation system.
2. Organic growers should be responsible for taking appropriate measures to protect their crops from pollen drift or other factors that affect the integrity of their crops.
3. We recommend that the National Organic Program (NOP) follow recommendations of the National Organic Standards Board (NOSB) regarding livestock medications, pasture and composting.
4. Changes to the NOP animal welfare standards should not impair the current practices that allow producers to maintain the biosecurity of their herds and flocks.
5. The discovery of marked, genetically modified steriles, such as the DS Red Sterile Pink Bollworm Moth, in organically grown crops should not impact the status of organic certification of the crops.
6. To maintain the integrity of organic agriculture, we support USDA's National Organic Standards with the following changes:
  - 6.1. Keeping organic standards strictly organic, i.e. not allowing some drugs or non-organic feed to be used and the product still retain the certified organic label;
  - 6.2. That certified farmers should be able to participate in their certification management boards;
  - 6.3. Imported products labeled as organic must be subject to the same standards as the U.S. organic standards;
  - 6.4. The Organic Materials Review Institute's list of approved materials should be the USDA's approved list; and
  - 6.5. All persons selling, handling or processing organic products from bulk or opened packages need to be certified.
7. We support:
  - 7.1. Those who benefit from the sale of organically produced commodities paying for enforcement activities;
  - 7.2. Efforts to enhance marketing, research and production opportunities for producers of organically grown commodities just as we support such efforts for conventionally produced crops;
  - 7.3. Auditing and enforcement of the USDA-certified organic program in line with its increasing economic importance and growth;
  - 7.4. A state's ability to conduct regulatory and enforcement activities relating to organic agriculture;
  - 7.5. Broad availability of information on the USDA-certified organic program, certification process and labeling requirements, as well as other unbiased information on organic products or production;
  - 7.6. Monitoring the activities and protocol of the NOSB. American Farm Bureau Federation should work with the state Farm Bureaus to fill vacant positions on the NOSB when applicable;
  - 7.7. USDA's National Organic Program strictly enforcing the Pasture Rule; and
  - 7.8. Ensuring the integrity of all imported organic grains.

### **360 / Plant Variety Protection Act**

1. For decades, the Plant Variety Protection Act (PVPA) has played a critical role in the protection, maintenance and propagation of agricultural seed varieties. While the advent of biotechnology and the applicability of plant and utility patents to plants have complicated the plant protection landscape, PVPA should still play a substantial role in the protection and propagation of current and future plant varieties. In order to do that, PVPA must remain relevant and effective.
2. Companies that sell biotech seed should help keep the price of seed competitive for U.S. farmers with farmers from other countries; however, plant breeders should not sell patented seed in countries that do not provide the same intellectual property rights protection.

3. We encourage the timely release of information regarding increases in tech fees and seed prices to allow for appropriate planning by producers.
4. Farmers should be allowed to save and replant biotech seed by paying a minimal technology fee on saved seed.
5. In order to strengthen the rights of plant breeders and maintain a farmer's ability to save seed for the land he or she farms and dispose of incidental amounts of seed, we support:
  - 5.1. Strong intellectual property rights protection to allow seed developers the ability to recover the costs of research and development of seeds, while abiding by all antitrust laws;
  - 5.2. Restricting the sales of protected varieties without the permission of the owner;
  - 5.3. The present provision which allows a farmer to save seed for use on all the land that he or she farms;
  - 5.4. A provision to allow growers of seed varieties protected under the PVPA to sell the seed according to local commercial law if the seed company fails to abide by the grower contract;
  - 5.5. Maintaining the international and domestic gene/germplasm banks/stores. These should remain easily accessible to the public;
  - 5.6. Continued plant variety research in the public sector;
  - 5.7. Compensation for the public contribution to a joint public-private venture; and
  - 5.8. Uniformity in the establishment of tech fees globally.

## **PESTS: ANIMAL AND PLANT**

### **375 / Fire Ant Control**

1. We support:
  - 1.1. Adequate funding at the local, state and federal levels for research, organization and administration of regulatory and pest control programs in each of the infested states, including all land in the affected area;
  - 1.2. Continuation by USDA of its fire ant program;
  - 1.3. Cost sharing by the Natural Resources Conservation Service on farms for chemical, predator or biological control of fire ants;
  - 1.4. Expanded research by Animal and Plant Health Inspection Service to provide safe, effective and practical treatments for multi-year certification of field and container-grown nursery stock;
  - 1.5. Relaxation of United States quarantine requirements to allow the importation of the Phorid fly for the sole purpose of controlling Imported Fire Ants; and
  - 1.6. The special approval of Section 18 chemical usage for the control of fire ants, crazy ants and Argentine ants. We encourage the Environmental Protection Agency (EPA) to make special considerations to control these invasive ant species.

### **376 / Harmful Invasive Species**

1. We believe federal, state and local agencies should work more closely with private landowners and industry to address harmful invasive species problems.
2. We support a comprehensive national policy addressing the introduction and management of harmful invasive species. Programs should rely on cooperative, voluntary, partnership-based efforts between public agencies, private landowners, industry and concerned citizens.
3. The development and adoption of statutory policy and control measures to deal with harmful invasive species should be based on the following principles:
  - 3.1. Regulations and statutes should not be allowed to interfere with or erode property rights;
  - 3.2. Clear criteria must be established to delineate what are harmful invasive species, which should not be defined to include beneficial non-native species;
  - 3.3. Regulations should include emergency measures to allow for the timely use of chemical controls;
  - 3.4. Any consideration of endangered or threatened species should have a component recognizing and addressing the role of harmful invasive species;
  - 3.5. State and federal funding should be adequate to develop sound science sufficient to determine long-term effects of non-native species;
  - 3.6. We support the indemnification of crop and livestock losses from harmful invasive species when it can be documented that the quarantine requirements or treatment methods are the basis for the loss. We support an increase in funds for inspection services and facilities. Funding should also be made available for public education and outreach efforts;
  - 3.7. Public lands should be managed to reduce and eliminate impacts of harmful invasive species as effectively as private lands and in coordination with neighboring privately owned or leased land. Such management on public lands should be exempt or excluded from the National Environmental Policy Act process. Any efforts on public lands that affect the uses and private rights held by public land permittees and users shall be subject to compensation and fair market value for the taking of these property rights by the introduction or proliferation of harmful invasive species;
  - 3.8. Proper incentives should be provided for farmers and ranchers to effectively control noxious and aquatic weeds along with support for an Integrated Pest Management approach;
  - 3.9. Any harmful invasive species program that is proposed should not create additional restrictions on agricultural producers, landowners and industry; and
  - 3.10. Harmful invasive species should not be defined to include agricultural products.

4. We support states' efforts to prevent the introduction of quagga and zebra mussels into their waters and encourage cooperation between states to control the current infestation.

### **377 / Indemnification**

1. Federal and state livestock and poultry indemnification laws and regulations should be revised to reflect current market value and trends in marketing conditions and production programs in these industries. Revisions should also take into account the period of government-enforced business interruptions and economic restrictions.
2. Indemnification should be provided for losses of agricultural products when products are impounded, farms are quarantined or movement or sales are restricted in the public interest.
3. Producers should be compensated in these cases and not held responsible for conditions beyond their control. We urge financial assistance for testing feed in efforts to locate the source of pesticides and residues.
4. Producers should be responsible for losses resulting from condemnations from animal drugs and pesticide residues due to negligence on their part.
5. Current law should be amended to include indemnification for losses due to the use of chemicals, drugs or vaccines which are not caused by producer negligence. There should be no retroactive liability for property owners, farmers or their agents for chemical applications made in accordance with laws in effect at the time of application.
6. We support:
  - 6.1. State-federal funded eradication programs for plants, livestock and poultry that provide indemnification as needed to control the spread of and eradication of serious communicable diseases. Prompt indemnity payments should be based upon current market values;
  - 6.2. Legislation indemnifying farmers and farm owners for the cost of cleanup and other damages arising from the pollution of their land by the willful or negligent acts of others;
  - 6.3. Re-evaluation of the indemnities for foreign animal diseases;
  - 6.4. In the event of an outbreak of a major animal disease appropriating the necessary funds to farmers for indemnification of lost animals and income until the affected farms are approved to resume operations;
  - 6.5. Including integrators, contract growers and producers in all federal indemnity payment programs pertaining to the livestock and poultry industries. When a company receives an indemnity payment, a pro-rata share should go to the grower;
  - 6.6. Federal and state efforts to control tracheal and Varroa mites and to provide suitable indemnity if bee colonies are destroyed in the process; and
  - 6.7. The need to post a bond in a reasonable amount by environmental organizations that sue state or federal agencies to protect workers and the company owners from loss of income due to work stoppages. In the event that the suit is unsuccessful, the bond should be forfeited to the company in order to defray their losses.

### **378 / Plant and Animal Infections and Infestations**

1. We support:
  - 1.1. An aggressive national and state effort to halt the spread of non-native pathogens and pests which endanger agricultural production;
  - 1.2. The establishment of a program to analyze the effectiveness of state, federal and international plant and animal diseases and insect control measures. This analysis should estimate the risk of spread of undesirable plants, animals and insects under current control procedures. Recommendations to improve control measures should be included in the analysis. Findings should be made known to the affected industries; Measures taken by USDA should include:
    - 1.2.1. A ban on untreated products and packing materials from countries with known populations of destructive pests not native to North America;
    - 1.2.2. Intensive monitoring of all imported products; and
    - 1.2.3. Funding of research on eradication methods.
  - 1.3. Pest control funding should be made available when the need arises because the control of plant and animal pests is an important factor in reducing farm losses. Programs should be developed so when a problem arises the funds and facilities can be put in place expediently. We also encourage the Animal and Plant Health Inspection Service (APHIS) to undertake early monitoring to determine the location of pest infestations in order to maximize resource allocation;
  - 1.4. The departments or agencies of the federal government should implement and pursue an effective program for the control of noxious plants and other undesirable plant species on all lands under their control or jurisdiction, including wilderness areas and national parks. Such programs should be in accordance with state and federal weed laws and should be in cooperation with the state departments of agriculture and/or with a designated agency where there is a state weed and pest organization. States that are sentinel states for pest introductions should receive increased focus and support to strengthen pest protection efforts;
  - 1.5. The concept of multinational cooperation in the areas of research exchange, technology transfer and the development of new plant varieties to offset the loss of federal and state research dollars devoted to preventing the introduction of new plant pest diseases;
  - 1.6. A greater international effort to control the spread of noxious plants, insects and animal pests. Quarantine protection from these pests should not be compromised in international trade negotiations;
  - 1.7. The separation and autonomy within USDA of APHIS and the scientific advisory panel;

- 1.8. Increasing the efficiency of the APHIS programs and increased funding for APHIS inspections and stronger regulation of plant materials entering the U.S;
- 1.9. The transfer of authority for agricultural inspections at the U.S. ports of entry from the U.S. Department of Homeland Security to APHIS and increased funding for the agency or agencies responsible for these inspections;
- 1.10. The employment of technical staff qualified to address new and more complicated phytosanitary and sanitary matters. Improvements to infrastructure, facilities and shared database technology must become a priority for the agency or agencies responsible for agricultural inspections;
- 1.11. Increased monitoring of raw wood products and other plant-based construction material including packaging materials;
- 1.12. The removal of spending limitations from the APHIS user fee trust fund included in the USDA appropriations act. User fees should be used to fund vacant inspection positions at ports of entry;
- 1.13. The development and maintenance of effective pest exclusion programs at ports of entry. These programs should include increased inspection of travelers, as well as public awareness programs, to inform travelers of the threats to agriculture from imported pests;
- 1.14. Aggressive enforcement of phytosanitary protocol at ports of entry to detect illegal plant and animal products, diseases, pests or harmful invasive species. Immediate expansion of USDA's Plant Protection and Quarantine Branch personnel and facilities to take care of increased plant imports. We further request that sufficient fees be imposed on the plant material imported to cover the costs of adequate inspection and fumigation. USDA should re-evaluate and strengthen the risk assessment criteria it uses in determining the impact of importing plants, animals and their products from areas with exotic pest infestations. In determining pest-free zones, USDA should be required to hold any public field hearings in the domestic production area which will be affected;
- 1.15. Mandatory identification of manifests of organic shipments for targeted inspection;
- 1.16. Increased cooperation between the U.S. Postal Service and APHIS to increase first class mail inspections at high risk entry points;
- 1.17. Increased fines for private and commercial smuggling of agricultural products. Fines should be severe enough to deter smuggling and be used to fund the APHIS/Agricultural Quarantine Inspection System (AQI);
- 1.18. A prohibition on the use of untreated wood products from countries known to have the Asian Longhorn Beetle;
- 1.19. An awareness program to provide education to assist Texas ranches in identifying and controlling the Fever Tick. We also recommend that we solicit Mexico's assistance to increase the width of the Mexican "border barrier zone";
- 1.20. Implementation and funding for the National Strategic Plan for the Cattle Fever Tick Program developed in 2006;
- 1.21. Legislation that would require USDA to fund and implement dipping facilities at sale barns in south Texas to control fever ticks;
- 1.22. Strengthening of Quarantine 37 and continuing efforts to require enforcement. In addition, other protection regulations that safeguard producers from plant diseases and exotic pests including citrus canker should not be weakened;
- 1.23. The APHIS proposal to allow the importation of certain fruits from Hawaii, including lychee, provided they are not held in transit in any state that is host for the tri-fly complex and provided they are irradiated or treated immediately after arrival;
- 1.24. The continued development of domestic currant cultivation by allowing the importation of new cultivars from European Union countries via an appropriate phytosanitary protocol;
- 1.25. All wheat imported from Mexico meeting equivalent testing standards as U.S.-produced wheat; and
- 1.26. Full disclosure of the contents of seed lots by amending the Federal Seed Act to require the tag or label to list each plant species therein by name and rate of occurrence.
2. We oppose:
  - 2.1. Any importation of citrus, nursery stock and citrus products other than juice from any country having citrus canker or any other harmful phytosanitary problems and pests until that citrus is certified free of all harmful phytosanitary problems and pests;
  - 2.2. The combining of APHIS and U.S. Customs Service;
  - 2.3. To weed seed being sold as bird feed unless it has been treated so that it will not germinate; and
  - 2.4. All sales of Tamarisk as a nursery stock.
3. **Bacteria, Diseases and Virus**
  - 3.1. We support:
    - 3.1.1. The development and implementation of a formal plan such as Florida's Citrus Health Response Plan that helps growers manage and control the spread of citrus pests and diseases (e.g., citrus canker, citrus greening);
    - 3.1.2. Increased citrus greening exclusion efforts and research funding for vector and disease detection efforts and eradication, inoculation and best orchard management for the protection of the U.S. citrus industry;
    - 3.1.3. Continuation of strict enforcement of the virulent potato wart virus quarantine on all Canadian potatoes, and any livestock fed fresh Canadian potato stock within 30 days of shipment, until such time that Canada is declared free of the potato wart virus;
    - 3.1.4. USDA protecting U.S. potato production by investigating the magnitude of the threat of the root-lesion nematode (*Pratylenchus neglectus*) to and if warranted taking action up to and including a moratorium on shipments of Canadian seed and/or commercial potatoes into the United States;
    - 3.1.5. Scientifically-based, federally-funded programs for the survey and control of the spread of plumpox virus in North America including eradication if necessary. We further support indemnity payments based on established values of

established orchard trees as well as nursery trees and ornamental nursery stock affected in the eradication program. Indemnification should take into account business interruptions as well as long term economic losses;

- 3.1.6. APHIS protecting the interests of U.S. soybean producers by actively engaging in monitoring and surveillance activities to control Soybean Rust. We support testing and development of crops resistant to diseases that are not yet present in the United States. Testing and development should be conducted in non-sensitive areas to protect the health of present crops; and
- 3.1.7. Funding for the National Plant Diagnostic Network to allow for continued high-quality and coordinated expert diagnostic services to growers and plant protection officials in the event of an introduction to the U.S. of an invasive or emerging plant pest, disease, or weed.

#### 4. ***Karnal Bunt***

- 4.1. The tolerance on karnal bunt must be based on sound science and appropriate to each segment of the industry, for karnal bunt in wheat, wheat products and other commodities. USDA should work towards that goal by:
  - 4.1.1. Sponsoring an international meeting of scientists to evaluate the status and strategies for management of the smut and bunt diseases of cereals worldwide, with particular attention to karnal bunt;
  - 4.1.2. Taking a leading role in re-evaluation of international policies on the use of quarantines to prevent the movement of cereal smut and bunt fungi; and
  - 4.1.3. Maintaining an aggressive research effort on smut and bunt diseases of cereals, including karnal bunt.
- 4.2. In order to protect and expand U.S. wheat exports, USDA, U.S. Trade Representative (USTR) and the wheat industry should actively promote and gain acceptance of karnal bunt as a quality issue at the earliest possible date. Karnal bunt should be deregulated and handled as a quality issue in a manner that facilitates the marketing of grain and prevents market disruptions.
- 4.3. We encourage continuation of compensation discussions and should keep the minimum compensation level the same as 1996.
- 4.4. Compensation should be established for harvesters and transporters and consistent regulations need to be established for sanitizing equipment.

#### 5. ***Noxious Weeds***

- 5.1. We support:
  - 5.1.1. Control programs for designated noxious weeds and invasive species and the necessary funds from the federal government for eradication;
  - 5.1.2. USDA taking immediate action to enact a program to control and/or eradicate Tamarisk (Salt Cedar); and
  - 5.1.3. USDA taking immediate action to enact a program to control and/or eradicate giant salvinia in the lower Colorado River.

#### 6. ***Pests and Invasive Species***

- 6.1. We support:
  - 6.1.1. Recession of presidential Executive Order No. 13112 with its broad scope and potential for uncontrolled costs;
  - 6.1.2. Increased and extended funding for the integrated pest management programs;
  - 6.1.3. Irradiation as an approved technology for pest control;
  - 6.1.4. USDA controlling the West Indian sugarcane weevil;
  - 6.1.5. Efforts to control or sterilize the starling, blackbird and crow populations to the point where they are no longer an economic problem for agriculture;
  - 6.1.6. Adequate funds be allocated for the eradication of harmful species of fruit flies in the United States and its territories;
  - 6.1.7. APHIS studying and monitoring the Russian Wheat Aphid and taking the necessary action to control its spread;
  - 6.1.8. Programs that will lessen the impact of the gypsy moth and southern pine bark beetle;
  - 6.1.9. Voluntary compliance programs that certify nurseries free of new or emerging plant pests and encourage regional cooperation in the absence of federal programs to aid in interstate shipments of plants; and
  - 6.1.10. Allowing acceptable integrated pest management (IPM) options until removing the Pallida Globodera Nematode, also known as the Pale Cyst Nematode (PCN), from the world quarantine list.

#### 7. ***Research***

- 7.1. We support:
  - 7.1.1. Continued research and implementation of detection, exclusion, control and eradication measures;
  - 7.1.2. The Land Grant Universities, National Institute of Food and Agriculture (NIFA) and Natural Resources Conservation Service (NRCS) Plant Materials Laboratory) continuing to search for and develop plant material for forage production, conservation and wildlife uses;
  - 7.1.3. The best plant species available, native or non-native, be used for forage production, conservation or wildlife purposes. Universities, NIFA and federal agencies should promote the use of domestically developed, imported and native plant species for forage production, conservation and wildlife activities. Further, NRCS should continue support and allow the use of domestically developed and/or imported plant species in their cost share programs;
  - 7.1.4. Research to learn how to effectively and economically manage domestic European honeybees in the area where Africanized honeybees exist;
  - 7.1.5. Research efforts to address viable control methods for *Phytophthora capsici* and Downy Mildew;

- 7.1.6. Continued research and development into the problem of preventing the importation of exotic species in the ballast tanks of cargo ships. Shippers should be required to use only those methods that are financially reasonable and technologically feasible to prevent exotic species in ballast tanks;
- 7.1.7. Research to combat new emerging pests (e.g., Brown Marmorated Stink Bug, the Spotted Wing Drosophila Fruit Fly, etc.); and
- 7.1.8. Research and development of methods to control weeds/invasive species that may be becoming resistant to chemical control measures.

## **SECTION 4 - ENERGY / MONETARY-TAX / MISCELLANEOUS**

### **ENERGY**

#### **401 / Electric Power Generation**

1. The production, transmission and distribution of power, including the production of electricity from atomic materials, should be primarily a function of private enterprise, including cooperatives, and of other non-federal electrical utility systems.
2. The price of power sold by public agencies should include an amount equal to the federal income taxes and local property taxes and such amounts should be paid to the appropriate units of government in lieu of taxes.
3. We support:
  - 3.1. Limiting federal production or transmission of power to instances where it is clearly demonstrated that adequate development cannot be obtained otherwise;
  - 3.2. Selling power produced by a federal agency, at the plant;
  - 3.3. Selling the right to generate power at federal dam sites to private enterprise or local units of government unless it would adversely affect the cost of electricity to rural America;
  - 3.4. Granting cooperatives and municipalities the first opportunity to purchase federal power subject to such modifications as may be necessary to accomplish equitable geographic distribution;
  - 3.5. Protecting water of a quality which is useful for agricultural and domestic consumption uses, whenever practicable;
  - 3.6. Complying with standards to reduce electrical ground currents;
  - 3.7. Regulating power rates effectively, treating customers fairly and servicing franchised territory responsibly; and
  - 3.8. Including agriculture representatives among stakeholders designated as advisors to Regional Transmission Organizations/Independent System Operators.
4. We oppose:
  - 4.1. Legislative or regulatory programs that will increase the cost of electricity to businesses, farms and industries without evidence that the program is needed; and
  - 4.2. Requiring utilities to collect funds from customers or members to finance residential utility consumer action groups or any other organization.
5. ***Electricity Infrastructure***
  - 5.1. An owner of a utility tower should be responsible for the removal and disposal of the tower once its use is discontinued.
  - 5.2. The federal government should be required to give local communities and states prior knowledge of a pending utility permit before a proposed utility right of way is granted.
  - 5.3. We support:
    - 5.3.1. Increasing electrical generation capacity by updating old and constructing new power plants and transmission lines to keep pace with increased demand in the United States and its territories;
    - 5.3.2. Shortening the permitting process for construction or improving power generating plants;
    - 5.3.3. Upgrading the infrastructure for the electric grid to ensure security, reliability and survivability; and
    - 5.3.4. Developing additional connections between utility and transmission infrastructure that could provide energy customers direct access to lower cost energy supplies.
  - 5.4. We oppose:
    - 5.4.1. Department of Energy's (DOE) ability to use eminent domain to override state authority when siting energy corridors under the 2005 energy act. DOE should act in an advisory capacity only;
    - 5.4.2. Any government mandates with respect to the use of smart meters; and
    - 5.4.3. Foreign governments being allowed to own a controlling interest in public utilities.
6. ***Electric Utility Restructuring***
  - 6.1. The federal government should set the framework for the implementation of changes in the structure of the electric utility industry, but should allow state government to decide whether or not to deregulate.
  - 6.2. We oppose deregulating electric utilities because it may result in higher power costs and distribution problems.
  - 6.3. The following principles must be met if electric utilities are restructured and deregulated:
    - 6.3.1. Changes in the structure of the electric industry must not be undertaken without full and informed public debate;
    - 6.3.2. Benefits of deregulation should be measured primarily in terms of economic and social consequences;
    - 6.3.3. Restructuring should ensure that all customers have access to reliable electrical service at fair and reasonable prices;
    - 6.3.4. Restructuring should be consistent with the goals of protecting the environment, and use cost-effective sustainable energy technologies;
    - 6.3.5. Restructuring should maintain adequate staff levels and training to ensure safety, reliability, customer service and planning standards;

- 6.3.6. Rural consumers must be assured of reliable service and competitive prices;
- 6.3.7. Provide a phase-in to purchase electric power in a competitive market;
- 6.3.8. Provide a mechanism for smaller customers to pool their electric power consumption into a larger marketable share through aggregation in order to attract and better obtain low-cost electric power; and
- 6.3.9. Provide authority for rural electric cooperatives to:
  - 6.3.9.1. Decide whether to enter into a deregulated marketplace;
  - 6.3.9.2. Retain control through their elected representatives;
  - 6.3.9.3. Continue to provide operation and maintenance of distribution lines and services;
  - 6.3.9.4. Preserve territories in established service areas when municipalities expand into these areas through annexation; and
  - 6.3.9.5. Have full cost recovery for the use of their distribution lines; and retain their present tax status.
- 7. **Hydroelectric Facilities - Federal Licenses**
  - 7.1. We favor federal relicensing of hydroelectric generation facilities in a manner that will protect agriculture's interest in maintaining the availability of lowest cost energy. The entity that constructed and operated the generation facility during the original license period should be given a preference for the license extension.
  - 7.2. If a license should be revoked or not renewed, the utility must be compensated at current value by the federal government.
- 8. **Nuclear Electricity**
  - 8.1. We support:
    - 8.1.1. Nuclear energy plants, as a source of needed energy with adequate safeguards to ensure their safe and environmentally sound use;
    - 8.1.2. Studying the impact of nuclear power plant emissions upon the surrounding agricultural community. The operator of a nuclear facility, prior to beginning of operation and at regular intervals thereafter, should be required by the Nuclear Regulatory Commission to educate neighboring farmers on emergency agricultural practices and procedures to be followed in the event of a nuclear accident; and
    - 8.1.3. Reprocessing nuclear waste to generate additional energy.
- 9. **Renewable Electricity**
  - 9.1. We support:
    - 9.1.1. Using renewable sources of electricity such as wind, biomass, solar, tidal, hydroelectric, methane from manure and landfills;
    - 9.1.2. Using biomass fuels for electric power generation whenever economically feasible;
    - 9.1.3. Developing renewable fuels, clean coal, and next generation nuclear technologies in order to keep the costs of electrical energy affordable;
    - 9.1.4. Encouraging the use of switchgrass or biomass residue as a source of fly-ash in cement as an alternative to coal fly-ash. The American Society of Testing Materials should conduct research and establish cement specifications for fly-ash from co-fired electrical generation from sources other than coal;
    - 9.1.5. Using electrical generation turbines at navigation dams without government regulations or permits;
    - 9.1.6. Researching and developing methods for storing electricity generated from renewable resources; and
    - 9.1.7. Mandating that renewable energy/electricity be purchased at a minimum of the wholesale price.
- 10. **Rural Electric Utilities**
  - 10.1. We recommend that the Rural Utilities Service (RUS) be preserved as an independent agency within USDA and that steps be taken to ensure that key administrative functions, including those pertaining to the establishment of technical and engineering standards, are retained within RUS.
  - 10.2. We support:
    - 10.2.1. A properly designed federal revolving fund that is an integral part of the means to provide the rural electric cooperatives adequate credit to maintain and strengthen their systems. Such a revolving fund should include an adequate rate of interest to keep the fund solvent and be used in conjunction with private capital to finance the system; and
    - 10.2.2. Organizing and operating rural electric cooperatives in accordance with accepted cooperative principles and practices.
  - 10.3. We oppose any plan or effort to convert rural electric cooperatives into a public power system.
- 11. **Tennessee Valley Authority (TVA)**
  - 11.1. TVA's debt is a problem for the agency. TVA rate payers should not bear the burden of a debt created to benefit the nation as a whole.
  - 11.2. We support:
    - 11.2.1. Working toward a fair debt payment;
    - 11.2.2. Allowing TVA to compete fairly in the total marketplace to remain a reliable power generator; and
    - 11.2.3. Requiring at least one director be a farmer-landowner Farm Bureau member.
  - 11.3. We oppose:
    - 11.3.1. Allowing the TVA reclassifying farm accounts; and
    - 11.3.2. Continuing TVA in its present form as it has achieved most of its original goals and purposes.



## 402 / Energy

1. The U.S. should be focused on energy independence.
2. We support the development and implementation of a comprehensive energy policy, which includes conservation, efficiency, exploration, research, and proportional use of subsidies to provide for the production of traditional and renewable energy sources. However, further action is needed to address the vulnerabilities of the U.S. energy sector and the resulting impacts on our nation's farmers and ranchers.
3. We stand behind the U.S. coal industry and coal-fired electrical generating plants to help achieve energy independence. We oppose efforts to comply with international environmental goals for coal power plants.
4. We believe that a government requirement/mandate for electric car production and use should be matched by concurrent approval for the construction and/or upgrades for reliable electric generation facilities to deliver the power needed. We support charging electric cars in off-peak hours.
5. We urge Congress and the administration to enact policies that will:
  - 5.1. Encourage the states to develop and implement regulations for the handling of abandoned oil and gas production equipment and pipelines;
  - 5.2. Expedite the development of energy resources anywhere in the U.S., including the Arctic National Wildlife Refuge, Outer Continental Shelf and Bakken oil fields;
  - 5.3. Increase domestic oil refining capacity by modifying and streamlining permitting requirements and other regulations;
  - 5.4. Diversify geographic locations of oil refineries and U.S. energy supplies;
  - 5.5. Encourage exploration, extraction, pipeline and port facility construction to ensure gas and oil supplies meet demand;
  - 5.6. Require pipelines carrying hazardous liquid be installed to a minimum depth of 48 inches below the soil surface where applicable;
  - 5.7. Reduce the number of boutique fuels;
  - 5.8. Increase incentives for the use of clean coal technology in electric power generation;
  - 5.9. Stimulate domestic production of oil and gas by reinstating the depletion allowance, eliminating the tax disincentives for drilling and removing excessive environmental regulations;
  - 5.10. Support further development of nuclear, solar, geothermal, bio-based, hydroelectric, oil shale, tar sands, wind and other sources of energy and recommend that special emphasis be given to converting to expanded use of coal, including gasification, liquefaction and alcohol production; and
  - 5.11. Order a thorough economic impact study be completed to demonstrate the true benefits derived from the domestic production of renewable energy to assist in our nation becoming self-sufficient in energy production.
6. We support:
  - 6.1. The goals of 25 x '25 which are: "Agriculture will provide 25 percent of the total energy consumed in the United States by 2025 while continuing to produce abundant, safe and affordable food, feed and fiber;"
  - 6.2. Department of Energy (DOE) developing a grant program for the installation of alternative energy systems on farms;
  - 6.3. Educational programs and incentives to promote sound energy conservation renewable energy programs;
  - 6.4. The oil and gas industries' use of hydraulic fracturing in the exploration and recovery process. Hydraulic fracturing should continue to be regulated by the states, rather than the Environmental Protection Agency (EPA); and
  - 6.5. Voluntary energy audits to help evaluate energy use and develop energy strategies for livestock facilities, dairies, nurseries, and greenhouses.
7. We oppose:
  - 7.1. The federal mandate banning the sale of incandescent light bulbs;
  - 7.2. Government rationing as a means of allocating scarce energy supplies, except in the case of national emergencies. In such cases, agriculture should receive uninterrupted supplies;
  - 7.3. So-called "divorcement" legislation, at state or national level, which would prevent anyone, including farm cooperatives, who sells gasoline at wholesale from selling gasoline at retail;
  - 7.4. The U.S. government subsidizing gas exploration in other countries;
  - 7.5. Alternative electrical energy being paid more than the bulk market rate. Any such contracts should be allowed to expire; and
  - 7.6. The federal government's Clean Power Plan that addresses coal-fired generation.
8. **Crude Oil**
  - 8.1. We support a gradual increase in the Strategic Petroleum Reserve.
  - 8.2. We oppose:
    - 8.2.1. Establishing oil prices through legislation; and
    - 8.2.2. Releasing oil from the Strategic Petroleum Reserve in non-emergency situations.
9. **Natural Gas**
  - 9.1. Extensive changes need to be made to laws and procedures governing the review, approval, location and construction of interstate gas pipelines. In particular, we would recommend changes to law that would:
    - 9.1.1. Require governmental agencies to timely notify all landowners who would be affected by a proposed gas pipeline under their jurisdiction;

- 9.1.2. Require gas pipeline operators to provide compensation to landowners for not only all current losses but also all future losses which may result from condemnations for gas pipeline use, and require operators to pay such compensation within six months of the date the landowner loses his or her property interest;
- 9.1.3. Require a minimum 5-year restitution period for the tile and compaction disruption on public easement; and
- 9.1.4. Require gas pipeline operators to drain any area which has become a wetland as a result of pipeline construction and restore such area to its previous condition and productivity.
- 9.2. We support:
  - 9.2.1. Allowing natural gas companies to renegotiate take-or-pay contracts for transmission lines in order to decrease the price of such gas;
  - 9.2.2. Continuing the Surface Transportation Board's role in overseeing pipeline rates;
  - 9.2.3. Revising the Federal Power Act (FPA) and the Omnibus Budget Reconciliation Act of 1986 so the Federal Energy Regulatory Commission is supported by general revenue funds rather than pipeline fees;
  - 9.2.4. Incentivizing the use of natural gas in agriculture, transportation, and electrical generation;
  - 9.2.5. Methanol production from natural gas for fuel use; and
  - 9.2.6. Odorization of natural gas or components when being transported so that leaks can be safely detected.
- 10. **Renewable Energy**
  - 10.1. All tax incentives for domestic renewable energy production should be calculated on a standard Btu/kwh equivalent measurement basis, without regard to the materials methods or sources used to produce the energy.
  - 10.2. We support:
    - 10.2.1. Incentive programs and initiatives that will increase the use of, and facilitate the local ownership of all renewable energy sources;
    - 10.2.2. Incentives for renewable energy systems in rural areas as long as it does not restrict agricultural production;
    - 10.2.3. The ownership of methane as separate from other energy resources; and
    - 10.2.4. Increased funding for the AGSTAR (methane promotion) program.
- 11. **Solar Energy**
  - 11.1. We support:
    - 11.1.1. Solar energy generation as a component of the nation's energy portfolio;
    - 11.1.2. Establishment of state standards for commercial solar energy conversion systems that protect private property rights and allow for reasonable development of projects;
    - 11.1.3. Ensuring adequate funds are in place for decommissioning;
    - 11.1.4. Allowing landowners the option of terminating a solar lease agreement if solar panels fail to produce energy for a period longer than 12 consecutive months; and
    - 11.1.5. Efforts to locate solar energy projects on marginal or underused lands.
  - 11.2 We oppose giving public utility status to solar energy or solar energy development companies.

#### **403 / Mineral Development**

- 1. We support restoration of those concepts of the 1872 mining law that guarantee the rights and freedom of prospectors and miners.
- 2. We support legislation:
  - 2.1. That clearly states that ownership of all rights not specifically reserved by the U.S. government by Homestead or any other land transfer acts rest with the fee title owner;
  - 2.2. That reverses the Supreme Court decision classifying gravel as a mineral subject to reservation;
  - 2.3. That ensures that property owners and tenants are fully compensated for all property and environmental damages, including crop and pasture losses, caused by mineral operations on their properties;
  - 2.4. That clarifies that water released from a quarry site must be demonstrated to contain pollutants before the quarry operator should be required to obtain a national pollution discharge elimination system (NPDES) permit;
  - 2.5. To fund the Rural Abandoned Mine Program and Abandoned Mined Lands programs, based upon the Surface Mining Control and Reclamation Act of 1977; and
  - 2.6. To amend the Mining Lands Reclamation Act to ensure landowners have rights regarding the reclamation of our land.
- 3. We support rules and regulations that:
  - 3.1. Allow our nation to use our abundant supply of coal to achieve energy independence;
  - 3.2. Require the reclamation of all mined lands, including disrupted underground and surface water, including research on backfill to reduce the subsidence caused by longwall mining;
  - 3.3. Treat surface owners fairly by requiring landowner consent in energy recovery company-landowner negotiations;
  - 3.4. Encourage states to develop their own reclamation standards, which could exceed federal standards in order to protect the local environment;
  - 3.5. Allow construction of ditches following reclamation to be done in a direct route to accommodate agricultural practices;
  - 3.6. Curtail unnecessary bureaucratic administrative delays in the processing of leases;
  - 3.7. Require the federal government to release the entire amount collected in fees from mining operations for the reclamation of abandoned mines;
  - 3.8. Amend the compliance levels for ground vibrations and air blasting associated with mining and construction operations. These compliance levels should be set at a reasonable level to protect property owners;

- 3.9. Eliminate uneconomic and unreasonable requirements to return strip-mined land to its original contour when such restoration will not return it to its most productive level;
- 3.10. Amend the 11 federal surface mining regulations imposed in order to allow land use changes from pre-mining to post mining, to provide an agricultural land use category, which would include agricultural crops such as grain, hay, pasture and timber in one group. However, such federal regulations should not preempt state reclamation regulations; and
- 3.11. Allow frac sand mining, and develop regulations based on sound science.
4. We oppose government regulations that result in the closure of coal mines.

#### **404 / Renewable Fuels**

1. We support:
  - 1.1. Full research and development for the increased production of all forms of renewable energy from agricultural resources including solutions to help producers effectively manage soil and water conservation issues and control invasive species;
  - 1.2. Private and public efforts to develop and promote new uses for agricultural products;
  - 1.3. Research into the viability and economic potential of agricultural products and commodities used for energy generation;
  - 1.4. Production and use of agricultural based fuels;
  - 1.5. Research and demonstration programs that use renewable fuel as a fuel for fuel cell engine development;
  - 1.6. The Renewable Fuels Standard 2 (RFS2) as passed in the Energy Independence and Security Act of 2007; and
  - 1.7. The availability of multi-grade non-ethanol gasoline for small engine, marine and boutique uses, and all agricultural uses.
2. **Biofuels**
  - 2.1. We support:
    - 2.1.1. The establishment and enforcement of national quality standards for biodiesel, renewable fuel and related co-products. Biodiesel shall be defined by meeting the specifications of the American Society of Testing and Materials (ASTM) 6751 or its properly designated successor;
    - 2.1.2. Diesel to be a biodiesel blend and gasoline be an renewable fuel blend;
    - 2.1.3. Efforts to educate consumers and industry on the benefits of biofuel blends higher than ten percent;
    - 2.1.4. Legislation requiring the production of clear gasoline that would accommodate year-round blending with ethanol in all fuels;
    - 2.1.5. Research for the development of alternative denaturing options, in an attempt to make the denaturing of renewable fuel more economical;
    - 2.1.6. Including biodiesel in all the Department of Energy's (DOE) policies and materials regarding alternative and renewable fuels;
    - 2.1.7. Regulatory approval and use of higher ethanol blends in high-octane fuels to help automobile manufacturers meet fuel efficiency standards;
    - 2.1.8. Standardization of all new gasoline dispensers to be Underwriters Laboratories (UL) certified for a minimum of E-25;
    - 2.1.9. U.S. Department of Defense (DOD) adoption and use of renewable fuels; and
    - 2.1.10. Efforts to expand the use of renewable fuel in commercial aviation, maritime, and other large-volume users.
  - 2.2. We oppose attempts to defund, repeal or rollback implementation of the RFS2.
3. **Biomass**
  - 3.1. We support:
    - 3.1.1. Defining biomass to include all forms of plant fiber harvested from all lands, public and private;
    - 3.1.2. Harvesting of lowland and riparian areas for biomass use except lands enrolled in retirement programs;
    - 3.1.3. Increasing the establishment, production and utilization of eligible biomass energy crops through the Biomass Crop Assistance Program (BCAP); and
    - 3.1.4. Retaining and developing policies which support the biomass fuels industry.
  - 3.2. We oppose declaring any potential biomass crop ineligible for use in any biomass energy incentive program simply because it is non-native.
4. **Co-products**
  - 4.1. We support:
    - 4.1.1. Continued research and education into ruminant and non-ruminant feed utilization of renewable fuel co-products;
    - 4.1.2. Renewable fuel producers be encouraged and offered incentives to use recycled effluent water produced by local municipal wastewater treatment facilities in the production process; and
    - 4.1.3. Adding price reporting for corn and its co-products, including dry distillers grains (DDGs), to the U.S. Census Bureau Current Industrial Reports as well as to the Bureau's domestic and international market reports.
5. **Emissions**
  - 5.1. We support:
    - 5.1.1. Oxygenate standards unless there are enhancements of laws and regulations (anti-backsliding) that preserve the improvements in air quality that renewable fuel provides as a fuel;
    - 5.1.2. Promoting, using and expanding renewable fuel as an octane or cetane enhancer, fuel source, or lubricity agent to improve air quality. Our goal is to expand the use of renewable fuels;
    - 5.1.3. Continuing tests on E diesel to prove the viability of an ethanol additive to lower the particulates in diesel engine emissions;

- 5.1.4. Amending the Clean Air Act to hold states harmless for emission levels resulting from emergency waivers granted by EPA;
- 5.1.5. Designating the cost of purchasing biodiesel as an allowable expense in the Congestion Mitigation Air Quality program;
- 5.1.6. Changing tests for low-sulfur fuel to be based on levels of sulfur rather than testing for red dye;
- 5.1.7. Using biodiesel to meet up to 100 percent of an affected utility or government fleet emission reduction requirements under the Energy Policy Act of 1992; and
- 5.1.8. Accommodation issues surrounding Reid Vapor Pressure to ensure ethanol volumes can continue to expand.
- 5.2. We are opposed to states being exempt from the oxygenate requirements of the Clean Air Act.
- 6. ***Engines and Vehicles***
  - 6.1. We support:
    - 6.1.1. Research for better performing engines that run on renewable fuels;
    - 6.1.2. Legislation to require all new gasoline-powered vehicles be flex-fuel;
    - 6.1.3. Industry standards that would require all vehicles capable of burning E85 fuel to be equipped with a yellow gas cap to distinguish this capability; and
    - 6.1.4. Using renewable fuels in all federal vehicles where available.
- 7. ***Incentives, Tariffs and Taxes***
  - 7.1. We support a continuation of the biodiesel and cellulosic ethanol producers excise tax credits, as well as federal incentives for gas stations to install blender pumps for ethanol distribution infrastructure until such time as market conditions warrant their phase out.
- 8. ***Infrastructure***
  - 8.1. We support:
    - 8.1.1. Timely certification by UL of dispensing equipment for all renewable fuel products, including all storage tanks and pumping equipment;
    - 8.1.2. All diesel engine manufacturers adopting biodiesel as an alternative for complying with EPA emission control standards;
    - 8.1.3. Streamlining and expediting the process for issuing permits for the construction and operation of refineries for the production of renewable fuels and coal gasification;
    - 8.1.4. Distributing renewable fuels via pipelines or other cost effective means;
    - 8.1.5. Color coding fuel pumps to indicate blends of liquid energy; and
    - 8.1.6. Reporting and publishing of renewable fuel production and renewable fuel plant construction on a timely basis by an entity such as the DOE.

## FISCAL / GENERAL ECONOMY

### **415 / Agricultural Credit**

- 1. Producers need a variety of credit sources at the lowest possible interest rates. While competition in farm credit markets is in the best, long term interests of agriculture, we encourage commercial banks, the Farm Credit System (the System) and other lenders to seek out opportunities to cooperate in meeting the financing needs of farmers.
- 2. We support the following principles:
  - 2.1. Individuals or institutions that hold mortgages or instruments that would normally require a certificate of release in order that a clear title may be presented, shall upon maturity or other satisfaction of said instruments, file a certificate of release in the local government entity of affected property at their expense within 30 days;
  - 2.2. Lenders should not be permitted to retain mineral interests when disposing of real property;
  - 2.3. Federal small business grants should not exclude beginning farmers and ranchers and entrepreneurs without any employees. Grants should be awarded based on the character of the applicant and the merit of business and financial plans submitted;
  - 2.4. Adequate incentives should be available for beginning farmers to access capital, should not be based on age and should be indexed to reflect current asset values;
  - 2.5. The VA loan program should be expanded to allow veterans to purchase farmland;
  - 2.6. Small business government guaranteed loans should be available and promoted for U.S. citizens;
  - 2.7. Federal banking regulators should establish sound risk-based capital requirements that continue in times of economic downturns;
  - 2.8. Prospective borrowers should be protected from undue pressure to purchase insurance from institutions lending them money; and
  - 2.9. A simplified approval process with clearly defined guidelines and reasonable time restraints for Farm Service Agency and Small Business Administration loans.
- 3. ***Farm Service Agency (FSA)***
  - 3.1. We support:
    - 3.1.1. Requiring FSA loans be secured by adequate collateral and reasonable repayment capacity;
    - 3.1.2. The loan process should be streamlined, to allow producers and lenders to implement or change management plans;
    - 3.1.3. FSA expediting loan processing to allow farmers ample time to make planting decisions;
    - 3.1.4. A requirement that FSA ensure clipping and noxious weed control is performed on acquired property;

- 3.1.5. The FSA providing adequate levels and terms of credit;
- 3.1.6. A review and recommendations of appropriate FSA agency policy on loan term limits, loan size limits, interest rate subsidies and performance audits of FSA lending branches;
- 3.1.7. Extending the low-interest loan program for storage facilities to livestock forage crop storage structures, and also include controlled atmosphere structures;
- 3.1.8. A requirement that FSA-acquired property be offered first to qualified FSA young farmers and ranchers;
- 3.1.9. FSA farm labor housing loans;
- 3.1.10. Easements or FSA inventoried lands remaining with FSA rather than allowing for transfer to the U.S. Fish and Wildlife Service or state agencies;
- 3.1.11. A much broader definition of on-farm income;
- 3.1.12. Horse boarding operations being covered under the FSA programs;
- 3.1.13. Increasing FSA farm loans for grain and forage storage and grain handling equipment for farmers and landowners;
- 3.1.14. Flexible cash rent agreements be treated as a standard cash rent agreement for FSA purposes and payments with the producer receiving 100 percent of those payments;
- 3.1.15. Increased caps on and funding available for FSA loans to beginning farmers;
- 3.1.16. Eliminating minimum years of farming participation for beginning farmer loan programs;
- 3.1.17. Changes to regulation so that FSA cannot require recipients of gas or oil royalties to apply 100 percent of the proceeds from royalties to loan principal when the creditor has either direct or guaranteed loans; and
- 3.1.18. USDA's Farm Service Agency having appropriations available to all approved loans within 90 days.

#### 4. **Commercial Banks**

##### 4.1. We support:

- 4.1.1. Regulators striking a balance between banking capital requirements which preclude lending to qualified farmers and making sure that financing for agriculture does not repeat mistakes on credit worthiness;
- 4.1.2. Easing Federal Deposit Insurance Corporation (FDIC) Community Bank regulations in order to stabilize real estate values and energize small business;
- 4.1.3. Requiring only those uniform commercial code forms signed at the time of closing be recorded as legal documents;
- 4.1.4. Requiring lending institutions to notify borrowers when uniform commercial code liens are renewed;
- 4.1.5. Changes to the banking laws to ensure that the "structured deposit" prohibition is not enforced as a stand-alone crime. The government should only prosecute depositors who have committed other felonies using a structured deposit scheme; and
- 4.1.6. Defendants charged with "structuring" should be afforded due process before any money is seized.

##### 4.2. We oppose:

- 4.2.1. Regulations that are restrictive, inflexible and damage farmers' and ranchers' ability to obtain and keep adequate financing;
- 4.2.2. Any federal or state banking transaction tax or fee; and
- 4.2.3. Financially responsible institutions should not be penalized for the excessive risk taken by other institutions.

#### 5. **Farm Credit System**

- 5.1. Preservation of the System is in the long-term best interest of U.S. agriculture. The System should remain a farmer-owned, federally chartered system of banks and associations. We support efforts to make patronage allocations and cash distributions a higher priority than building capital reserves.

##### 5.2. We support:

- 5.2.1. Lending primarily to farmers, agricultural cooperatives and agribusiness;
- 5.2.2. Full disclosure of financial condition;
- 5.2.3. Removal of the statutory exit provision from the Farm Credit Act;
- 5.2.4. Retention of regulatory authority by the Farm Credit Administration (FCA) and oppose the regulation of the System by the U.S. Treasury Department or any other regulatory authority;
- 5.2.5. FCA examination of regulatory burdens and capital requirements to ensure System institutions can be competitive;
- 5.2.6. The 1938 Memorandum of Understanding between the System and the Forest Service allowing grazing permits to be used as loan collateral;
- 5.2.7. Farmers and ranchers serving on the boards of directors of System institutions and are opposed to their replacement on the boards by commercial bankers;
- 5.2.8. The System expanding its authority to allow rural lending which meets the changing production and marketing needs of agriculture;
- 5.2.9. The need to modernize and expand the System's ability to serve agriculture and rural America to help them compete and thrive in the emerging global market;
- 5.2.10. The population limit for rural home loans being increased; and
- 5.2.11. Medical liabilities not being listed as a derogatory on a credit report.

- 5.3. We oppose allowing commercial banks to have access to money procured by virtue of the System's agency status.

#### 6. **Farmer Mac**

##### 6.1. We support:

- 6.1.1. Farmer Mac as a viable source of farm credit; and

- 6.1.2. Legislation that would provide agriculture producers a priority lien on crop, livestock and other agricultural products that are sold to brokers, processors, accumulators and end users.

## **7. *Aggie Bonds***

### **7.1. We support:**

- 7.1.1. The Tax Exempt Agricultural Bond for Beginning Farmers or “Aggie Bond” program used by state agencies to assist farmers and ranchers with purchases of farmland, breeding stock and farm improvements; and
- 7.1.2. Changing the word “median” to “average” in the definition of previously owned real estate to make more beginning farmers eligible for the Aggie Bond program.

## **8. *Small Business Administration***

### **8.1. We support:**

- 8.1.1. The Small Business Administration (SBA) partnering with commercial lenders as another provider of guarantees for agricultural loans; and
- 8.1.2. Continued funding for SBA programs.

## **416 / Bonding and Bankruptcy**

1. The licensing and bonding regulations of the Federal Warehouse Act should be strengthened to protect farmers in the storage of agricultural products by increasing bonding requirements from \$500,000 to \$1,000,000. Federal licensing of warehouses shall not preempt state license requirements and regulatory authority, including but not limited to examinations, audits, scale inspections and indemnity fund collections.
2. Bankruptcy laws and regulations should be governed by the following principles:
  - 2.1. Farmers who have delivered commodities or other products to a purchaser that subsequently files for bankruptcy without paying for those commodities or other products, should have first claim on the commodity inventory and all assets of that purchaser;
  - 2.2. Dealers or brokers of agricultural products not regulated by the Packers and Stockyards Act or a federal marketing order should be bonded;
  - 2.3. A federal guarantee fund to pay producers for losses suffered for nonpayment for commodities should not be established unless first approved by a producer referendum;
  - 2.4. Bankruptcy laws should provide more severe penalties for people who fraudulently declare bankruptcy and should require a period of 10 years between bankruptcy filings; and
  - 2.5. Commission merchants, dealers and brokers, who are insolvent, in receivership, in trusteeship or in bankruptcy, must provide written notice of the bankruptcy to growers and suppliers for agricultural commodities before the commodity is purchased or put under contract.

## **417 / Credit Card Transactions**

1. We support legislation at the federal level that exempts farms from interstate commerce, pertaining to credit card sales.

## **418 / Fiscal Policy**

1. In order to protect the future integrity of our nation's economy it is in our best interest to address budget deficits, which erode our ability to remain fiscally stable. We support a Constitutional amendment requiring a balanced federal budget.
2. We support the concept of sequestration as a possible tool to achieve a balanced budget. However, we believe no programs should be exempt from cuts.
3. We believe Congress should retain control of the national debt as delineated in Article 1 Section 8 of the Constitution and that the debt ceiling should only be increased by a two-thirds vote of both the House and Senate.
4. All of our elected Representatives should be involved directly in any debt debate, and the debate should be held in an open forum.
5. Government economic policies should be designed to encourage economic stability, to increase productivity, to improve our competitive advantage in the international market and to promote a high level of economic prosperity.
6. The definition of "spending cut" should be an actual reduction in dollars spent and the definition of "budget cut" should be an actual reduction in dollars budgeted.
7. The federal deficit should be reduced each year. Social Security, Medicare / Medicaid, tax policy and government spending all require adjustments to achieve a balanced budget. Spending restraint should be prioritized over increasing taxes.
8. Federal expenditures on government services and entitlements must be reduced. All departments of the government should be examined for cuts in spending, including cost-of-living adjustments.
9. We believe:
  - 9.1. In open disclosure of government spending at all levels;
  - 9.2. All government agencies should be required to return unspent money to the Department of the Treasury without a penalty;
  - 9.3. Agencies and programs that are not reauthorized by Congress should not be funded;
  - 9.4. All new federal programs should sunset;
  - 9.5. Dedicated trust funds should be used for their intended purpose and not be used to mask the size of the federal deficit;
  - 9.6. Federal budget surpluses should be used to reduce the federal debt;

- 9.7. Any tax increases should be used to balance the budget and should sunset once this goal is accomplished. Tax increases should not be utilized to create an opportunity to spend money on new programs;
- 9.8. The economic benefits of proposed tax code changes should be recognized and dynamic scoring should be used to determine their impact on federal revenue; and
- 9.9. Federal mandates to state and local governments and agricultural producers must provide complete and continuous funding or be eliminated.
10. We support the reinstatement of the Glass-Steagall Act that would limit activities and affiliations between commercial banks and security firms.
11. We oppose:
  - 11.1. Awarding federal monies to citizen action groups;
  - 11.2. Federal funding for the National Endowment for the Arts;
  - 11.3. Withholding funds to force compliance with federal programs;
  - 11.4. The federal government bailing out states and cities that are in financial trouble; and
  - 11.5. Changing the budget status of programs to mask federal spending or taxation.
12. ***The Federal Reserve***
  - 12.1. The Federal Reserve System should be audited annually and the results of the audit should be made public in a timely manner. The Reserve should have an independent board of governors with production agriculture represented on the Board; and
  - 12.2. We oppose the Federal Reserve buying up United States government debt.

#### **419 / Foreign Investment**

1. Foreign investment in U.S. assets is a concern. The impact of foreign investment in agriculture, banking, insurance and other business institutions in the United States should be monitored.
2. Foreign ownership of utility companies and natural resource businesses, including agricultural land, should be limited to less than a controlling interest. We oppose preferential treatment of foreign investments in agriculture and insist that foreign investors be required to conform to the same tax laws, import and export regulations as American producers.

#### **420 / Governmental Ownership of Property**

1. Government-owned enterprises which compete with private enterprise and government-owned properties which are not available for public use should be required to bear their equitable share of the cost of services provided by other governmental entities through payments in lieu of taxes. Those government-owned enterprises that could be privatized should be sold to the private sector as a means of providing more efficient service and cost reduction. Property owned by the U.S. government and no longer used for the purpose it was intended when acquired (especially if acquired through eminent domain) should be returned to the private sector as tax generating property for counties and states. The original owner should be offered first right of refusal.
2. The General Services Administration (GSA) has established revised lease demands for all Farm Service Agency (FSA) offices. Congress should require GSA to work with local counties to set reasonable standards for FSA and other related offices.

#### **421 / Monopoly**

1. Monopoly power is a threat to our competitive enterprise system and the individual freedom of every American.
2. Consolidation and the subsequent concentration within the U.S. agricultural sector is having adverse economic impacts on farmers and ranchers. Congress should review existing statutes, develop legislation where necessary and strengthen enforcement activities to ensure proposed agribusiness mergers and vertical integration arrangements do not hamper producers' access to inputs, markets, and transportation.
3. We recommend the federal government look into the monopolistic practices of importers and domestic companies formulating fertilizer and nitrogen products.
4. The following changes should be made to further protect the sellers of commodities from anti-competitive behavior:
  - 4.1. Department of Justice (DOJ) should ensure that proposed cooperative and/or vertical integration arrangements continue to maintain independent producers' access to markets;
  - 4.2. USDA should be given authority to review and provide recommendations to DOJ on agribusiness mergers and acquisitions;
  - 4.3. USDA should be empowered to investigate mergers, consolidation or concentration of agricultural input suppliers, processors and retailers for antitrust or anti-competitive activities;
  - 4.4. DOJ should investigate competitive markets and price discovery when purchasers of agricultural products and providers of resources to agricultural producers secure a 25 percent (or greater) share of its markets;
  - 4.5. DOJ should have broader regulatory authority to include regulation of anti-competitive monopsonistic business behavior to protect agricultural producers as well as consumers;
  - 4.6. Producers impacted by unfair marketing practices should be compensated when harmed by monopolistic practice;
  - 4.7. USDA and DOJ should jointly provide clarification of farmer cooperatives' rights to encourage the development of cooperatives and producer bargaining associations;
  - 4.8. USDA oversight of the Packers and Stockyards Act should be enhanced. Specifically, Grain Inspection Packers and Stockyard Administration (GIPSA) investigations need to include more legal expertise within USDA to enhance their anti-competitive analysis on mergers;

- 4.9. DOJ, GIPSA and other appropriate agencies should investigate any anti-competitive implications agribusiness mergers and/or acquisitions may cause. These investigations should consider regional monopolistic powers and abuses; and
- 4.10. Individuals and companies who attempt to control commodity prices and agricultural production in violation of antitrust and monopoly laws should be swiftly prosecuted.
5. The continued use and expansion of production contracts is appropriate as long as producers have equal input in the process of negotiating the contract and companies owning critical genetics do not obtain too much market power.
6. We oppose non-compete clauses between equipment dealerships which do not allow competitive pricing between regions, thus creating a monopoly in the equipment market.

## **422 / World Bank and International Monetary Fund**

1. We support:
  - 1.1. A congressional review of the charter for the World Bank to determine if it is operating according to its original purpose of aiding economic development and reconstruction and in keeping with sound banking practices;
  - 1.2. A thorough congressional evaluation of the U.S. contribution to the capital stock of the World Bank with emphasis on taxpayer costs and effects on world poverty;
  - 1.3. World Bank loans consistent with interest rates that are internationally competitive so that the borrowers are not insulated from world markets for capital;
  - 1.4. A restructuring of loans to assure repayment of loans made by the International Monetary Fund (IMF); and
  - 1.5. The charter for IMF operating according to its original purpose of ensuring international liquidity and exchange rate convertibility to facilitate world trade and capital flows.
2. We oppose World Bank loans to countries that would subsidize products for export that are in direct competition with the United States or that are in surplus.

## **TAXES**

### **435 / Federal Estate and Gift Taxes**

1. We support permanent repeal of federal estate taxes. Until permanent repeal is achieved, the exemption should be increased and indexed to inflation. If the exemption is lowered, agricultural land and capital assets should be excluded from estate taxes valuation, as long as they remain in production agriculture.
2. We support:
  - 2.1. Full unlimited stepped-up basis at death must be included in any estate tax reform;
  - 2.2. The delay of any capital gains tax liability with inherited property until the asset is sold by the heirs;
  - 2.3. The portability of the exemption between spouses;
  - 2.4. The annual federal gift tax exemption being increased and indexed for inflation;
  - 2.5. Farmland owners having the option of using market value or current use value to determine land value for tax estate purposes and there should be no limit to the amount that property value can be reduced to reflect its actual use; and
  - 2.6. Allowing valuation discounts for businesses.
3. We oppose:
  - 3.1. Unreasonable and unfair IRS estate tax audits;
  - 3.2. Estate tax audits that rely solely on an IRS agent's opinion on the value of the agricultural estate but should rather be based on the opinions of licensed appraisers with agricultural experience;
  - 3.3. IRS special consensual liens on property or a surety bond that are designed to protect the interest of the government installment payments as allowed by section 6166 of the Internal Revenue Code. These liens inhibit the ability of farmers or ranchers to continue to borrow capital to run their businesses; and
  - 3.4. The sale of agricultural land preservation, environmental easements on farm estates and timbering of farmland triggering a recapture tax during the 10-year agricultural use period.

### **436 / Sales, Fuel and Excise Taxes**

1. Under the current tax system, sales taxes should be reserved to state and local governments.
2. We support allowing the collection of sales taxes on internet sales of consumer goods by out-of-state sellers.
3. Federal excise taxes should be limited to nonessentials and only be used to generate revenue for dedicated uses and/or funds.
4. Revenue from road fuel taxes should be dedicated to the Highway Trust Fund for highway construction and maintenance and not used for non-highway uses.
5. Taxes on aircraft fuels should be used to improve aviation systems.
6. We support offering a reduced excise tax rate for small distilleries similar to the rate structure for breweries.
7. We believe:
  - 7.1. Fines for nonfarm use of tax-exempt dyed diesel fuel should be commensurate with the revenue lost from highway use taxes;
  - 7.2. Trucks mounted with farm equipment and/or farm trucks exempt from state vehicle registration as farm machinery should be allowed to use tax-exempt diesel fuel; and
  - 7.3. Electric and alternative fuel vehicles should pay state and federal road taxes.



8. We oppose:
  - 8.1. Farm licensed vehicles having to file Form 2290, Heavy Highway Vehicle Use Tax;
  - 8.2. The sale of untaxed items by merchants on tribal land;
  - 8.3. Increases in the special occupational tax on wineries;
  - 8.4. A windfall profits tax on oil, gas and renewable energy;
  - 8.5. Pre-taxation of off road fuel and user fees for turbine-powered agricultural aircraft; and
  - 8.6. Any new or increased excise taxes.
9. Excise taxes should not be paid on:
  - 9.1.1. Aircraft fuel used for agricultural purposes such as crop dusting;
  - 9.1.2. Used trucks that have been further manufactured;
  - 9.1.3. Commodity futures or options transactions;
  - 9.1.4. Email or other private package or courier service;
  - 9.1.5. Any bank transaction or other financial transaction;
  - 9.1.6. Biofuels and agricultural commodities; and
  - 9.1.7. Non-highway farm diesel.
10. The full federal excise tax should not be charged on agricultural trailers.

#### **437 / Social Security**

1. Action should be taken to preserve the integrity of Social Security for retirees and workers paying into the system.
2. We support:
  - 2.1. Raising the normal retirement age as life expectancy increases and indexing to longevity;
  - 2.2. Giving all Americans a choice of retirement systems, government or private, which operate under the same deposit percentages and withdrawal age rules as social security;
  - 2.3. Allowing taxpayers to invest a portion of their social security taxes into personal retirement accounts that are owned by the individual and are transferable at death without affecting benefits for current or future recipients;
  - 2.4. Removing the age 70 cap on actuarially neutral increases in Social Security benefits and allowing the actuarially neutral increases to accrue to age 114;
  - 2.5. Employers and employees sharing equally in the payment of Social Security taxes;
  - 2.6. Continuing the separate payroll deduction for Federal Insurance Contributions Act (FICA) taxes so that it is clearly identifiable;
  - 2.7. Placing collected social security taxes in a restricted interest-bearing fund to be used only for social security programs;
  - 2.8. Excluding tax exempt income from the formula that determines the taxation of Social Security benefits;
  - 2.9. Returning any income tax collected on Social Security benefits to the Social Security Trust Fund;
  - 2.10. Basing benefits upon an individual's contributions to the system;
  - 2.11. Basing adjustments in Social Security benefits on the annual decrease or increase in average wage;
  - 2.12. The spouse or family of a deceased person being able to keep the social security payment for the month the person dies;
  - 2.13. Repealing the Government Pension Offset and the Windfall Elimination Provision;
  - 2.14. Including both private and public-sector workers, and members of Congress, in Social Security;
  - 2.15. Every individual having the right to participate in pension plans in addition to Social Security;
  - 2.16. Educating workers that Social Security benefits are not intended to satisfy all retirement income needs;
  - 2.17. A cap on Social Security benefits be instituted to match the current limit to contributions; and
  - 2.18. Reinstatement of the full federal tax deduction of Social Security and Medicare contributions.
3. We oppose:
  - 3.1. An increase in Social Security taxes;
  - 3.2. Exempting low income taxpayers from paying Social Security taxes;
  - 3.3. The earned income restriction;
  - 3.4. Means testing;
  - 3.5. Social Security payments to illegal aliens or to prison inmates who have no dependents; and
  - 3.6. The taxation of Social Security benefits.

#### **438 / Tax Reform**

1. We support replacing the current federal income tax system with a fair and equitable tax system.
2. The new tax code should encourage, not penalize, success and encourage savings, investment and entrepreneurship. It should be transparent, simple and require a minimum of personal information.
3. Any replacement tax system should:
  - 3.1. Be fair to agricultural producers;
  - 3.2. Be implemented simultaneously with the elimination of all payroll taxes, self-employment taxes, the alternative minimum tax, the capital gains tax, estate tax and personal and corporate income taxes;
  - 3.3. Be revenue neutral;
  - 3.4. Prevent the federal government from levying an income tax;
  - 3.5. Be based on net, not gross, income;

- 3.6. Not tax business-to-business transactions or services except for final consumption; and
- 3.7. Require a two-thirds majority to impose new taxes, or to increase tax rates.

#### **439 / Taxation**

1. Tax policy should be designed to encourage private initiative, domestic economic growth, equity and simplicity.
2. We support:
  - 2.1. Income tax indexing;
  - 2.2. Reductions in all tax rates;
  - 2.3. Confidentiality of federal income tax returns;
  - 2.4. Creating pretax savings accounts as a risk management tool for farmers and ranchers including deferment of self-employment taxes;
  - 2.5. Allowing farmers and ranchers to average income over a five-year period and allowing share-based rental income to be eligible for income averaging;
  - 2.6. IRS regulatory reforms that allow profits to be averaged over the same number of years as loss is calculated;
  - 2.7. Elimination of the Alternative Minimum Tax (AMT). Until repealed, the threshold and deductions allowed should be increased;
  - 2.8. The same depreciation schedules for income taxes and the AMT;
  - 2.9. Elimination of the imputed interest rate;
  - 2.10. Reinstatement of investment tax credit;
  - 2.11. Elimination of income tax on government grants;
  - 2.12. Seized real property being returned to the tax rolls as soon as possible;
  - 2.13. Taxing for-profit businesses operated by tax-exempt organizations;
  - 2.14. Tax credits for small business;
  - 2.15. Treatment of replacement hedges (i.e. exchanging cash positions with a futures contract) as ordinary income or loss;
  - 2.16. Eliminating income tax on reduced quota payments and state master settlement payments;
  - 2.17. Allowing corporations to deduct earnings distributed to stockholders as dividends;
  - 2.18. Tax incentives, such as exemptions for loan forgiveness programs, to encourage medical professionals and large animal veterinary practitioners to practice in rural areas;
  - 2.19. Income tax assessments and income tax refunds having the same statute of limitations;
  - 2.20. Retaining section 199 or a similar domestic production deduction in the tax code; and
  - 2.21. Requiring the Internal Revenue Service (IRS) to notify each tax-exempt organization of its tax filing responsibilities.
3. We oppose:
  - 3.1. Taxing interest income as it accrues;
  - 3.2. The use of agricultural land as a long-term, tax sheltered investment by pension and profit-sharing funds;
  - 3.3. Taxing the cash value buildup in life insurance;
  - 3.4. A value-added tax;
  - 3.5. Earned income credits for dependents who are not citizens and who do not live in the United States;
  - 3.6. IRS' Taxpayer Compliance Measurement Program (TCMP);
  - 3.7. Taxing health insurance premiums to fund health coverage for those who do not have insurance;
  - 3.8. Retroactive taxation;
  - 3.9. Taxation by tribal governments of non-enrolled people within reservation boundaries without representation;
  - 3.10. Taxation on the Veterinary Medicine Loan Repayment program (VMLRP); and
  - 3.11. Form 1099 reporting requirements for veterinarian services.
4. **Self-Employment Taxes**
  - 4.1. We support:
    - 4.1.1. Classifying Conservation Reserve Program (CRP) payments as rental income not subject to Social Security tax;
    - 4.1.2. Allowing self-employment tax liability to be calculated by averaging self-employment income and losses similar to income tax averaging;
    - 4.1.3. Exempting rental income from land rented to the owner's family farm corporation, Limited Liability Company (LLC) or partnership from the self-employment tax; and
    - 4.1.4. Cutting the self-employment tax so that it equals the employee's share of employment taxes.
5. **Capital Gains Tax**
  - 5.1. We oppose any tax on capital gains. Until the capital gains tax is repealed, we support:
    - 5.1.1. Cutting the tax rate on capital gains;
    - 5.1.2. Indexing capital gains to inflation;
    - 5.1.3. An exclusion for the sale of agricultural land that remains in production;
    - 5.1.4. An exclusion for payments for farm land preservation easements and development rights;
    - 5.1.5. An exclusion for the transfer of a business, including farms, between parent and children;
    - 5.1.6. Allowing a taxpayer to defer taxes from the sale of property and machinery by investing the proceeds into a retirement account with taxes due at withdrawal;
    - 5.1.7. Eliminating the \$3,000 limit on capital losses; and
    - 5.1.8. An exclusion for land taken through threat of or by eminent domain.

**6. *Depreciation, Expensing and Deductions***

**6.1. We support:**

- 6.1.1. A tax deduction of fair market value for agriculture products donated to charity;
- 6.1.2. Making permanent the deduction of expenses under Section 179 Small Business Expensing and indexing the amount for inflation;
- 6.1.3. Annual expensing of preproduction expenditures;
- 6.1.4. Treating costs incurred for major equipment repairs as an expense rather than a capital improvement;
- 6.1.5. Accelerated depreciation using the same methods available to non-farm businesses;
- 6.1.6. Allowing water storage reservoirs built for irrigation and the cost of land leveling for water conservation to be depreciated over a four-year period;
- 6.1.7. Reforestation costs being treated as an expense in the year they are incurred;
- 6.1.8. Raising the cap on the tax credit and shortening the amortization period for the cost for replanting of trees;
- 6.1.9. A deduction for a portion of the home telephone bill used in the farm business;
- 6.1.10. A deduction for all state and local taxes;
- 6.1.11. Keeping a deduction for charitable contributions;
- 6.1.12. A full year's depreciation for capital purchases made during the year;
- 6.1.13. A deduction for interest and depreciation when as a result of a divorce, farm assets must be purchased by the spouse remaining with the farm;
- 6.1.14. Written business employment agreements being accepted as proof of a valid employer/employee relationship with family members;
- 6.1.15. The continuation of the three-year depreciation schedule for race horses. We believe the term "placed in service" means when the horse begins training;
- 6.1.16. A deduction for business interest expense;
- 6.1.17. Allowing use of depreciation of assets as a deduction for businesses; and
- 6.1.18. Making bonus depreciation permanent.

**7. *Environmental Tax Issues***

**7.1. We support:**

- 7.1.1. Tax incentives that encourage farmers and ranchers to safeguard plant and animal species, conserve our natural resources and improve the quality of our air and water;
- 7.1.2. A deduction for the full and fair value of a donated conservation easement or purchased development right;
- 7.1.3. A revision to the federal tax code so that a conservation easement with a limited time (less than 99 years) is eligible for tax incentives;
- 7.1.4. The same installment sales reporting for landowners who donate a term easement as those who donate a permanent easement;
- 7.1.5. Federal tax revenue received from the sale of development rights being remitted to the state of origin for farmland protection programs;
- 7.1.6. Exempting cost share benefits received from government mandated or government sponsored conservation practices;
- 7.1.7. Tax incentives for wind power and renewable fuels that remain in place for at least ten years;
- 7.1.8. Taxation of the Wetlands Reserve Program (WRP) payments to be treated as ordinary income or capital gains at the discretion of the landowner; and
- 7.1.9. Energy savings credits for homeowners who utilize biomass thermal energy.

**7.2. We oppose carbon emission related taxes or fees on horsepower of vehicles and equipment used for agricultural production.**

**8. *Financial Distress Tax Relief***

- 8.1. We support casualty-loss tax treatment for timber destroyed by insects, diseases or natural disasters.
- 8.2. We support an exclusion from capital gains taxes for forced asset sales due to disasters, bankruptcy, insolvency or serious financial stress, condemnation and indemnification.
- 8.3. We support an income tax exclusion for:
  - 8.3.1. Proceeds from the sale of forced livestock sales due to disaster or condemnation provided replacement livestock is purchased in the next 10 years; and
  - 8.3.2. Federal farm payments related to weather disaster, reduced quota payments and state master settlement payments.
- 8.4. We support deferring recognition of income for:
  - 8.4.1. Two years for proceeds from a forced livestock sale caused by government reduced grazing periods or permits;
  - 8.4.2. Up to ten years for proceeds from forced liquidations due to disaster or eminent domain; and
  - 8.4.3. One year for crop insurance or indemnity payments.
- 8.5. We oppose:
  - 8.5.1. The recapture of investment tax credit on agricultural property owned by a farmer who is declared to be insolvent; and
  - 8.5.2. Levying income taxes on taxpayers who are declared insolvent and sell property for less than the loan amount.

**9. *Taxes on Savings***

**9.1. We support:**

- 9.1.1. Increasing the maximum allowance on individual IRAs and tax deferred retirement plans to \$12,000 indexed for inflation;

- 9.1.2. Eliminating the adjusted gross income limitation for deductible Individual Retirement Account contributions;
- 9.1.3. Changing the Simplified Employee Pension-Individual Retirement Account contribution rules to allow employees to work up to 210 days and make up to \$10,000 before they must be included in the same percentage of income as the owner contributes;
- 9.1.4. Eliminating income taxes on the first \$1,000 of interest income from savings accounts of individuals;
- 9.1.5. Eliminating mandatory distribution from IRAs and other retirement plans; and
- 9.1.6. Allowing penalty free transfers from IRAs to health savings accounts.

#### **10. *Taxes on the Transfer of Property***

##### **10.1. We support:**

- 10.1.1. Allowing farmers the unlimited deferral of taxes when exchanging farm property for farm property (Section 1031 exchanges);
- 10.1.2. Changing like-kind exchange rules so that the time allowed to identify exchange property is increased from 45 days to six months and, the time allowed to close on and receive property is increased from six months to one year;
- 10.1.3. Tax incentives for persons who sell or lease land, facilities, machinery, livestock or other assets to beginning farmers, and additional tax incentives for reduced rents; and
- 10.1.4. Installment sale reporting for all gains from the sale or exchange of farm properties.

#### **11. *Tax Record Keeping Issues***

##### **11.1. We support:**

- 11.1.1. The option of using cash accounting without restrictions;
- 11.1.2. Increasing the \$150 Social Security and Medicare threshold to \$2,500, eliminating the total farm payroll test, indexing the threshold, imposing a 24-day test for determining if wages are subject to tax, and exempting full-time students 18 years of age or younger from withholding;
- 11.1.3. Raising the minimum amount required to be reported on the 1099 form to \$6,000 indexed for inflation;
- 11.1.4. Exempting forward contract sales by farmers from form 1099B filing requirements;
- 11.1.5. Granting corporations the same safe harbor from under-estimation penalties as individuals;
- 11.1.6. Setting the tax filing deadline for family farms or farm corporations, at 75 days after the close of their fiscal year without requiring estimated quarterly payments;
- 11.1.7. Not requiring taxpayers to maintain depreciation schedules for equipment that is no longer owned;
- 11.1.8. Exempting all plants from the uniform capitalization rules;
- 11.1.9. An April 15 filing deadline for farmers requiring estimated tax payments;
- 11.1.10. A clear policy for implementing income tax filing procedures by H-2A workers who have left the United States and cannot file existing forms on time from their home country;
- 11.1.11. Acceptance of canceled checks as documentation for deductible expenses or contributions.

#### **12. *Family Tax Issues***

##### **12.1. We support:**

- 12.1.1. Allowing a 100 percent deduction for a person's health, dental, disability and long-term care insurance premiums;
- 12.1.2. Allowing an adjustment to business income for premiums and non-reimbursable medical expenses. Eligibility should not be predicated on all employees being provided health insurance;
- 12.1.3. Children with income who are claimed as a dependent not having to pay taxes at their parent's rate;
- 12.1.4. A tax deduction for post-secondary education tuition;
- 12.1.5. Educational scholarships shall not be considered taxable income;
- 12.1.6. The elimination of the marriage penalty;
- 12.1.7. Child-care credits for the self-employed;
- 12.1.8. Increasing the personal exemption;
- 12.1.9. Limiting the Earned Income Tax Credit to the amount of income and employment taxes paid;
- 12.1.10. Extending the Child Tax Credit from age 17 to 23 for dependent children who are full-time college students;
- 12.1.11. Exempting the proceeds from the sale of business property from adjusted gross income caps for retirement purposes;
- 12.1.12. Eliminating the adjusted gross income threshold for deducting medical expenses;
- 12.1.13. Expanding the tax credit for health savings accounts; and
- 12.1.14. A full deduction for medical expenses.

##### **12.2. We oppose the taxing of employees on provided health insurance benefits.**

### **440 / Taxation of Cooperatives**

#### **1. We support:**

- 1.1. Farmer cooperative income being taxed only once, either when earned by the cooperative or when received by the patron;
- 1.2. Farmer cooperatives being given at least two years to adjust to a new interpretation of the tax status of cooperatives. Changes should not affect long-established practices nor apply retroactively;
- 1.3. An exemption for income used by farm credit institutions to build required reserves because of a change and income not used for that purpose should be returned to cooperative members;

- 1.4. Allowing producer-purchased companies that transition into cooperatives to have the same tax advantages as employee-purchased companies; and
- 1.5. An investment tax credit for producers who purchase shares in value-added cooperatives.
2. We oppose withholding taxes on patronage refunds.

## USDA: PROGRAMS AND SERVICES

### **455 / Agricultural Reports**

1. Confidentiality of government-collected individual producer data or records, including the names and addresses of participants, is important and should not be released to any government agency or any other entity. A privacy statement should be supplied stating that the information will not be released without written consent from the individual/customer/ client.
2. We support:
  - 2.1. Changes in national and international crop reporting services that use improved technology and methodology as appropriate to provide more timely and accurate supply-demand information, including current planting intentions;
  - 2.2. The National Agricultural Statistics Service (NASS) should continue to collect and publish county, state and national level data and statistics;
  - 2.3. USDA including agricultural imports from all countries in its crop reporting service in a timely manner;
  - 2.4. Releases and reports issued by USDA being scheduled to minimize the impact on other agricultural commodities;
  - 2.5. Funding to establish a national dry bean stocks report compiled by NASS;
  - 2.6. Regularly collecting and reporting of NASS data on the production and use of ethanol co-products used for livestock feed and the replacement percentage of corn exports with Dried Distillers Grains;
  - 2.7. The Peanut Planting Acreage Report being released after the Farm Service Agency (FSA) deadline for planted peanuts has passed;
  - 2.8. The addition of another rice stocks reporting date of June 1;
  - 2.9. Implementation on an operational basis of the Large Area Crop Inventory Experiment (LACE) technology to better track worldwide inventory of agricultural production;
  - 2.10. A greater international effort to improve global crop and livestock reporting;
  - 2.11. Prompt release of satellite and other sources of information on crop acreage and conditions such as production estimates, effects of weather and insect pressures around the world. The lack of such pertinent information from USDA results in wide swings in market prices which are costly to farmers;
  - 2.12. World production information, including U.S. data, should be reported in the same units of measurement;
  - 2.13. Development of budget expenses and recoveries that more clearly portray the net cost of farm programs to the U.S. government;
  - 2.14. Cooperation with NASS by producers to submit their best estimates on crop report questionnaires or to provide information to enumerators;
  - 2.15. The agriculture census being restricted to questions relative to farm acreage and livestock numbers. Reporting forms should be updated, simplified, and restricted to relevant personal information;
  - 2.16. Re-evaluating the definition of "farmer" for the purpose of the USDA Agricultural Census;
  - 2.17. The USDA Market News Service furnishing information on direct sales of slaughter and feeder cattle, sheep and hogs including the reporting of wholesale dressed beef, pork and lamb trade;
  - 2.18. USDA making a distinction between hair and wool sheep in their Annual Livestock Census;
  - 2.19. Annual production reports being reinstated for all fruit, vegetables and specialty crops;
  - 2.20. USDA including in its estimated gross agricultural income the fair rental value of farm homes and the value of home-grown produce consumed on the farm. These factors are not used in computing nonagricultural income. The same methods should be used in computing agricultural and nonagricultural gross income;
  - 2.21. The NASS survey being audited periodically;
  - 2.22. Appropriate action being taken if a processor incorrectly reports inventory to either NASS or Chicago Mercantile Exchange, and are found to be manipulating the market by incorrectly reporting inventory;
  - 2.23. The definitions of "agritourism enterprise" and agriculture tourism" for use in the Agriculture Census be as follows:
    - 2.23.1. Agritourism enterprise refers to an enterprise as a working farm, ranch or agriculture plant conducted for the enjoyment of visitors that generates income for the owner; and
    - 2.23.2. Agriculture tourism refers to the act of visiting a working farm or any agriculture, horticulture or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation that also adds to the economic viability of the state;
  - 2.24. FSA should be the primary crop reporting agency;
  - 2.25. USDA's NASS valuation of Hawaii coffee crop as green bean;
  - 2.26. Voluntary participation in all government agricultural surveys, including the USDA Agricultural Census; and
  - 2.27. A NASS no-call list.

### **456 / Commodity Promotion**

1. We recognize the right of producers to promote increased research, sales and consumption of the commodities they produce.

2. State and federal governments should not cease funding research and promotion with the intent of allowing the farmer checkoff-funded programs to cover such costs.
3. Commodity checkoff programs should meet the following criteria:
  - 3.1. Approval by producer referendum prior to implementation or change of a program;
  - 3.2. Referendum procedures to protect voting rights and the confidentiality of individual producers provide uniform voting procedures and encourage maximum participation by producers. The minimum voting age should be 18 years old;
  - 3.3. A referendum shall be held at any time upon petition of 10 percent comprising a representative sample of registered producers;
  - 3.4. Producers should control the board and the program. Members of the board should be contributors to the checkoff and not selected based on non-related criteria;
  - 3.5. Limitations so that funds are used only for promotion, market development and research. Grower educational programs should be limited to project information and financial statements;
  - 3.6. For programs that authorize refunds of assessments, the refunds should be distributed in a timely manner;
  - 3.7. Emphasize value-added benefits to producers and focus on higher net returns for farmers;
  - 3.8. Checkoff-funded research grants for end user products should have royalty or licensing agreements, where feasible, signed with the research institution;
  - 3.9. USDA should provide an annual report and strengthen oversight activities to assure producers that the funds are being used only for their intended purposes and not diverted to help finance state or national organizations whose major purpose is to provide legislative and regulatory services for members;
  - 3.10. Producer participation in checkoff referenda should be improved through all available means, including mail-in or electronic ballots;
  - 3.11. Imported commodities should be subject to promotional checkoffs on the same basis as domestic producers, including producers from Puerto Rico;
  - 3.12. Any commission or body created under an agricultural commodity promotion program should be required to provide complete accountability to its producers of the expenditure of funds collected from them, including funds released to any agricultural organization, public agency or private firm for promotion or research purposes;
  - 3.13. Transparency in checkoff programs and producers' confidence in these programs requires accountability between organizations charged by federal statute with fiduciary responsibility for checkoff funds and any national policy organizations; and
  - 3.14. We oppose a non-commodity-specific organic checkoff.

#### **457 / Cooperative Extension Service**

1. The ultimate beneficiary of the Cooperative Extension Service (CES) is the American consumer, who has been provided a plentiful supply of food and fiber.
2. The CES should remain an agency within USDA and a part of the land grant colleges and universities with federal appropriations expended under cooperative agreements between USDA and each state. Federal and state funds should be used for the implementation of Extension programs as established under the cooperative agreements.
3. We support:
  - 3.1. The basic philosophy of CES that programs, and program direction, should be decided by local participants in the program;
  - 3.2. New programs providing services to non-farm people provided they do not come at the expense of programs for farm and ranch families;
  - 3.3. CES devoting more time to farmers' needs and to the dissemination of research information to farmers. CES should initiate not only the dissemination of research but also a flow of possible impacts and needs from the farmer-rancher back to the researcher and to the public;
  - 3.4. Expansion of business management and career guidance programs through CES;
  - 3.5. An increase in funding and improving services;
  - 3.6. CES and USDA developing and publicizing a positive food safety program;
  - 3.7. The streamlining and consolidation of CES while maintaining support for youth; and
  - 3.8. Maintaining an agricultural focus for our 4-H programs.
4. We oppose:
  - 4.1. The federal government dictating direction through the earmarking of funds for specific federally directed non-farm programs;
  - 4.2. The repeal of the Hatch Act of 1887 and the movement of Hatch Act funds from the current system to a competitive grant system;
  - 4.3. The repeal of the Cooperative Forestry Research Act of 1962 and the movement of those funds to a competitive grant system. These funds are vital to maintain the infrastructure of ag research stations at land grant universities;
  - 4.4. Assignment of university extension faculty or staff to regulatory or law enforcement duties of any kind, believing such duties to constitute a conflict of interest, defeating both educational and regulatory purposes;
  - 4.5. Federal changes in funding mechanisms for nutrition programs used with CES; and
  - 4.6. Federal budget cuts affecting agricultural research and CES that are in excess of the overall percentage reduction in spending.

#### **458 / Farm Service Agency Committees**

1. We support:
  - 1.1. The Farm Service Agency (FSA) County Committee system, and oppose its elimination;
  - 1.2. FSA committees consisting of farmers who receive a major part of their income as active producers of agricultural products; County FSA committees should remain solely farmer-elected;
  - 1.3. County FSA committees having more control over local situations and programs including providing USDA payments for conservation programs. County committees and the state FSA committee should assist Natural Resources Conservation Service (NRCS) in determining what programs are applicable and should be used;
  - 1.4. USDA's National Appeals Division being required to adjudicate cases using the same rules and regulations formulated by USDA which the FSA county and state committees are required to follow;
  - 1.5. County FSA committees having the right of appeal for determinations made at the county level that are rejected by the state;
  - 1.6. Criteria established to guide office closure decisions should be followed by a review committee;
  - 1.7. Each farmer or rancher affected by an FSA office closing having the right to choose to be serviced by the most convenient service center;
  - 1.8. Implementation of an online reporting process by FSA that is available to all producers regardless of their operational structure;
  - 1.9. The efficient delivery of farm programs and retention of county committee structures with all counties represented, even if the number of county FSA, NRCS and Rural Economic and Community Development offices is reduced. Whenever counties are combined, equal board member representation and reasonable travel distance should be ensured;
  - 1.10. Criminal prosecution of voting irregularities in FSA committee elections; and
  - 1.11. Designing computer-based service delivery systems to work with the wide skill level of producers and the wide variety of computer hardware, software and Internet providers available to farm producers.
2. We oppose FSA asking farmers to sign any waiver that would exempt them from the "Finality Rule", which provides a 90-day period for FSA to review an application before disaster assistance determinations are final and binding.

#### **459 / National Weather Service**

1. We support:
  - 1.1. Accurate, timely reporting of weather information and the maintenance and adequate funding of current weather analysis and information dissemination systems;
  - 1.2. Federal, state and private agencies working to improve these systems as well as the coordination of user support and federal funds to assure continuity and improvement;
  - 1.3. Federal funds to re-establish agricultural weather services within USDA;
  - 1.4. Concentration of efforts to advance weather forecasting techniques into areas which will benefit crop and agricultural management practices;
  - 1.5. Continuation of the National Weather Service information over standard AM, FM and television stations;
  - 1.6. An increase in the wattage used by the National Weather Service emergency broadcasts so that outlying areas may have better reception;
  - 1.7. Improvement of the Palmer Drought Index to address regional conditions;
  - 1.8. Determining drought as conditions meeting the U.S. Drought Monitor Index level D2 or above; and
  - 1.9. When possible, the National Weather Service contracting with private suppliers for Doppler radar service in underserved areas.

#### **460 / Perishable Products**

1. The Perishable Agricultural Commodities Act (PACA) regulations should be amended to provide growers with more effective provisions for enforcing prompt pay.
2. PACA should be amended to provide coverage of sod, perishable greenhouse products, ornamental plants, cut flowers and Christmas trees.
3. We oppose any governmental agency delaying the marketing of perishable products for the purpose of collecting a penalty without having probable cause of a health risk.

#### **461 / Research**

1. The food and agriculture research, extension and education system must support, build and maintain a critical mass of well-trained scientists in the public sector to ensure that the U.S. remains the leader in global agricultural production. An effective and efficient transfer of knowledge and technology for the benefit of agriculture producers and consumers worldwide must be maintained and remain a high priority in future budgets.
2. We support:
  - 2.1. Ongoing efforts to elevate food, agricultural and natural resources research as a national priority, including partnering with a broad coalition of stakeholders to develop and deliver a unified message calling for moving agricultural research to the forefront of American science;

- 2.2. Strengthening investments across the board in the U.S. food, agricultural and natural resources research portfolio, including competitive grants, federal and state capacity funding and additional public-private partnerships;
- 2.3. A commitment for increased investment across all federal agencies with significant roles in addressing critical priorities in food, agriculture and natural resources through research;
- 2.4. USDA research, extension and education programs that are initiated by partnerships between federal, state and local governments and carried out through universities and USDA. These programs should reflect and be tailored to the unique soil, environmental and socioeconomic makeup of regions, states and locales;
- 2.5. Federal research and extension funding that assures regional and national interests are being addressed by state institutions in a cooperative, coordinated, cost-effective way and helps compensate individual states for the costs of programs that benefit other states, the nation, and the public. These funds should be allocated on the basis of scholarship and quality of science;
- 2.6. Streamlining the process for more direct funding by National Institute of Food and Agriculture to land grant universities directed toward production agriculture and mechanization research;
- 2.7. Production research on efficient nutrient uptake, water usage and improved pest and disease resistance for crops and livestock;
- 2.8. National and regional organizations patterned after the Council on Food and Agricultural Research that provide agricultural producers participation in priority setting, funding and accountability of the system;
- 2.9. Managing federal and state funded research programs to support basic and applied research and technology transfer for the benefit of U.S. farmers, agribusiness and consumers;
- 2.10. Public and/or private research that provide new information and technologies to meet soil, environmental and socioeconomic conditions and improves the economic viability in agriculture;
- 2.11. Awarding some federal grants on a competitive basis. Criteria for awarding these grants should place priority on projects that meet objectives identified by agricultural producers. These efforts should be coordinated by federal and state institutions in cooperation with other agricultural interests;
- 2.12. Increased Binational Agricultural Research and Development funding and securing other foreign investment in U.S. agriculture research to maximize cooperative research efforts by all who derive benefits from the outcome of such research;
- 2.13. Federal investment in research that provides a mix of formula, competitive and special grants and reauthorization of the competitive research facilities program for land grant universities;
- 2.14. A major capital program to provide state-of-the-art buildings, facilities and equipment for food and agriculture research, extension and education programs;
- 2.15. Increased funding for the Food Genome Project;
- 2.16. Maintaining viable, competitive regional agriculture research centers and efforts to reduce duplication in agriculture research activities;
- 2.17. Efforts to maintain a modern, biosecure animal-based research center;
- 2.18. Research that identifies the advantages and disadvantages of carbon credits as it relates to carbon sequestration with USDA serving as the lead agency on researching carbon sequestration;
- 2.19. Funding for research and eradication measures to control the West Nile virus and related mosquito diseases;
- 2.20. Funding a producer-directed, research-oriented specialty crop block grant program and the IR4 bio-pesticide research program for minor crops;
- 2.21. Research funding for the control and/or eradication of regional insect pests;
- 2.22. Federal appropriations for university policy centers, such as the Food and Agricultural Policy Research Institute and the Agricultural and Food Policy Center to provide objective, unbiased agricultural policy analysis to Congress;
- 2.23. The creation of a new type of charitable organization devoted to agricultural research with an IRS tax structure similar to the medical research organizations;
- 2.24. Public, objective research and reporting of results without private company review, oversight or other influence;
- 2.25. Adequate funding for all federal formula-fund programs within the USDA's National Institute of Food and Agriculture;
- 2.26. Full funding for operations and research at the current U.S. Sheep Experiment Station, including continuous research on the effects of grazing and sage grouse habitat, and the relationship between wildfire and grazing;
- 2.27. The continued operation of the United States Sheep Experiment Station as intended by the Presidential Designation of 1915; and
- 2.28. The U.S. Forest Service providing funding to research, and then implement, genetic modification of the American Chestnut (*Castanea denata*) to be resistant to the fungal chestnut blight. Once resistance is attained, the American Chestnut should be reintroduced into the original range in the Eastern U.S.

#### **462 / Role of USDA**

1. Agriculture should remain the primary responsibility of U.S. Department of Agriculture (USDA). Food and fiber consumers will be better served by healthy, profitable production agriculture than by consumer advocacy within USDA.
2. USDA should be an advocate for agriculture with emphasis on production agriculture and the processing and marketing of agricultural products and promoting the use of domestically produced food and fiber by all branches of the U.S. government and military services.
3. Leadership at USDA should be vested in appointed people who are competent, have background and experience in agriculture and have evidenced a knowledge and concern for the welfare of agricultural producers.



4. The Undersecretary of Natural Resources and the Environment should be an effective advocate for agriculture on environmental issues.
5. We support the secretary of agriculture and the U.S. trade representative being included in the National Security Council.
6. We support long-term funding of the USDA's Risk Management Agency (RMA).
7. Review criteria for USDA office closure decisions should include miles driven between offices, workload, local input, and inter-agency efficiency.
8. USDA should be:
  - 8.1. A monitor of domestic and foreign agricultural affairs;
  - 8.2. An accurate source of agricultural data and research; and
  - 8.3. An agricultural policy adviser to other departments of the federal government;
9. We support USDA programs that:
  - 9.1. Help farmers obtain needed crop and market information, research, educational assistance and credit;
  - 9.2. Provide workable grades and standards and safeguard product quality through inspection services;
  - 9.3. Help farmers eradicate or control plant and animal pests and diseases;
  - 9.4. Encourage conservation of land and water resources by maintaining land in private ownership. USDA programs should not be used to facilitate the transfer of private farms and ranches to public lands;
  - 9.5. Assure reliable, unfettered transportation for agricultural commodities;
  - 9.6. Strengthen farmers' power to bargain for a price; and
  - 9.7. Provide comparable services to administer all commodity programs.
10. USDA should:
  - 10.1. Continue to be a full Cabinet-level department and shall not be renamed or consolidated with any other department or agency of government;
  - 10.2. Retain various food assistance and nutrition programs, both domestic and foreign;
  - 10.3. Use U.S. agricultural commodities for domestic food programs;
  - 10.4. Not limit or restrict USDA purchases due to the violation of immigration regulations;
  - 10.5. Limit importers from purchasing products from foreign countries and reselling them under the provision of Section 32;
  - 10.6. Extend the "Buy American" provision to other noncontiguous states or territories including Alaska, Hawaii, Guam and Puerto Rico;
  - 10.7. Continue the Women, Infants and Children's (WIC) program, the Farmers' Market Nutrition Program and the Senior Farmers' Market Nutrition Program but farmers should not be assessed for funding of these type of programs;
  - 10.8. Use Farm Services Agency (FSA) data and assistance for premise ID registration;
  - 10.9. Use the land grant colleges for agriculture-oriented research;
  - 10.10. Continue efforts to resolve problems involving environmental and animal care issues;
  - 10.11. Maintain an efficient and cost-effective services delivery system, including electronic filing;
  - 10.12. Maintain FSA jurisdiction over the administration of the Conservation Reserve Program (CRP) and cost-share programs;
  - 10.13. Change in FSA regulations to allow other forms of verification for production evidence;
  - 10.14. Not allow FSA to combine farm numbers without written permission from the farmer;
  - 10.15. Upgrade computer technology and appropriate software to allow the Natural Resource Conservation Service (NRCS), FSA, RMA, and National Agricultural Statistics Service (NASS) to utilize and share the same farm program enrollment information and production, provided appropriate privacy disclosures and safeguards are utilized;
  - 10.16. Encourage "one-stop shopping" All farm program agencies, where feasible, should be located in the same building;
  - 10.17. Appoint one or more farmers on any agriculturally related government board;
  - 10.18. Require federal agencies to keep all documentation of all historical field maps or aerial maps supporting determination and supply onsite documentation of new determination to farmers;
  - 10.19. Accredited and license commercial dog breeders;
  - 10.20. Further support the Foreign Agriculture Service;
  - 10.21. Make Beginning Farmer Program eligibility requirements consistent through all USDA agencies;
  - 10.22. Provide financial assistance through Animal and Plant Health Inspection Service (APHIS) and Agricultural Research Services (ARS) to maintain New York's Golden Nematode Quarantine Facility and Research Program;
  - 10.23. Allow for a System for Award Management (SAM) number to be valid for the length of the USDA project for the individual producer; and
  - 10.24. Co-location of USDA and Soil and Water Conservation Districts when possible.
11. We oppose:
  - 11.1. Requiring farm trusts to provide the total trust instrument because the individual's last will and testament should be confidential;
  - 11.2. Making FSA county executive directors and program assistants employees of the federal government;
  - 11.3. The transfer of any USDA program to another department or agency;
  - 11.4. Announcing crop estimates until certified acres are known; and
  - 11.5. The Department of Homeland Security or USDA-prescribed homeland security practices being mandated on farms unless such measures are completely funded.

## **12. Natural Resources Conservation Service (NRCS)**

- 12.1. NRCS should remain within USDA and provide technical assistance and education. There should be no fees or charges to the land user for this service. Funding for conservation programs should be administered by FSA.
- 12.2. NRCS should:
  - 12.2.1. Act as a non-regulatory mediator of environmental compliance issues with regulatory agencies, on behalf of producers;
  - 12.2.2. Use funding only for agricultural purposes;
  - 12.2.3. Place a high priority on providing quality, technical and scientific natural resources expertise;
  - 12.2.4. Have adequate funds for technical assistance that are not tied directly to conservation programs;
  - 12.2.5. Ensure local farmer input on NRCS personnel decisions and direction of natural resource programs through conservation districts is maintained for the benefit of producers;
  - 12.2.6. Accept state licenses as proof of qualifications, without further testing or requirements, to be a Technical Service Provider;
  - 12.2.7. Amend NRCS regulation to count perennial crops, such as orchards, vineyards or sod, as prior converted land when the crop is removed;
  - 12.2.8. Inform landowners and tenants when NRCS officials are considering changing or altering wetland status on any portion of their holdings;
  - 12.2.9. Honor wetland determinations made prior to 1990;
  - 12.2.10. Modify existing cost-share programs to allow for NRCS technical assistance in assessing the long-term availability of water resources and the planning and development of new on-farm water supplies and irrigation systems;
  - 12.2.11. Recognize regional seasonality of farm commodities when determining program sign-up dates; and
  - 12.2.12. Allow an accredited third party or NRCS staff to complete on-site determinations to ensure timely determinations; and
  - 12.2.13. Focus exclusively on agriculture services and cease bringing in influences from non-agriculture groups.
- 12.3. NRCS should not:
  - 12.3.1. Become a regulatory agency, serve in a policing capacity or be combined through USDA reorganization with an agency that has regulatory functions;
  - 12.3.2. Negotiate Memorandums of Agreement or Memorandums of Understanding with federal regulatory agencies that would give NRCS the power to develop, implement, or police those agencies' regulations on agricultural land; and
  - 12.3.3. Require partnerships, limited liability corporations (LLC) and other farm entities to register on the Standardized Award Management Service (SAMS) site.

#### **463 / Rural Development**

1. We support the important work of USDA Rural Development to improve the quality of life and increase economic opportunity in rural America. We encourage the long-term funding of the grant, loan and loan guarantee programs administered by USDA Rural Development.
2. We support:
  - 2.1. Legislation that encourages rural economic development and emphasizes value-added opportunities in agriculture;
  - 2.2. USDA administering community development, business, and economic development programs for rural communities;
  - 2.3. Increasing technical and marketing assistance funding for the USDA Community and Economic Development programs;
  - 2.4. The USDA Business and Industry Guaranteed Loan Program issuing loan guarantees to farmer-owned projects sited in urban or urbanizing areas, if the locations will return economic benefits to the rural owners of the project;
  - 2.5. Increasing agricultural development funding through grants and low-interest loans equivalent to industrial development;
  - 2.6. Full funding for state rural development councils;
  - 2.7. Efforts that link retiring farmers with people seeking opportunities to enter agriculture or returning to rural communities;
  - 2.8. Stricter limits on participation in government programs that take land out of agricultural production due to negative economic impacts; and
  - 2.9. A moratorium on any new regulations on small business or agriculture.

#### **464 / Supplemental Nutrition Assistance Program (SNAP)**

1. SNAP should remain an integral part of USDA for budgeting and nutritional reasons. A public education effort should show the decreasing farmers' share of the USDA budget by itemizing the cost of each program.
2. Congress should re-evaluate SNAP to determine the feasibility of an alternate system for dispensing SNAP benefits. More emphasis should be placed on evaluating applicants to be certain that only those who meet specific criteria qualify for the program. Public funds should not be used to commercially advertise SNAP benefits.
3. Spending limits should be placed on the total expenditures for SNAP.
4. We support:
  - 4.1. Puerto Rico residents being allowed to participate in SNAP with full obligations;
  - 4.2. Items purchased by SNAP benefits should be limited to the five basic food groups;
  - 4.3. Accounting changes to better track losses within SNAP and other federal food-dispensing programs;

- 4.4. The use of a bar code system to screen items which may be purchased through the use of SNAP benefits, such as nutritionally acceptable foods outlined in the Women, Infants and Children's Program (WIC) authorized food list. This list should also include staple items which are unprocessed;
- 4.5. Requiring college students who are recipients of food assistance to provide Free Application for Federal Student Aid (FAFSA) completed forms, to show financial need of assistance;
- 4.6. Elimination of food assistance for full-time college students who have school meal plans, with no dependents;
- 4.7. Increased verification of employment and wages;
- 4.8. Increased verification of identity of recipients;
- 4.9. Efforts to expand the purchases of fruits and vegetables;
- 4.10. Elimination of carbonated beverages from food available in/under assistance programs and those non-fruit, vegetable and dairy beverages with bottle deposits;
- 4.11. The use of SNAP for U.S. produced agricultural products when available;
- 4.12. Requiring persons applying for SNAP benefits passing an approved drug test before granting approval. The applicant must be a U.S. citizen or permanent legal resident;
- 4.13. Efforts to increase Regional Food Banks' proportion of federal public aid funds for food and nutrition assistance programs; and
- 4.14. An aggressive system of investigation and prosecution of Electronic Benefits Transfer (EBT) card fraud.
5. We oppose:
  - 5.1. New USDA regulations which require retailers to sell minimum percentages of items from the five major food groups in order to redeem SNAP benefits. Retailers, such as butchers and fruit/vegetable markets, should be exempt from this requirement;
  - 5.2. The use of SNAP funds from being limited to locally-grown or organic production; and
  - 5.3. Utilizing SNAP funds for cash back purposes.

## **SECTION 5 - NATURAL RESOURCES**

### **ENVIRONMENTAL PROTECTION**

#### **501 / Aboveground Fuel Storage Tanks**

1. We believe state rules for aboveground fuel storage tanks should not be more restrictive than federal rules.
2. We support clearly defined requirements for on-farm, aboveground fueling facilities. Farmers should be assured of regulatory certainty before investing in corrective measures.
3. We urge the federal agencies to ease restrictions on farm fuel storage. Dikes should not be required around smaller tanks.
4. We support the following revisions to Environmental Protection Agency (EPA) rules regarding aboveground fuel storage tanks:
  - 4.1. Exempting farm fuel (diesel and gasoline) tanks from EPA mandates;
  - 4.2. Placing no limit on the number of aboveground fuel storage tanks allowed per farm;
  - 4.3. Allowing double-wall tanks in place of diking around tanks; and
  - 4.4. Allowing farmers, regardless of their on-farm fuel storage capacity, to complete and self-certify a spill control plan.
5. We oppose:
  - 5.1. Mandatory regulations or fees with the registration or monitoring of aboveground fuel storage tanks for farm use; and
  - 5.2. The inclusion of any materials beyond petroleum products into the Spill Prevention, Control and Countermeasure (SPCC) regulations.

#### **502 / Clean Air**

1. A balanced and science-based implementation of the Clean Air Act (CAA) is of the utmost concern to farmers and ranchers.
2. We support the following principles:
  - 2.1. Sound Science - To protect public health, all CAA rules and incentive-based programs must be based on peer-reviewed, science-based, reliable and accurate information;
  - 2.2. Transparency - The Environmental Protection Agency (EPA) should establish and maintain a deliberate, consistent and transparent decision-making process to inform the public, including farmers, of any criteria used to regulate air emissions;
  - 2.3. Workability - The CAA must be administered in a practical and realistic way to establish workable and reasonable rules and incentive-based programs. EPA should always consider incentive-based programs, before regulation, to achieve emission reduction. Compliance costs associated with meeting any imposed standards should be the responsibility of the federal government;
  - 2.4. Practicability - We will work with industry groups and the appropriate agencies to ensure common sense implementation and economic achievability of any new rule and incentive-based programs;
  - 2.5. Cost Benefit Analysis/Affordability - Benefits should significantly exceed the cost of any regulation or program and affordability should be a major consideration; and
  - 2.6. Congressional Oversight - Congress should review the effects of CAA on agricultural operations and ensure workable and reasonable CAA rules and programs.
3. We support:

- 3.1. Landowners and/or farmers not being held responsible for international, interstate or intrastate pollution that is classified as transport pollution in a regulated area;
- 3.2. The exclusion of transport pollution in the calculation of that area's compliance. Regulated areas should only be held accountable for excess pollution that is generated within their boundaries. The determination of compliance should only be based on pollution that a regulated area has control over and can do something about;
- 3.3. Establishing clear, transparent and reasonable definitions for exceptional events as they relate to exceedances of particulate matter (PM) standards;
- 3.4. Funding for agriculture air quality research to establish accurate agricultural emission baselines;
- 3.5. A process by which the regulated community or impacted state could appeal the decision of EPA on compliance determinations such as exceptional events, best available control measures (BACM) and best available retrofit technology (BART);
- 3.6. Seeking the direction and guidance of the USDA Task Force on Agricultural Air Quality and its role in reviewing and making recommendations to the secretary of agriculture on issues and proposed policies targeting agricultural air quality;
- 3.7. Providing incentives to industries seeking to become more energy efficient or to reduce emissions of identifiable atmospheric pollution and the means of preventing it;
- 3.8. Providing incentives to individuals seeking to reforest fragile lands that are currently in agricultural production;
- 3.9. Exempting air conditioned farm equipment from the 1990 amendments to the CAA which mandate refrigerant recycling;
- 3.10. Continuing the use of prescribed or controlled burn programs;
- 3.11. Excluding particulate matter from agricultural sources from the National Ambient Air Quality Standards because there is no conclusive scientific evidence indicating that particulate matter from farm and ranch operations adversely affects public health;
- 3.12. Agriculture's exemption regarding particulate size in EPA's ambient air quality standards;
- 3.13. Exempting air emissions from manure from emergency response reporting under Comprehensive Environmental Recovery, Compensation and Liability Act (CERCLA) and Emergency Planning and Community Right to Know Act;
- 3.14. Exempting on-farm biogas-fueled engines from federal New Source Performance Standard stack testing requirements;
- 3.15. Amending the CAA to hold states harmless for emission levels resulting from emergency waivers granted by EPA; and
- 3.16. Requirements for agricultural and construction equipment to be re-established at Tier 3 levels.
4. We oppose:
  - 4.1. Mandatory air quality standards for ozone and particulate matter on farms, ranches and agricultural businesses;
  - 4.2. Air permits for agricultural operations that are not science based;
  - 4.3. Any efforts by the EPA to implement permitting fees and/or protocol or take regulatory action regarding greenhouse gas emissions for production agriculture;
  - 4.4. The regulation of concentrated animal feeding operations (CAFOs) as a source category under the CAA,
  - 4.5. Air quality regulations on existing power generation facilities that require Selective Catalytic Reduction Systems and bag-house equipment to comply with air quality and view-shed requirements; and
  - 4.6. Further restriction and involvement of the EPA on irrigation engines.

## 503 / Climate Change

1. Market-based incentives, such as pollutant credit trading, are preferable to government mandates.
2. We support:
  - 2.1. A voluntary market-based carbon credit trading system that is not detrimental to other agricultural producers;
  - 2.2. Compensation to farmers for planting crops or adopting farming practices that keep carbon in the soil or plant material;
  - 2.3. Alternative energy sources, which will minimize atmospheric pollution;
  - 2.4. Incentives to industries seeking to become more energy efficient or to reduce emissions of identifiable atmospheric pollution and the means of preventing it;
  - 2.5. Market-based solutions, rather than federal or state emission limits, being used to achieve a reduction in greenhouse gas (GHG) emissions from any sources;
  - 2.6. EPA's re-evaluation of burdensome emission control rules for farming practices, farm equipment, cotton gins, grain handling facilities, etc.;
  - 2.7. The inclusion of the agricultural community as a full partner in the development of any policy or legislation; and
  - 2.8. Research and development to better assist farmers in handling weather events and better adapting to weather conditions.
3. We oppose:
  - 3.1. Climate change legislation that establishes mandatory cap-and-trade provisions;
  - 3.2. Climate change legislation that is not fair, affordable or achievable;
  - 3.3. Any law or regulation requiring reporting of any GHG emissions by an agriculture entity;
  - 3.4. Any climate change legislation that would make America less competitive in the global marketplace and put undue costs on American agriculture, business and consumers;
  - 3.5. Any climate change legislation until other countries meet or exceed U.S. requirements;
  - 3.6. Mandatory restrictions to achieve reduced agricultural greenhouse gas emissions;
  - 3.7. Any regulation of GHG by EPA;
  - 3.8. Any attempt to regulate methane emissions from livestock under the Clean Air Act or any other legislative vehicle;
  - 3.9. The imposition of standards on farm and ranch equipment and other non-highway use machinery;

- 3.10. Inclusion of the carbon impacts resulting from indirect land use changes in other countries in the carbon life cycle analysis of biofuels; and
- 3.11. Taxes on carbon uses or emissions.

#### **504 / Environmental Protection and Regulations**

1. Environmental regulations, air quality standards, water standards, noise standards and visual standards should recognize the essential nature of efficient utilization of organic matter, pesticides and fertilizers as a basic and natural part of agricultural production.
2. Government agencies should not have the authority to impose penalties on landowners without first identifying the problem and giving the landowner an opportunity to correct the problem. If there is a difference of opinion concerning the extent of the problem a reasonable and cost effective appeal process of the agencies decision should be available to the landowner. Fines that are imposed should not go into the U.S. Treasury, but be used to address problems found on the site. We believe that businesses, industries and farmers who have to expend sums of money to implement or prove they are meeting environmental regulations should be reimbursed for their expenditure.
3. Present and past landowners and operators should not be held liable for the cost of clean-up or damages from dipping vat sites which were established under a federally mandated program for tick eradication.
4. Pollution problems, occurring where previously accepted guidelines and regulations have been complied with, should be remedied at public expense.
5. Neither landowners, producers nor their lenders shall be held liable for the cost of environmental cleanups caused by prior actions and over which the producer, landowner or lender had no management oversight or control of decision-making.
6. Towns that meet the arid exemption should be exempt from Environmental Protection Agency (EPA) regulations concerning pit liners, leachate collection and treatment, and groundwater monitoring wells in order to maintain landfills at a feasible cost.
7. We support:
  - 7.1. The confidentiality of individual and business information including inspection and agency records;
  - 7.2. Public information about permit details and permit holders only being available for review at an agency's physical office and should have traceability of inquiry;
  - 7.3. Individual(s), organizations, or units of government that file a petition for an Environmental Impact Statement, being responsible for additional costs incurred by the process. Normal agricultural practices, such as ditching, tiling and controlled burning should be exempt from environmental regulations;
  - 7.4. Faster response time on all environmental reviews;
  - 7.5. The deletion of citizen lawsuits from environmental statutes;
  - 7.6. Adequate funding to aid in the construction of agricultural pollution control devices and implementation of agricultural practices to meet mandated standards;
  - 7.7. Legislation to exempt property owners from financial responsibility for pollution that resulted from previously-accepted farming practices;
  - 7.8. Amending the Superfund Amendment and Reauthorization Act (SARA), Comprehensive Environmental Recovery, Compensation and Liability Act (CERCLA), and Emergency Planning and Community Right to Know Act (EPCRA) to exclude agricultural operations. The requirements of these laws are too stringent and inappropriate for farming operations;
  - 7.9. The removal of setbacks on chemical application in conjunction with tile inlet structures unless proven by scientific data;
  - 7.10. Incentive-based programs that look for solutions to hazardous waste and pollution problems for agriculture that will replace the command-and-control regulatory programs currently in effect;
  - 7.11. Regulatory standards being set at safe tolerance levels and not at detection levels, which are below those that may pose a threat to human health and/or environmental degradation;
  - 7.12. The repeal of the federal law and tax on Freon R12;
  - 7.13. The use of halon in fire extinguishers being permitted until a suitable substitute becomes available;
  - 7.14. Spent mushroom compost being classified by all federal agencies as an agricultural waste byproduct;
  - 7.15. Federal environmental regulations being relaxed for those involved in cleanup from floods and other disasters;
  - 7.16. An agricultural exemption from regional long-term bans on outdoor burning;
  - 7.17. A complete overhaul and re-examination of the rules and regulations of EPA, Occupational Safety and Health Protection Agency, and other protective and regulatory agencies, with the goals of reducing, combining, and streamlining these agencies;
  - 7.18. State and local governments affected by the EPA Border 21 Program to opt out of the project;
  - 7.19. Reduced funding for EPA;
  - 7.20. Prior to adopting a rule or regulation which would restrict or eliminate any normally used agricultural practice, EPA should identify practical, economically feasible alternative solutions to the perceived problem;
  - 7.21. Legislation that halts EPA-ordered environmental river dredging unless the EPA incorporates suitable protections to agriculture in the environmental dredging plan;
  - 7.22. Holding the Army Corp of Engineers accountable for projects that contribute nutrients to surface water;
  - 7.23. Federal regulations affecting production agriculture being based on sound science and cost-benefit analysis. The EPA must have sound scientific data to back up any claims or rulings the agency makes;
  - 7.24. EPA re-examining computer models that estimate the contribution of nitrogen and phosphorus and other nutrients from forests and woodland;

- 7.25. The normal review process of agricultural chemicals by EPA. Product reviews should not deviate without proper cause;
- 7.26. Continued research on reuse of water; conversion of saline waters; air and water pollution; water and soil conservation; recharging of groundwater basins; drainage; forestry management and utilization; restoration of strip-mined areas; weather forecasting and modification; treatment of domestic, industrial and animal wastes; coal desulfurization; and other natural resource problems within the framework of federal-state-private cooperation;
- 7.27. More effective coordination among the agencies engaged in natural resources research to provide maximum coverage of the subject and to eliminate duplication and waste;
- 7.28. EPA and other executive branch entities providing proper notice that surveillance is occurring on private property regardless of the method used. Violations should be based on scientific evidence, not data models; and
- 7.29. Protocol for any federal agency receiving an environmental complaint against an agricultural operation include:
  - 7.29.1. An initial contact be made with the operator explaining the nature of the complaint;
  - 7.29.2. An appointment be scheduled 48 hours before entering the premises to address any bio-security concerns;
  - 7.29.3. The party or parties initiating the complaint become part of the public record;
  - 7.29.4. Receipt of the report by the operator and government agency documenting the complaint; and
  - 7.29.5. The time frame for the initial investigative visit be limited to a maximum of two hours.
8. We oppose:
  - 8.1. Criminalization under environmental law. Any government agency should be subject to the same restrictions as imposed under common law, wherein a defendant can be convicted of a crime only upon proof beyond a reasonable doubt that the defendant acted with specific intent to violate the law. Environmental cases should be tried in the area where they occur;
  - 8.2. Federal agencies filing for environmental assessments on an individual's property without first informing the individual that it is being done and for what purpose;
  - 8.3. Insurance requirements imposed by EPA on plants treating and processing agricultural, horticultural and forestry products that are in excess of coverage available on the insurance market at a reasonable premium;
  - 8.4. The classification of milk or any individual constituent of animal waste, livestock manure, poultry litter, or commercial fertilizer as a solid waste or hazardous substance;
  - 8.5. Any individual constituent of animal waste and commercial fertilizer being labeled a hazardous substance;
  - 8.6. EPA using consent agreements to subject producers to liability for violating a retroactively applied standard;
  - 8.7. EPA treating Native American tribes as states to regulate air, land and water and the application of crop protection chemicals within the boundaries of historical Native American reservations or on other lands and properties owned in fee considered "Indian Country" by the federal government;
  - 8.8. Regulations promulgated under the EPA Risk Management Program that requires the development of comprehensive prevention and emergency response programs for propane storage. We believe that proposed regulations provide no additional safeguards and that existing federal, state and local regulations adequately meet public safety goals;
  - 8.9. All federal ecosystem management;
  - 8.10. EPA as a cabinet level position;
  - 8.11. EPA flyovers;
  - 8.12. Further EPA regulation of pesticide shuttle tanks;
  - 8.13. Federal nutrient standards; and
  - 8.14. The use of environmental externalities which add cost to any goods or services.

## **505 / Hazardous and Nuclear Waste Management**

1. Federal laws require states and territories to develop statewide or regional hazardous waste management programs.
2. We support:
  - 2.1. A hold being placed upon activities by multistate low-level nuclear waste compacts until the federal government makes a final determination as to the number of low-level waste sites needed nationally;
  - 2.2. Working with the appropriate state or regional entities to assure agricultural interests are given adequate consideration and to assist in public education activities;
  - 2.3. Sufficient sites being designated to accommodate waste;
  - 2.4. Research and development for alternate methods to handle hazardous waste;
  - 2.5. Producers of hazardous waste being responsible for its safe transport and disposal within the limits governed by county, state and federal regulations;
  - 2.6. The Department of Energy following the procedures of the 1982 Nuclear Waste Repository Act based on scientific fact;
  - 2.7. Legislation that would prevent nuclear and toxic waste dumps from being placed on or beneath productive agricultural land and in areas with large underground water reservoirs and ocean and coastal waters;
  - 2.8. Any entity operating a facility that processes, manufactures, stores, or disposes of hazardous, toxic, nuclear, or any other material that may pose an adverse impact on the economic well-being of agriculture, to be required to compensate for any losses that may occur;
  - 2.9. The denial of permits to chemical waste companies in floodplain areas;
  - 2.10. Further scientific, economic, environmental and agricultural market impact studies of a high-level nuclear waste repository; and

- 2.11. The recycling of used nuclear fuel rods; thereby, reducing the need for more storage casks as long as the process is consistent with the protection of land and water.

## **506 / Waste Disposal and Recycling**

1. We support:
  - 1.1. Per capita generation of garbage being reduced and a combination of source reduction, source separation, recycling, resource recovery, composting and incineration be instituted, together with financial incentives, for preferred long-term disposal methods;
  - 1.2. Research into laser gasification for the mining of landfills and disposal of garbage;
  - 1.3. Establishing reasonable standards for emissions by incinerators burning nontoxic municipal waste. Current stringent requirements are making incineration cost-prohibitive, resulting in more landfills being located on prime agricultural land. Current Environmental Protection Agency (EPA) regulations place unrealistic guidelines on landfill use. They give no regard to feasibility or to providing any remedy for meeting the actual needs of waste disposal;
  - 1.4. A moratorium on the new landfill regulations until a workable waste disposal plan is developed and adequate funding is made available;
  - 1.5. Agricultural operations which have legally disposed of materials being exempted from liability provisions of the Comprehensive Environmental Regulatory Cleanup and Liability Act (CERCLA);
  - 1.6. Repealing the cradle to grave rule for environmental liability for products or substances not to include real estate. When a product or substance changes hands, the environmental liability of the disposal of that product or substance should transfer to the new owner or responsible party of the product;
  - 1.7. Government agencies responsible for approving land application systems allowing private agriculture to utilize municipal waste water and sludge;
  - 1.8. EPA and USDA's Natural Resources Conservation Service utilizing proven scientific practices when developing policies concerning waste management;
  - 1.9. Contracts governing the use of farmland for disposal of such wastes that:
    - 1.9.1. Permit voluntary participation by agriculture in a private enterprise system;
    - 1.9.2. Provide flexibility in amount and timing of application of the wastes according to agricultural needs;
    - 1.9.3. Provide indemnity payments for unsalable crops due to Food and Drug Administration regulations or crop losses caused by components in the wastes;
    - 1.9.4. Provide indemnity for land should it be contaminated because of components in the wastes;
    - 1.9.5. Provide economic incentives for new or improved techniques for handling waste water and sludge; and
    - 1.9.6. Provide farmers with an analysis of nutrients, heavy metals and trace elements of biosolids applied to fields;
  - 1.10. Government agencies must utilize proven current scientific information when developing policies concerning application of sludge. The responsibility of this being required to rest with the waste handling authorities;
  - 1.11. Each state having the right to require that all municipal biosolid applications be tracked using Global Positioning System (GPS) technology and be reported electronically;
  - 1.12. Pathogen certification for sludge imported from out of state being supplemented with periodic in-state lab tests, with results transmitted simultaneously to the applicator, the farmer and the government;
  - 1.13. Any beverage sold and not required to be consumed on the premises where sold, being in degradable or recyclable containers or in containers for which a substantial refund is offered for return;
  - 1.14. Efforts by individual states to provide incentives for recycling of beverage containers and existing laws pertaining to littering being enforced with greater vigor;
  - 1.15. Recycling where economically feasible and efforts to expand the market for recycled products;
  - 1.16. Increasing the biodegradable standard for containers; and
  - 1.17. Wider use of biodegradable bags and packaging to reduce litter and landfill volume.

## **FEDERAL LANDS**

### **510 / General Management**

1. With regard to general management policies, we support:
  - 1.1. The relocation of the national headquarters of the Bureau of Land Management to the Rocky Mountain region;
  - 1.2. The multiple-use concept of federal lands, recognizing that definable land areas have dominant-use capability, which should be recognized within the concept of multiple use without the total exclusion of other uses;
  - 1.3. Requiring multiple-use language that includes and protects historical use and resource harvesting practices in all federal and state land use plans, roadless area documents and statutes;
  - 1.4. A multiple-use definition that includes and protects historical use and resource-harvesting practices;
  - 1.5. The development of mineral and energy resources on federal lands by private enterprises;
  - 1.6. Farmers having the option of using all federally approved seeds on all federally controlled lands;
  - 1.7. Federal legislation to remove the management of the National Grasslands from the U.S. Forest Service (USFS) and turn it over to the grazing association boards. Any direct permits shall either be put into grazing associations or be managed by the state in which the lands lie;

- 1.8. Federal agencies utilizing natural resources (such as timber) prior to any prescribed burning;
- 1.9. Good watershed development for the benefit of mankind including increasing the quantity and quality of flows;
- 1.10. Well-managed lands that have adequate access with roads, even roadless areas, to address fire control, disease and insect control, pest and predator control, and other activities;
- 1.11. The U.S. Forest Service allowing water impoundment projects to be built on federal lands;
- 1.12. Only lands which do not, or have not had roads should be considered roadless by public land management agencies. The road does not have to be maintained; it just has to have existed for some use in the past or the present. Roadless areas should not be managed as wilderness areas. Access for land management should be allowed even in roadless areas;
- 1.13. Reopening any roadless area (including roads and trails) which have been closed to the public and to multiple use;
- 1.14. True management decisions that work to develop and keep healthy populations of representative timber species. We support management practices that prevent the following:
  - 1.14.1. The loss of multiple uses;
  - 1.14.2. The loss of quantity and quality watersheds, mudslides, and erosion;
  - 1.14.3. The introduction of undesirable weeds;
  - 1.14.4. The tremendous losses of timber due to fire, diseases and insects (as well as other pests); and
  - 1.14.5. The tremendous losses of private property and possible loss of life;
- 1.15. Equality of statehood for the federal land states;
- 1.16. A general policy that would minimize agency regulations and maximize management accountability for all users of federal lands;
- 1.17. Retention and strengthening of the principles of the Desert Entry Act and the Carey Act to provide for the disposal of federal lands;
- 1.18. Agricultural input in land management initiatives such as Coordinated Resource Management;
- 1.19. The federal government honoring the state enabling act and releasing public lands. The revenue generated from the sales of public lands should be used to reduce the national debt, fund education and transportation infrastructure;
- 1.20. Legislation to require the federal government to manage its lands so that no harm is done to adjoining lands, crops and animals;
- 1.21. Legislation to force federal land management agencies to be more responsive to neighboring landowners with regard to road rights-of-way, easements, property lines, road closures, fires, wildlife and environmental issues;
- 1.22. The disposal of deer and elk, due to chronic wasting disease on federal land, being the responsibility of the U.S. Fish & Wildlife Service (FWS);
- 1.23. The federal government funding and acting in cooperation with state and local governments to control fire, noxious weeds, pests and predators on federal lands, including wilderness areas, according to individual state guidelines;
- 1.24. Payments in lieu of taxes equal to 100 percent of the administration of local government;
- 1.25. A study of the Payment in Lieu of Taxes (PILT) formula to determine if it is meeting its purpose and is equitable in its distribution of funds;
- 1.26. Legislation to require that each state receive 90 percent of the mineral royalties from federal lands within the state and adjoining federal tidelands or as covered by the Land Conservation Act;
- 1.27. Retaining the Alaska Lands Act and not allowing these lands to become sovereign lands;
- 1.28. The combining of isolated tracts of USFS and Bureau of Land Management (BLM) lands and appropriate offices where feasible to eliminate duplicate management and to reduce costs;
- 1.29. The protection and enhancement of all federal land resources as a sound management goal, until such lands are transferred to the states or into private ownership;
- 1.30. The use of motorized vehicles, including snowmobiles and four-wheelers, in emergency search and rescue operations;
- 1.31. Efforts to educate the public about the importance of multiple use activities on federal lands;
- 1.32. The repeal of the Land and Water Conservation Act (LWCA). In the interim, we believe the funds allocated by the LWCA should be used to better manage existing federal lands. Until the LWCA is discontinued, we urge Congress to appropriate all funds from the Land and Water Conservation Fund, which receives its monies from offshore royalties, and to divert those funds to individual state foresters for their use in fire suppression, fire management and conservation efforts instead of using those funds for buying private property;
- 1.33. Legislation and rulings that preserve and facilitate the continued use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas;
- 1.34. Access across federal lands to private property where access is not otherwise available;
- 1.35. Participation of federal agencies with private landowners in building and maintaining line fences between federal land and adjacent land. Federal land management agencies should also conform to state fencing laws;
- 1.36. Federal land agencies making available to the public a map of specific roads for recreational use;
- 1.37. Local management of federal lands where this management will enhance cultural, agricultural, economic and environmental concerns at the county level;
- 1.38. Enabling private entities to maintain and repair existing facilities on national or government owned property by the most economical method;
- 1.39. A definition of federal land rights-of-way as "any road, trail, access or way upon which construction has been carried out to the standard in which public rights-of-way were built within historical context";



- 1.40. All roads on federal or state lands being open to public travel unless receiving a public hearing for closure. Public lands agencies should not utilize a "closed unless posted open" policy when proposing forest management plans, range management plans, environmental impact statements or environmental assessments;
- 1.41. Access to federal lands using RS2477 roads. We support allowing county commissioners the ability to determine the validity of a RS2477 claim, the right to move a RS2477 when it occurs on private land and the ability to temporarily close a RS2477 for resource reasons. Counties should be allowed to maintain RS2477 roads on federal lands within their county boundaries;
- 1.42. Maintaining the ability of business operators to access property leased from the federal government, including during a government shutdown, when tending crops or livestock;
- 1.43. The retention and maintenance of existing roads and new road construction as needed to implement the Healthy Forest Initiative;
- 1.44. The hiring of additional personnel in land management agencies charged with implementing multiple use goals. Any personnel, new or transferred from another department, division, or agency in federal land agency, charged with multiple use goals should have training and education in range management, mining or forest management to carry out this multiple use mission;
- 1.45. Rehabilitation through reforestation on state and federal forest lands following wildfire damage or natural disaster;
- 1.46. Permittees having motorized access for management of their permit;
- 1.47. Funding to local school districts and rural counties from the Secure Rural Schools and Community Self-Determination Act (SRSCA) of 2000 and an effort to make the funding permanent;
- 1.48. Federal funding for search and rescue on federal lands;
- 1.49. Healthy Forest Initiative;
- 1.50. Reinstating Forest Reserve Funding to a level established by SRSCA;
- 1.51. A cash bond being provided by the plaintiff equal to the full cash value of the permit when lawsuits are filed against a permittee and/or the managing land agency. This bond would reimburse lessees for loss of production and legal costs associated with legal actions pertaining to their federal land leases; and
- 1.52. All agencies that manage public lands adopting strict ordinances and regulations, which may require a cash or performance bond for large group gatherings to protect public and adjoining private lands, the managing agency, local government and local public service districts;
  - 1.52.1. Requiring BLM, USFS, USFWS, National Marine Fisheries Service (NMFS) and other federal agencies to coordinate and cooperate in a meaningful way with states, counties and other local governments in making land management plans and decisions as Congress required and supports federal legislation that would codify and give strict legal status to the coordination process which binds federal agencies to negotiate in good faith and to display valid, compelling and peer-reviewed evidence to make any decision opposed by a majority of the affected counties' board of commissioners and conservation district boards;
  - 1.52.2. Providing assistance to states, counties and local governments in coordination and cooperating agency status; and
  - 1.52.3. Ensuring that local users of natural resources have a strong voice in land management and that decisions are made which benefit the local users of natural resources.
2. We oppose:
  - 2.1. Any diversion of funds away from schools and rural counties and into federally administered programs;
  - 2.2. The practice of removing recently acquired tribal trust land from the property tax rolls. If it is to be removed, we request the federal government compensate the local units of government for the tax loss;
  - 2.3. Federal agencies requiring a complete archeological and paleontological survey to be made before any activity, regardless of size;
  - 2.4. Restricting access to logging roads by four wheelers (OHV) in recreational areas in national park lands and national forest lands;
  - 2.5. The USFS and the BLM restricting the use of proven beneficial non-native grass, forb and browse species in the re-vegetation, restoration and rehabilitation of these lands. Species both native and non-native, used for these purposes should be those that will be the most effective and be readily available;
  - 2.6. Planting of noxious weeds;
  - 2.7. BLM and USFS fencing standards that are impractical for stockmen;
  - 2.8. The provision of the Federal Land Policy and Management Act of 1976 which granted police powers to the BLM, and any BLM attempt to exercise such powers;
  - 2.9. Further introduction of buffalo onto federal land. Federal land management agencies should acknowledge the adjudication of available feed and consider range conditions in granting permission to state and federal departments of wildlife for introductions or augmentations of wildlife species on federal lands;
  - 2.10. Designating large tracts of land as Areas of Critical Environmental Concern (ACEC). ACECs should be small in size, allow for continued grazing and consistent with the county master plan;
  - 2.11. Provisions in current law that authorize the secretary of agriculture and the secretary of the interior to enter into agreements or contracts with tribes, which would allow tribes to manage federal forest or rangelands;
  - 2.12. Public lands agencies requiring relinquishment of existing water rights as a condition of access for maintenance and repair of water works; and
  - 2.13. Funding any program which results in the purchase or management of additional land by the federal government.

## 511 / Livestock Grazing

1. Public benefits provided by science-based grazing management include thriving, sustainable rangelands; quality watersheds; productive wildlife habitat; viable rural economies; reduction of wildfire hazards; and tax base support for critical public services.
2. We support:
  - 2.1. The following principles for federal agencies when making decisions regarding the administration of grazing permits:
    - 2.1.1. Cooperate in a timely manner with permittees;
    - 2.1.2. Use proven and accepted scientific analysis methods;
    - 2.1.3. Use prior and concurrent consultations with credible third parties;
    - 2.1.4. Evaluate and make decisions on an allotment-by-allotment basis; and
    - 2.1.5. Authorize the continued use of off-highway vehicle travel by federal land grazers as necessary to comply with the terms and conditions of their permits;
  - 2.2. The legislatively created and judicially determined "grazing preference" instead of the more uncertain "permitted use" concept;
  - 2.3. Range improvements paid for by the permittee becoming the property of the permittee;
  - 2.4. A requirement that applicants must own livestock in order to be able to obtain federal grazing permits;
  - 2.5. Legislation which would change all federal grazing permit renewals from a 10-year period to a 20-year period;
  - 2.6. An equitable grazing fee which:
    - 2.6.1. Recognizes the added costs associated with grazing on federal lands and reconciles the costs between federal and private grazing fees;
    - 2.6.2. Is based on good scientific data; and
    - 2.6.3. Provides for the economic and social stability of the industry and western rural communities;
  - 2.7. The use of monies received from the Bureau of Land Management (BLM) grazing fees for rangeland improvement projects as specified by the Taylor Grazing Act and Federal Land Policy Management Act. Use of grazing fee funds for fire rehabilitation projects should be restricted to those lands that have been and will continue to be grazed by domestic livestock;
  - 2.8. A permittee's right to water developed by the lessee on federal lands in accordance with state water law;
  - 2.9. Legislation that will prohibit the secretary of the Interior and the secretary of Agriculture from withholding approval of any range improvement project related to water development on the basis that the federal government does not own the water rights connected to the project;
  - 2.10. Development of a local appeals process;
  - 2.11. A definition that confines "affected interest" to persons directly affected either economically or personally to the federal land of a specific area;
  - 2.12. Alteration of the National Environmental Policy Act (NEPA) to make compliance cost-effective, recognizing the appropriate role of the permittee in the public involvement process and creating standards that are attainable;
  - 2.13. Ensuring that private property owners maintaining all rights of private property including the right to determine who shall and shall not have access across private property. Federal agencies should be prohibited from diminishing these rights as a condition of allowing private individuals the use of federal lands;
  - 2.14. Long-term contracts stipulating terms and conditions of grazing use;
  - 2.15. Adequate incentives for optimum investment in private and federal lands range improvement;
  - 2.16. Conditions relative to multiple use;
  - 2.17. Severance damages;
  - 2.18. Trespass regulations;
  - 2.19. A requirement that the permittee be granted the increased grazing capacity which accrues from improved range management;
  - 2.20. Recognition that grazing rights defined by animal unit months (AUM) are bought and sold as personal property and, therefore, should be considered as such by all government agencies;
  - 2.21. Legislation granting "grazing rights" not "grazing privileges" on land managed by the federal government that has historically been utilized for grazing purposes;
  - 2.22. Adding language to the Federal Land Policy and Management Act of 1976 (FLPMA) to protect National Grassland permittees due process protections to the same degree enjoyed and afforded to BLM and National Forest land permittees;
  - 2.23. Credits for non-fee costs incurred for rangeland improvements and wildlife enhancement practices adopted and implemented by the permittee;
  - 2.24. A broad-based public relations effort to improve the federal image of public land grazing;
  - 2.25. Use of annual monitoring programs as sufficient to make any necessary modifications to a permit with a minimum of three years of monitoring being required before making permit changes. The following guidelines should apply to any rangeland monitoring program:
    - 2.25.1. The objective of such programs should be to assist in managing federal rangelands to support its continued use for economically viable livestock grazing while maintaining other multiple uses;
    - 2.25.2. The monitoring of range condition and trend shall be performed only by qualified persons trained in the proper use of applicable monitoring criteria and protocols;
    - 2.25.3. Such monitoring protocols shall be site-specific, scientifically valid and subject to peer review; and

- 2.25.4. Monitoring data, including field notes, should be available for review by permittees and the general public and should be periodically verified.
- 2.26. On state and federal government grazing permits and/or lease rules, the word "grazing" needs to be further defined as livestock consumption of forage and brush for livestock production with benefits of weed and fire control;
- 2.27. Legislation that would release lessees of private or public lands from liability arising from incidents with livestock or livestock protection animals;
- 2.28. The continuation and expansion of the Experimental Stewardship Program with the establishment of at least one stewardship ranch on each national forest and on each grazing district;
- 2.29. Compensation for livestock owners for losses which result from livestock entering restricted areas on federal lands;
- 2.30. Compensation for permittees on federal lands for economic losses experienced when grazing rights are reduced, due to drought, wildlife conflict, or fire damage, or terminated to allow the lands involved to be used for another public purpose or when the reduction or termination is due to no mismanagement by the permittee. Where feasible, the federal agency should offer an allotment in another area to the affected permittee;
- 2.31. Holders of grazing permits and/or leases not being penalized or removed from allotments due to errors or omissions of the land managing agency;
- 2.32. Allowing supplemental feeding on federal rangelands, utilizing weed free forage;
- 2.33. The permanent restoration of grazing advisory boards and revising their procedures to provide effective input from livestock grazing permittees; and
- 2.34. Streamlining of the allotment management planning process to ensure that a fair settlement can be achieved in a timely manner through agreement with all interested parties.
3. We oppose:
  - 3.1. Any buy-out or permanent retirement of BLM and the U.S. Forest Service (USFS) grazing permits, whether initiated by the federal government or other organizations;
  - 3.2. The purchase of grazing permits by groups who qualify under the Taylor Grazing Act if those groups intend to relinquish the permits to the public land agency;
  - 3.3. The USFS ruling which will prevent grazing permits for twenty-five head or less to be transferred; and
  - 3.4. Public agencies retiring permits which have been purchased or are in paid nonuse by non-livestock users unless the NEPA process demonstrates grazing is no longer a suitable use of the resource.

## **512 / National Forest Management**

1. We support:
  - 1.1. Revision of the U.S. Forest Service (USFS) standards and guidelines for the West and Great Plains geographic areas by adopting livestock grazing, timber production and mineral development as a primary key value, with wildlife and recreation as secondary key values, so that year-round residents' economic opportunities will be expanded and adequate recreational opportunities will be provided at the same time;
  - 1.2. That USFS adhere to federal statutes and the intent of Congress in following the management principles for the Organic Act of 1897 to secure favorable conditions of water flow and to furnish a continuous supply of timber;
  - 1.3. Modifying the base property transfer policy to allow for the transfer of grazing rights without transferring base property or livestock, provided the purchaser has adequate livestock and base property to service the new permit;
  - 1.4. Urging USFS to allow the leasing of grazing permits to another party, when the base property is leased by the same party;
  - 1.5. The Forest Service and BLM managing forests for increased timber volume production and wildfire reduction, plus logging of dead, insect-infested and diseased trees;
  - 1.6. A study of all viable forest consolidation alternatives including those that cross regional boundaries;
  - 1.7. Legislation to guarantee owners of patented property lying within USFS boundaries access to existing roads without requiring special use permits;
  - 1.8. The USFS paying its fair share for maintenance of local roads and fire protection that pass or go through its boundaries;
  - 1.9. A timber sales program that does not reduce the allowable cut of timber, but continues to provide an adequate source of raw material for timber-dependent communities and industry and to support each state's timber economy;
  - 1.10. Offering sufficient timber for sale to give the small operator (small enough to be below bonding limits) an opportunity to bid on the timber and encourage the harvesting of firewood;
  - 1.11. The sale of marketable saw timber from USFS land only on a competitive bid basis with right of refusal if bids are below competitive prices;
  - 1.12. Clear-cutting as a forestry management practice where this practice is consistent with sound silvicultural practices;
  - 1.13. The rebuilding of the salvage sale program on dead, dying and down timber; and
  - 1.14. Legislation requiring those filing appeals on timber sales be required to reimburse the government for all costs incurred by the appeal if the reasons in the appeal were found to be frivolous in nature and were overridden by USFS or a court of law.
2. We oppose:
  - 2.1. Allowing the appeals process to halt timber harvest from federal lands once a forest management plan is adopted;
  - 2.2. Further right of way acquisitions until:
    - 2.2.1. Complete studies have been made of environmental impact, the effect on the private land area and ranching operations involved, and the effect on people living in the area; and

- 2.2.2. USFS has negotiated with each individual landowner where right-of-way acquisition is desired to determine what requirements the landowner wishes, and has satisfied these requirements in a just and equitable manner;
- 2.3. The consolidation of USFS and BLM under one department in either Agriculture or Interior; and
- 2.4. The closing of national forests and public roads.

### **513 / National Parks Management**

- 1. We support:
  - 1.1. Legislation allowing agricultural activities to be conducted within national parks when there is an historical basis for such a use;
  - 1.2. Improved access roads through national parks allowing motorized access to these natural resource areas;
  - 1.3. Management of wildlife numbers within national park boundaries and wildlife management areas consistent with range-carrying capacity as developed using standard range management techniques, including control of wandering wildlife onto private lands and a program of wildlife disease control within the park system;
  - 1.4. Legislation allowing hunting and trapping in national parks to control the overpopulation of wildlife;
  - 1.5. Retaining the present names of national monuments and parks;
  - 1.6. National park lands being available and accessible accommodating the recreational use of these lands. We recommend designated ATV trails and roads be readily available, properly identified and posted to be enjoyed for the intended use by any and all citizens;
  - 1.7. Removing the World Heritage designation from all national parks and waterways; and
  - 1.8. Providing sanitary restroom facilities in national parks and monuments.
- 2. We oppose:
  - 2.1. The taking of privately owned land for the development of national parks or park "buffer zones;"
  - 2.2. The development of a comprehensive plan for the management and use of non-federally owned lands and waters by any federally created commission or agency;
  - 2.3. Efforts to condemn privately owned farmland and ranch land within the boundaries of national parks;
  - 2.4. The designation of national parks as wilderness areas;
  - 2.5. The establishment of integral vistas surrounding state and national parks;
  - 2.6. Actions or recommendations by the Natural Heritage Committee of the United Nations if they establish a buffer zone around national sites which affect the use of lands, waters or natural resources, outside the boundaries of those sites; and
  - 2.7. Removing the National Park Service (NPS) from the Department of the Interior (DOI).

### **514 / National, Trails, Landmarks & Monuments**

- 1. We support:
  - 1.1. Requiring the government agency involved in cases where federal and private lands are included in a national historic trail, to define the boundaries between these lands;
  - 1.2. Stringent enforcement of trespass laws along all national historical trails;
  - 1.3. Any legislation for the study or designation of greenbelt corridors require notification of private property owners included in or adjoining the proposed area before enactment;
  - 1.4. Rewriting the Antiquities Act to revoke the executive branch's ability to designate national monuments. Congress, with the approval of state and local governments, should be the body to designate national monuments;
  - 1.5. Downsizing efforts of currently designated national monuments;
  - 1.6. Mandating active management, allowing for grazing, mining and logging timber to maintain the land; and
  - 1.7. Any reform should also require:
    - 1.7.1. That all existing natural resource uses are protected in such designations; and
    - 1.7.2. That the Antiquities Act can only be used on contiguously owned federal land and may not be used where a tract of private land will be surrounded by a designated national monument.
- 2. We oppose:
  - 2.1. The exclusion of park lands that have received funds through the Land Water Conservation Fund Act (LWCF) from consideration for siting power line routes and waste disposal facilities or other public entities; and
  - 2.2. The establishment of national landmarks on private lands without landowner consent.

### **515 / Riparian Area Management**

- 1. We support:
  - 1.1. Expanding the Coordinated Resource Management approach to consider all existing uses in the development of riparian area management plans;
  - 1.2. The uniform definition of "riparian area" to mean an area of land directly influenced by permanent water that has visible vegetation or physical characteristics reflective of permanent water influence;
  - 1.3. Cooperation with federal land management agencies and researchers by offering demonstration plots to help establish dependable scientific data for riparian area management;
  - 1.4. Adequate training in plant physiology and animal husbandry for land management personnel working on riparian area management plans;

- 1.5. Greater consideration to livestock grazing needs in the development of grazing management policies on riparian areas;
- 1.6. Grazing associations and/or individual permittees having opportunities to participate and monitor use of riparian areas in a practical manner;
- 1.7. Protection of private property rights in any riparian area management activities;
- 1.8. Management of riparian areas based on positive cost/benefit ratios;
- 1.9. Preparation of plans on a site-specific basis;
- 1.10. Basing allowable use on a percentage of the overall allotment rather than dictated by what use is occurring on specific riparian areas within allotments; and
- 1.11. Riparian pastures rather than exclusion corridors, consistent with appropriate streambank protection.
2. We oppose:
  - 2.1. Federal land agencies fencing off riparian areas within grazing allotments. In those rare instances where fencing may be necessary, we favor fencing only the affected areas allowing lanes to the stream for livestock watering, or cost-share assistance for off-site watering;
  - 2.2. Moving too quickly in the planning process on riparian areas before good scientific information through monitoring of demonstration plots identifies the real potential for improvement of the various types of riparian areas and impacts such management would have on traditional uses; and
  - 2.3. Private land riparian inholdings being considered as sources of data for management decisions or as strategy points to dictate action on an entire allotment.

## **516 / Transfer of Federal Lands**

1. We support the following guidelines:
  - 1.1. The transfer of public lands from federal land management to state and local governments, including privatization. Lands transferred to state and local control should be administered under multiple-use management;
  - 1.2. Due regard must be given to traditional rights of use;
  - 1.3. Dominant economic users should have right of first refusal;
  - 1.4. After a refusal, the land under permit, as well as non-permitted federal lands, should be sold to the highest bidder, or disposed into private ownership by an alternate method;
  - 1.5. Where permitted grazing lands contain commercial timber, timber will be sold to permittee at fair market value;
  - 1.6. The capitalization into private base property values of attached grazing right values must be fairly and equitably recognized as prior partial payment of the permitted land;
  - 1.7. Agricultural lands acquired through foreclosure by government lenders should not be transferred to other government agencies. All rights associated with these lands shall be conveyed to the purchaser and none retained by the seller;
  - 1.8. The funds received from the disposition of federal lands should be dedicated to retirement of the national debt;
  - 1.9. The U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) should trade or sell land with the current lessee when so requested. This should be done to block up land where current lessee has a checkerboard pattern of deeded land. Land trades should not erode the county tax base; and
  - 1.10. Government agencies should lease development rights surrounding military facilities rather than purchasing the land.
2. We oppose:
  - 2.1. The policy of federal and state government agencies purchasing land from nonprofit organizations at a profit;
  - 2.2. The eligibility for sale of federal lands:
    - 2.2.1. Within the National Park System (NPS);
    - 2.2.2. Within the National Wildlife Refuge System;
    - 2.2.3. Indian trusts;
    - 2.2.4. Wilderness areas;
    - 2.2.5. Wild and scenic rivers;
    - 2.2.6. National or historic trails;
    - 2.2.7. National conservation areas;
    - 2.2.8. Other congressionally designated areas; and
    - 2.2.9. That contains lakes, which are environmentally or economically important to a state.
  - 2.3. The transfer by deed or lease of any of the federal or state-owned lands to any foreign government or the United Nations.
3. We support the Red River Private Property Protection Act.

## **517 / Wild Horses & Burros**

1. Affected states should take necessary action to require the Bureau of Land Management (BLM) to comply with the provisions of the Wild Free Roaming Horses and Burros Act (Act). The federal government must support:
  - 1.1. Acknowledging that wild horses and burros are feral animals;
  - 1.2. Managing horse and burro populations in compliance with agency resource management plans;
  - 1.3. State responsibility and action in accordance with the respective state's abandoned livestock laws or statutes;
  - 1.4. Maintaining a thriving natural ecological balance on the range for all multiple uses;
  - 1.5. Effective and efficient fertility control including sterilizations to minimize population growth and reduce the cost of gathers;

- 1.6. Utilizing any humane method of removing excess wild horses and burros from the range including, but not limited to, the use of helicopters, bait and traps and lethal control;
- 1.7. Adoption of a permit process through which private individuals or entities are able to acquire permits to gather wild/feral horses/burros for the purpose of controlling their population;
- 1.8. Transferring title of wild horses immediately upon adoption;
- 1.9. Horses and burros that have been held in government captivity for more than six months and are deemed unsuitable for adoption being sold without limitation to the highest bidder or being euthanized;
- 1.10. The testing for diseases;
- 1.11. Proportional reduction in wild horse and burro numbers in the event livestock numbers have to be reduced for any reason;
- 1.12. Amending the Act to allow states and tribes the option to manage horses and burros within their respective boundaries; and
- 1.13. The development of a program to systematically transfer unadoptable mustangs and burros to third-world countries as humanitarian effort for the use as small-scale draft animals, transportation and other domestic uses.
2. We oppose:
  - 2.1. Reduction or elimination of livestock grazing rights due to misuse of federal lands by wild horses or burros;
  - 2.2. Any new or expanded wild horse and burro territories being established on public land or imposed on private land;
  - 2.3. Using taxpayer funds for marketing campaigns;
  - 2.4. Designating horse or burro herds as treasured or other special classifications; and
  - 2.5. Any federal agency providing protection of abandoned or stray horses.

## **518 / Wilderness Areas**

1. Established wilderness criteria threaten multiple use areas by prohibiting the employment of motorized tools and mechanized vehicles in watershed management, trail maintenance, soil treatment, noxious weed control, waste management and fire protection.
2. We support:
  - 2.1. Releasing non-wilderness areas for multiple uses;
  - 2.2. Delisting wilderness study areas (WSA) that have been listed by government agencies for more than five years and fail to reach wilderness status;
  - 2.3. Requesting the USDA and the Department of the Interior (DOI), in determining roadless areas, redefine their interpretation of "roads" as any road that is maintained for vehicular traffic rather than the definition which considers only constructed, regularly maintained roads as legal roads;
  - 2.4. Allowing permittees operating within designated wilderness areas to care for their livestock, range improvements, and control predators in the traditional manner;
  - 2.5. Salvaging timber on designated wilderness or WSA's damaged by natural causes;
  - 2.6. Reopening any designated wilderness area (including roads and trails) which has been closed to the public and to multiple use on the petition of a majority of local citizens and/or any local, county or state government;
  - 2.7. Wilderness areas being available and accessible to accommodate the recreational use of these lands. We recommend designated ATV trails and roads be readily available, properly identified and posted to be enjoyed for the intended use by any and all citizens; and
  - 2.8. Amending the Wilderness Act of 1964 to satisfy local residents' concerns including economics, property rights and water rights. County governments should have the right to ratify or reject any proposed wilderness area.
3. We oppose:
  - 3.1. Expansion of wilderness areas. However, if wilderness legislation becomes imminent, we should work to protect private property rights and the traditional multiple-use practices on federal land;
  - 3.2. Either an express or implied reservation of water or water rights for wilderness or special management areas. We believe any water rights claimed for any federal lands should be subject to acquisition only under state water rights law;
  - 3.3. The Environmental Protection Agency (EPA) becoming involved in any wilderness studies;
  - 3.4. Including buffer zones in any future wilderness proposals; and
  - 3.5. Any more private property being acquired by state or federal governments for wilderness, national preserve or any other nonproductive or non-economical use.

## **519 / Wildland Fires**

1. We support:
  - 1.1. Management of public forests for wildfire hazard reduction and use of renewable wood products; including thinning and prescribed burns and the harvest of mature, over mature, and dead timber;
  - 1.2. Livestock grazing as a viable fire suppression tool to reduce burnable fuels on federal, state, county and private lands including grazing contracts on non-grazed public lands to reduce excess fuel that contributes to range or forest fires;
  - 1.3. Clear national direction on timely post-fire and disease-related salvage and reforestation;
  - 1.4. Expediting and streamlining environmental considerations of proposals to remove dead, burned or mature timber;
  - 1.5. Changing state and federal wildfire policy to require that state and federal fire managers and incident commanders coordinate with county and local fire departments and landowners including acting as first responders and contributing to firefighting efforts;

- 1.6. A provision that states and federal agencies will allow forest or rangeland protective associations in neighboring states that meet the requirements of their home state to enter into mutual aid agreements with forest and rangeland protective associations across state lines;
- 1.7. Changing fire control policy to put any fire out upon arrival or as soon as safely possible when the protection of the health, safety and property of the citizens are in jeopardy, the local protective associations must be allowed to act beyond the first response and initial attack phase of fire;
- 1.8. A provision that state and federal agencies maintain a fire break strategically located to protect private property and to control large wild fires;
- 1.9. State and federal efforts to reduce the risk of catastrophic wildfire;
- 1.10. A streamlined process done at a local level for fire suppression and prevention that includes a plan to reduce the fuel load by targeted grazing, prescribed burns, green stripping, permanent fire breaks, waivers from Endangered Species Act (ESA) protections and National Environmental Policy Act (NEPA) requirements;
- 1.11. Lifting wilderness restrictions on motorized vehicles when they hamper suppression and prevention activities and when a fire breaks out;
- 1.12. Full compensation for property damaged on private or public managed land by the federal agency that is in charge of fighting or controlling the fire/burn, initiated or authorized by that agency;
- 1.13. Immediate federal response to flood control risks following a wildfire and compensation to property owners when flooding is not controlled;
- 1.14. Requiring the federal agency to maintain the infrastructure on federal lands that the government has taken out of production so that land can be used for grazing in the event of fire on other grazing sections of the forest;
- 1.15. High priority to regaining access to remote areas by law enforcement after fires and flooding;
- 1.16. The development of an improved communications strategy between incident command team managers and grazing permittees;
- 1.17. The funding of fire suppression;
- 1.18. Compliance with county-implemented burn bans on National Forest and Bureau of Land Management (BLM) lands; and
- 1.19. Federal land and state management agencies pursuing aggressive initial attack procedures on wildland fires including wilderness areas.
2. We oppose wildland fire use on or adjacent to government agency grazing allotments prior to or during active grazing seasons.

## LAND

### **525 / Land Ownership**

1. Experience has shown that an improving environment is dependent upon economic productivity, and that economic productivity is dependent upon private ownership of the means of production. Because we view land as a means of production, we are troubled that over one-third of the land in this nation is owned by the federal government.
2. Research, documentation, and designation of natural, historical, scenic or exceptional sites or waters shall not occur without:
  - 2.1. Prior written notification to the owner and local elected officials of complete purpose and scope of the study or designation;
  - 2.2. Landowners' consent in writing; and
  - 2.3. All records of the above being made open and available to the public.
3. We support:
  - 3.1. A national policy of no net loss of private lands;
  - 3.2. An option for current surface landowners to buy back U.S. Fish and Wildlife Service and Natural Resource Conservation Service perpetual conservation easements at market value;
  - 3.3. The right of a producer to use conservation easements;
  - 3.4. State and local input in the establishment of any federal heritage area or corridor. Private property rights, is a means for a private property owner, a county, or other municipal authority to opt out of a proposed or established heritage area or corridor;
  - 3.5. The principle that any land designation by the United Nations or any other non-U.S. entity must first be approved by Congress;
  - 3.6. Compensation to local governments or their political subdivisions when the federal government devalues real property belonging to these entities through rules, regulations, mandates, or restrictions in the amount that the real property was devalued or funds in lieu of taxes reduced;
  - 3.7. The continuation of all non-reservation property being subject to the same taxes and laws after the land is purchased, acquired or given to Native American nations and put into trust;
  - 3.8. Payment by the federal government of defendant attorneys' fees, disbursements, court fees and costs, and any monetary damages awarded to Native Americans in cases brought by tribes against the property of individual landowners;
  - 3.9. Repeal of Section 2 of the Crow Act of 1920 (acreage ownership limitation); and
  - 3.10. Streamlining statutory and regulatory requirements that protect archaeological (cultural) resources.
4. We oppose:
  - 4.1. Further expansion of federal land ownership;
  - 4.2. Using federal funds to finance land acquisitions by tax-exempt environmental organizations and transferring lands owned by such groups to any federal agency;

- 4.3. Mandated perpetual easements;
- 4.4. The qualification of newly acquired land by Native Americans as tribal for construction of casinos and other such activities;
- 4.5. The taking of privately owned land in settling Indian land claims; and
- 4.6. The taking by the federal government of private land into trust for the development of off-reservation business enterprises.

## **526 / Land Use Planning**

- 1. We believe that land use planning can best be accomplished at the county or comparable level of government and by private landowners.
- 2. Adequate returns on investment from agricultural land and tax incentives for production agriculture are the most effective methods of preserving production of food and fiber.
- 3. We support:
  - 3.1. Requiring all lands, including state and federal lands, being subject to all provisions of local land use planning ordinances that do not adversely affect private property rights or the selective restraint of commerce;
  - 3.2. Legislation preventing an agency from controlling the use of lands by proclamation;
  - 3.3. The use of incentives to encourage commercial reuse or redevelopment of existing business or industrial sites rather than new undeveloped site;
  - 3.4. The following safeguards in any land use plan:
    - 3.4.1. Representation of agricultural producers on all planning and control boards;
    - 3.4.2. The right of appeal by an individual landowner at all levels, especially the local level; and
    - 3.4.3. Protection for private ownership rights;
  - 3.5. The voluntary transfer of development rights to limit farmland conversion;
  - 3.6. Continued funding of the Forest Legacy Act; and
  - 3.7. Conservation easements for less than perpetuity to be available to farmers and ranchers with a federal tax deduction.
- 4. We oppose:
  - 4.1. The continued encroachment of federal and state agencies and local governments on agricultural and forest lands;
  - 4.2. Federal legislation and agency policy which would impose land use regulations as a qualification for federal grants and loans;
  - 4.3. Any effort to establish buffer areas without just compensation around parks, preserves or other areas being protected for their environmental or ecological value;
  - 4.4. The formation or expansion of any state or federal wildlife refuges, recreational, conservation or wilderness areas which result in a net loss of private lands;
  - 4.5. The creation of a national wildlife refuge by the U.S. Fish and Wildlife Service without Congressional approval;
  - 4.6. State or national wildlife refuges, recreational or conservation areas impeding the existing natural and artificial drainage systems of landowners in the watershed;
  - 4.7. Compliance with Natural Resource Conservation Service (NRCS) standards as a requirement in any farmland protection program;
  - 4.8. Arbitrary limitations in the federal Farmland Protection Program that may discourage participation or impair state or local initiatives; and
  - 4.9. Federal assistance to states for land use planning.

## **527 / Private Forestry**

- 1. Our forests constitute one of our most valuable renewable resources. Forestry should continue to be recognized as an environmentally beneficial agricultural enterprise. We believe that clear-cutting and prescribed burning are beneficial tools in forest, wildlife and environmental management.
- 2. Under the forestry title of any farm law, the program should be administered in the state as follows:
  - 2.1. The governor, with landowner and state Farm Bureau input, should appoint a committee made up of a majority of private timberland interests; and
  - 2.2. The state committee should not allow permanent transfer of property rights allowing public access to private lands.
- 3. We support:
  - 3.1. A privately owned, sustained-yield forest industry assisted by essential public services such as research, fire protection and pest control;
  - 3.2. The development and use of voluntary certification programs as a means of supporting sustainable forestry practices, while allowing forest landowners to be recognized and rewarded for their conservation practices;
  - 3.3. The cooperation of all government agencies in efforts to improve the management of private forests;
  - 3.4. Research to improve the quality and productivity of private, non-industrial forest lands and favor cost-effective technical assistance, production and incentive programs;
  - 3.5. The use of tax incentives for improving forest land management practices;
  - 3.6. The U.S. Forest Service (USFS) providing regular updates to its inventory of forest growth and condition on public and private timberlands. The inventory should not be used to identify endangered or threatened species or their habitat;
  - 3.7. The use of renewable and environmentally friendly resources such as wood and agricultural products for the construction of pallets and containers for use in shipping;



- 3.8. The design of timberland riparian zone management specifications to accommodate stream sizes and classification, stream bank conditions, and timber management as determined by a professional forester;
- 3.9. Requiring governmental agencies to pay the private landowner the difference in the value between the most profitable way to manage timberland and the value left in those instances when governmental regulations require the involuntary taking of the landowner's property rights;
- 3.10. Developing a federal Kudzu Cost Sharing Eradication Program administered through the USFS;
- 3.11. Federal legislation to address interstate theft of timber based on point of harvest and on point of first delivery;
- 3.12. The idea that governmental agencies should accept financial responsibility when participants follow specific tree transplant program guidelines and seedlings are damaged or destroyed;
- 3.13. The re-classification of Christmas trees from a forestry product to an agricultural product; and
- 3.14. A hardwood timber reforestation program.
4. We oppose restrictions on the process or use of chemically treated lumber products without adequate research.

## **528 / Sodbuster and Swampbuster**

1. The regulatory provisions under the sodbuster and swampbuster subtitle should be directed to the original conservation goals of not plowing out fragile grasslands and wetlands. Unless the regulations can be revised to be consistent with these goals, we support:
  - 1.1. Legislation to repeal the current sodbuster and swampbuster regulations. Implementation of sodbuster regulations should not differentiate between persons holding or not holding conservation reserve program contracts;
  - 1.2. Allowing the secretary to waive penalties if converted wetlands would have a minimal effect on the biological and hydrological value of a wetland;
  - 1.3. Local Farm Service Agency (FSA) committees determining the reasonable minimum size;
  - 1.4. Vegetative crops grown as rotation crops, including hay should be exempt from the sodbuster provisions;
  - 1.5. A statute of limitations of two years for FSA and the Natural Resources Conservation Service (NRCS) for wetlands violations. The standard for determining fines for such violations, the prosecution to be performed, and the penalties assessed should be completed in a timely manner (one year or less). Penalties should only apply to future crop years on noncompliant tracts and landlords and tenants should be allowed an opportunity to mitigate before penalties are applied for actions taken in good faith;
  - 1.6. Farmers being allowed to maintain and improve existing drainage systems. FSA should only withhold payments on disputed converted acres and not the entire farm. When a dispute over converted acres does occur, county and state FSA committees shall have the authority to negotiate a reasonable settlement. Farms not enrolled in federal FSA programs should not be required to meet swampbuster and sodbuster requirements. FSA, NRCS and the Army Corps of Engineers should help, not hinder, efforts to tile fields, thus improving overall water quality;
  - 1.7. Drainage districts that maintain drainage structures being allowed to upgrade those structures, especially those at or near the end of their life expectancy, without subjecting landowners to wetland violations or any additional federal permits;
  - 1.8. The timely issuance of wetland determinations by qualified NRCS staff;
  - 1.9. A unified method of wetland determinations by NRCS for all agencies;
  - 1.10. Amending 7CFR 614.6(b) to allow NRCS to notify participants of preliminary technical decisions of the Food Security Act of 1985 to be sent regular mail for non-adverse decisions; and
  - 1.11. Until repeal, we support overhauling the rules for sodbuster and swampbuster, including but not limited to the following:
    - 1.11.1. If an area of a farm produces a crop on a wetter than normal year, it should be exempt from a wetland classification and labeled non-wetland;
    - 1.11.2. All areas where any form of artificial drainage has been used prior to the 1985 swampbuster rules and the intent was to make crop production possible, that those areas be labeled non-wetland or prior converted wetland;
    - 1.11.3. Establish a requirement to meet hydrology criteria for a wetland be raised from the current 50 percent to 66.67 percent of the time on normal year aerial photography;
    - 1.11.4. Limiting the penalty and/or crop insurance subsidy loss for the violation of rules dealing with highly erodible land, wetlands and other conservation compliance standards to the individual FSA tract number where the violation occurred rather than the farmer's entire operation;
    - 1.11.5. Using a normal year rainfall base map for identifying possible wetland locations and sizing. If they do not appear on the base map, they are not a wetland;
    - 1.11.6. Using site specific rainfall data;
    - 1.11.7. Including in the 2018 farm bill, field areas labeled prior converted should be qualified for tile installation to improve soil health and to prevent the proliferation of invasive weed patches;
    - 1.11.8. All wetland determinations and field surveys done by certified private wetland specialists should be final and not subject to additional review by NRCS;
    - 1.11.9. Mitigation based on a functional capacity standard, but not to exceed an acre-for-acre requirement; and
    - 1.11.10. Sever the requirement of conservation compliance in regard to crop insurance subsidies if sufficient progress in implementing the preceding objectives cannot be met.
2. We oppose farm program incentives that encourage producers to bring fragile lands under cultivation. Fragile lands are defined as those lands that NRCS deems to be subject to excessive rates of wind and water erosion.

## **529 / Sovereign Nations**

1. We oppose:
  - 1.1. Identification of Native American Tribes as "Sovereign Nations";
  - 1.2. Federal legislation that would create sovereign states of Native American reservations; and
  - 1.3. Any effort of any federally recognized Native American Tribe to extend their reservation status or sovereignty to non-tribal lands.

## **PROPERTY RIGHTS**

### **535 / Eminent Domain**

1. The taking of property or easements should be permitted only when there is a clear-cut public project and the completion of the project is guaranteed.
2. Eminent domain shall not be used to condemn or transfer property from one private entity to another private entity for economic development or any other private use.
3. We support:
  - 3.1. Prompt, just and adequate compensation, including legal costs, expert witness fees, associated costs, relocation costs, appraisals including highest and best use, replacement costs and participation fees;
  - 3.2. Adequate time to allow for satisfactory relocation of former owners;
  - 3.3. The following procedures in eminent domain proceedings:
    - 3.3.1. Good faith negotiations by the condemning entity to acquire property before initiating condemnation;
    - 3.3.2. Providing a landowner in eminent domain cases five years from the time of the original settlement in which to negotiate claims for damages that may not have been confirmed at the time of the initial settlement.
    - 3.3.3. Requiring for-profit commercial utilities to compensate landowners at a minimum twice the appraisal of the highest and best use. In addition, such utilities shall pay a yearly fee for each pole, tower or pipeline erected on forest land and farmland, with the fee adjusted for inflation;
    - 3.3.4. Requiring public bodies proposing acquisition of property for public purposes to send a written notice at least 60 days prior to any formal public hearing and to hold such hearing before any land is optioned or purchased;
    - 3.3.5. Giving property owners the right to judicial review of the need and location of the proposed taking; and
    - 3.3.6. Requiring companies to obtain a performance bond to fulfill the obligations of the easement or license agreement;
  - 3.4. Requiring entities having the power of eminent domain for right of way, either by condemnation, threat of condemnation, or easement to maintain natural drainage and being held liable for damage to landowners;
  - 3.5. Freedom from liability for landowner or tenant for any accidental or inadvertent breakage or disruption of service on any lines, cables or pipelines;
  - 3.6. An environmental impact statement being prepared as a prerequisite for any eminent domain proceeding;
  - 3.7. Changes in legislation regarding eminent domain cases that would strengthen the rights of landowners and would allow them greater latitude to present evidence in court proceedings;
  - 3.8. All utility lines, cables and pipelines being properly installed according to appropriate specifications. Such installations should be adequately marked; and
  - 3.9. Maintaining state authority to exempt normal agricultural and farm tillage practices from one-call requirements under Federal Pipeline Safety Regulations.
4. We oppose:
  - 4.1. The use of eminent domain for recreational purposes, open space, private economic development or expansion of the land holdings of wildlife agencies;
  - 4.2. Legislation which grants the right of federal eminent domain to any additional entities;
  - 4.3. The ability of non-elected boards, agencies and commissions, public or private, to utilize the eminent domain process;
  - 4.4. Condemnation of property in fee title if a lesser interest will suffice;
  - 4.5. The use of eminent domain to acquire properties intended for future sale. Any lands taken for public purposes and not promptly used for that purpose (i.e., within a maximum period of five years) must be offered immediately to the prior owners or their heirs at a price no higher than the original purchase price;
  - 4.6. The practice of acquiring new rights of way through farmland when existing public corridors exist, such as railways, highways, power lines, pipelines, etc. Government-owned lands and wetlands should be utilized prior to the consideration of any privately owned land;
  - 4.7. Legislation that grants the right of federal eminent domain to any additional entity except in crossing property controlled by another carrier that already has federal eminent domain authority; and
  - 4.8. Any government entity taking private property by adverse possession without just compensation.

### **536 / Proprietary Data**

1. Proprietary data collected from farming and agricultural operations is valuable, should remain the property of the farmer, and warrants protection.
2. We support:

- 2.1. Farm equipment owners and individual service technicians having access to diagnostic tools, equipment, procedures, service, and technical information necessary at a fair and reasonable price;
- 2.2. Efforts to better educate farmers and ranchers regarding new technology or equipment that may receive, record, transmit, share and/or sell their farming and production data;
- 2.3. Requiring anyone who is collecting, storing, and analyzing proprietary data, including photographs, to provide full disclosure of their intended use of the data;
- 2.4. Formation of standardized protocols regarding privacy and terms of conditions to ensure a standard definition of all components within the contract. We should be an active participant in developing these protocols;
- 2.5. Compensation to farmers whose proprietary data is shared with third parties that offer products, services or analyses benefitting from that data;
- 2.6. Multiple participation options being included in all contracts;
- 2.7. All proprietary information between the farmer and the company remaining between the two entities. This would not preclude a farmer from sharing data with whomever he/she chooses (e.g., a consultant);
- 2.8. Ensuring proprietary data are stored at an entity that is not subject to a Freedom of Information Act (FOIA) request, utilizing all safeguards, including encryption, to protect the data;
- 2.9. The farmer's right to enter into agreement and their rights to sell their proprietary data to another producer (e.g., in a land sale);
- 2.10. Private companies entering into agreements which would allow for the compatibility/updating of equipment and updating of software;
- 2.11. The right of a farmer to have access to their own data, regardless of when it was shared with a company;
- 2.12. Language in user agreement contracts to allow producers to remove their data from the company's database and revoke that company's ability to sell or use that data in the future;
- 2.13. Programs to increase producers' awareness on how their data is being managed, secured, protected or used;
- 2.14. Ag-tech providers (ATP) assuming liability of all data breaches;
- 2.15. ATPs clearly explaining the definition of the terms "affiliate," "business partner" and "third party" and in all precision ag contracts;
- 2.16. Farmers having the ability to control when and where they utilize precision ag technology, i.e. field-to-field kill switch; and
- 2.17. The development and use of independent, third-party evaluation of the variables used by ATPs in their privacy policies and user agreements.
3. We oppose any federal agency or FOIA-eligible entity from serving as a data clearinghouse for all proprietary data or aggregated data collected by private companies.

### **537 / Private Property Rights**

1. We believe in the American capitalistic, private, competitive enterprise system in which property is privately owned, privately managed and operated for profit and individual satisfaction. Any erosion of that right weakens all other rights guaranteed to individuals by the Constitution. Any action by government that diminishes an owner's right to use his property constitutes a taking of that owner's property.
2. When regulations or legislation regarding rare, threatened or endangered species or environmental restrictions alter agricultural practices, agricultural producers should be compensated for the cost of these altered agricultural practices.
3. New technology expands the boundaries of property rights infringement. Federal laws should evolve with these technological advancements to maintain the traditional concepts of private property rights.
4. We support:
  - 4.1. Government providing due process and compensation to the exact degree that an owner's right to use and the value of the property has been diminished by government action;
  - 4.2. All levels of government abiding by the Fifth Amendment to the Constitution: "No person shall be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation";
  - 4.3. An open public process for the transfer of lands and/or regulatory jurisdictions between state, federal and/or local agencies for development that considers the impact on surrounding land, including agriculture;
  - 4.4. Legislation that requires federal officials to identify themselves, notify property owners and obtain written permission or a search warrant before going onto private property;
  - 4.5. Requiring all federal officials, when visiting an agricultural entity, to present photo identification and one other form of identification, with a copy of one being left on site;
  - 4.6. Regulation that would prevent the publication of maps produced by GPS data without marking private roads as not available for public use;
  - 4.7. Regulation that would prevent internet routing through private roads except for delivery to a specific home or business located on the private road;
  - 4.8. Review of all federal regulations that encroach on the rights of property owners;
  - 4.9. A definition of private property that includes all land, timber, water rights or other valuable considerations associated with land ownership;
  - 4.10. Enactment of presidential Executive Order 12630 regarding the protection of private property rights law;
  - 4.11. The basis for just compensation being fair market value of the property or the economic loss to the owner or any adjoining landowner whose property is devalued;

- 4.12. Compensation for partial takings of the property being based on the reduction in the value of the total property;
- 4.13. Business owners having the exclusive right to prohibit tobacco use in their private business;
- 4.14. Buffers around the perimeter of military bases designed to keep land in production agriculture being clearly focused on that purpose alone;
- 4.15. Reimbursement to businesses, industries and farmers who have expended sums of money to prove they are meeting environmental regulations if they show they were meeting the requirements before the government agency questioned their performance;
- 4.16. Protection of adjoining landowners by providing adequate fencing and protection from liability issues related to the use of such facilities in cases where recreational trails are established;
- 4.17. Legislation that allows any U.S. citizen, regardless of race, color, creed or national origin, to own reindeer;
- 4.18. Legislation that would protect innocent private property owners from property confiscation in the event that illegal substances are found, stored or growing on private property without the landowner's knowledge or consent;
- 4.19. Legislation to ensure that all information, including video and audio recordings, from private farms and farm production is treated as private property and is to be made available and/or controlled by the farm owner and operator. We believe that the estate administrator or trustee shall have access to all digital assets and other electronic forms of communication as part of the estate;
- 4.20. Continued public availability of Differential Global Positioning System signals;
- 4.21. Repeal of those provisions of scenic byway legislation that would result in the loss of private property rights;
- 4.22. The right to sell land remaining in the hands of landowners; and
- 4.23. If the government claims an important public interest in private property it should be required to specifically identify the area and the reason for the determination.
5. We oppose:
  - 5.1. Any legislation or application of the Public Trust Doctrine that would allow public access to or through private property without permission of the property owner or authorized agent;
  - 5.2. The gathering of data from private property when that data may be used to facilitate federal land use planning;
  - 5.3. Action by federal agencies, acting individually or collectively, which would result in:
    - 5.3.1. An involuntary net loss of private land in any state; and
    - 5.3.2. Increasing the amount of land which is exempt from state and local laws and property taxes;
  - 5.4. Any agency designating a citizen's land as a historical site without the owner's approval;
  - 5.5. Regulatory enforcement based solely on aerial surveillance;
  - 5.6. Government entities, other than local fire authorities, regulating burning of burdensome vegetative growth on private property;
  - 5.7. Any concept of civil asset forfeiture that allows any agency to seize private property without due process and without a presumption of innocence of the property owner; and
  - 5.8. All federal funding used to design, build, maintain, utilize or provide access to a federal database or geospatial information on community disparities in access to affordable housing.

## **538 / Right-of-way Easement**

1. Easement rights of way obtained by public or private sectors shall not be committed to any new or additional purpose either during their original usage or after abandonment without consent of the owner of the land underlying the easement. We promote the philosophy that if rights of way are developed for recreational purposes, lands should be purchased from willing sellers. We oppose federal legislation that would deny or postpone the reversionary property rights or interests of underlying or adjacent property owners to railroad, utility or road rights of way that are no longer being used for the purpose for which the rights of way were granted.
2. We oppose permitting utility rights of way, including railroad rights of way, to be used for other purposes without permission of adjoining landowners and the holder of the underlying property interest. We oppose the use of National Interest Energy Transmission Corridor designations to facilitate condemnation of agricultural land, open space, and conservation or preservation easements. Historic livestock driveways should be kept open for use on federal and state lands. When a railroad is abandoned, the rights of way should be returned by the railroad to the adjacent and/or underlying property owners. Where the railroad owns the right of way, in fee simple, the property should first be offered for sale to adjacent landowners with right of first refusal upon discontinuance of rail service.
3. Property owners should have access to condition reports of underground pipelines carrying fuel or other hazardous materials in their community.
4. We support repeal of the National Trails System Act (NTSA) unless it is amended to protect the rights of property owners in the following manner:
  - 4.1. Permit railbanking without interim trail use, and permit landowners to retain abandoned railroad corridors for non-trail uses that will preserve the opportunity for restored rail use in the future;
  - 4.2. Require railroads to provide timely personal notice to each landowner before each proposed abandonment;
  - 4.3. Require railroads to reveal to each landowner before abandonment the full and complete legal basis on which the railroad has claimed its right to occupy the corridor. If the railroad's right is less than fee simple ownership, the railroad should be required to disclose to each landowner that its occupancy right will be extinguished upon abandonment;

- 4.4. Permit and encourage every landowner to participate in the abandonment proceeding and to offer reasons for or against railbanking or trail use;
- 4.5. Create a predictable, objective, bright-line standard that abandonment is deemed to be consummated no later than nine months after issuance of authority to abandon by the Surface Transportation Board (STB);
- 4.6. Require STB to supervise, monitor and enforce its orders and conditions on railbanked land, or to empower state and local governments to do so, without pre-emption by federal authorities;
- 4.7. Create a procedure for reinstatement of rail service on railbanked corridors;
- 4.8. Provide a clear and simple procedure to compensate landowners for their interest in land that is taken as a result of a railbanking order;
- 4.9. Require a public comment period or hearing, prior to issuance of any authorization for interim use, where contiguous landowners and other citizens have the opportunity for input into the railbanking process;
- 4.10. Require that STB evaluate and make specific findings regarding the appropriateness of a proposed railbanking, consider comments from adjacent landowners, consider the effects of any proposed interim trail use on the safety, health, security, privacy, biosecurity, food security and economic interests of the adjacent landowners, and determine if the right-of-way is suitable for interim trail use prior to issuing a Certificate of Interim Trail Use or Notice of Interim Trail Use;
- 4.11. Establish procedures granting STB authority to accept or reject any railbanking agreements entered into between the railroad and a trail sponsor;
- 4.12. Require the trail sponsor be responsible for liability, right-of-way fencing, taxes, control of noxious weeds, maintenance of the rights of way and other costs which were required of the railroad, and compensate the owners of rights of way for use of the property easement;
- 4.13. Require local governing body approval of the recreational trail project before STB can accept the railbanking agreement between the railroad and the trail sponsor;
- 4.14. Following a public comment period, allow only those railroad rights of way which have a realistic probability of being used again for a railroad to be approved for railbanking for a maximum of 10 years; and
- 4.15. Request state and local authorities to supervise, monitor and enforce safety, health, land use and other conditions on railbanked land without pre-emption by federal authorities.

### **539 / Right-to-farm**

1. We support responsible actions designed to allow and protect the privilege and the rights of farmers, ranchers and commercial fishermen to produce and market without undue or unreasonable restrictions, regulations or harassment from the public or private sectors. We support actions to ensure that farmers are protected from undue liability and nuisance suits when carrying out normal production practices.
2. We support basic right-to-farm, right-to-harvest, right-to-access roads and highways policies designed to secure legislation defending 100 percent of the owner's interest in agricultural development of rural land.
3. All recognized farming practices should be covered under the right-to-farm policies. We oppose any attempt to restrict or regulate generally accepted farming practices.
4. The federal government should not classify agricultural operations as industrial or commercial enterprises simply because they do not fit traditional perceptions of agriculture. Agricultural activities take on many forms and change over time.

## **WATER**

### **545 / Floodplain Management**

1. The National Flood Insurance Program (NFIP) should be designed to provide insurance, not regulate land use. It should not be designed to revert the floodplain to its (historic, former) undeveloped state. Furthermore, rules and regulations regarding floodplain management should not supersede private property rights. We oppose government-mandated flood insurance.
2. We oppose additional restrictions on activities in the floodplain resulting from the implementation of Presidential Executive Order 13690.
3. Agriculture in a floodplain should be given recognition as providing positive benefits to the environment and the public good. These benefits should receive the same consideration in cost/benefit analysis as do other environmental benefits.
4. A one-size-fits-all approach to floodplain regulations does not accommodate the unique physical differences among floodplains.
5. Regulations, including NFIP, should recognize those differences, which range from the expansive floodplains of major rivers to narrow riverine to non-riverine depressions.
6. If a levee's flood level protection certification would be lowered due to a revised flow frequency study, structures that existed behind the levee prior to the re-certification should be grandfathered and managed under the NFIP as though the higher flood protection certification still applies. Structures built after the levee's recertification should be managed under the rules that apply with the then current certified flood protection level.
7. We support:
  - 7.1. Revisions in Federal Emergency Management Agency (FEMA) regulations to:
    - 7.1.1. Allow the limited issuance of certain construction permits by units of local government where the applicant has assumed all risk for flood damage to the structure without jeopardizing the receipt of NFIP funds and other federal monies for those who wish to participate in federal insurance, disaster, and loan programs;

- 7.1.2. Provide NFIP and disaster payment eligibility for agricultural property including but not limited to protection from less than 100-year floods. The insurance offered for such property should be at a rate which reflects the degree of protection provided;
- 7.1.3. Allow structures located in a floodplain that are "substantially damaged" by means other than a flood to be rebuilt without regard to NFIP regulations and to maintain flood insurance eligibility;
- 7.1.4. Update all floodplain maps every 10 years to accurately reflect existing topography; and
- 7.1.5. Continue NFIP exemption of property behind properly designed, built, and maintained 100-year certified levees, dams, and other flood control infrastructures;
- 7.2. That property owners should be notified and a public hearing held before floodplain designation changes are made;
- 7.3. A local, state and/or federal farmland easement program that allows farming, but provides easement payments for temporary flood storage;
- 7.4. Streamlining the cooperation and coordination between FEMA and government agencies both within and between states by funding and allowing the Army Corps of Engineers Construction Division to coordinate all flood fighting efforts;
- 7.5. The Corps of Engineers as the lead agency for setting standards used to certify levees as protecting against certain levels of flooding. These standards should include provisions to allow reasonable flexibility in administration of the rules such as:
  - 7.5.1. If the capacity of the levee is found deficient, adequate time should be allowed for repairs before decertification; and
  - 7.5.2. Rules should account for acceptable levels of permeability in sand levees and the capability to bolster levees during floods;
- 7.6. FEMA interim guidelines for wet flood-proofing of agricultural structures and efforts to make them permanent;
- 7.7. Amendments to federal regulations and policy that would require dewatering of agricultural land as part of flood recovery efforts;
- 7.8. Allowing the replacement construction costs of a structure to be used instead of market value to measure the damage to a structure for purposes of determining whether "substantial damage" has been done;
- 7.9. Revising NFIP regulations to allow counties and municipalities, at the local unit's discretion, to sell to private owners those properties bought out by FEMA. In such cases, the property should include an easement restricting surface development rights but allowing normal agricultural practices;
- 7.10. Full federal funding for improvement to levees to maintain the existing level of flood frequency protection when induced increases in floodwaters occur due to the adoption of a Comprehensive Plan for Flood Control;
- 7.11. USDA-NRCS Emergency Watershed Protection (EWP) Program modification to assist farmers in disaster-declared areas in rebuilding and constructing new protection levees and restoring land due to damage from debris, contamination and severe erosion through:
  - 7.11.1. Removal of funding caps on land and levee restoration and rebuilding programs;
  - 7.11.2. Funding land and levee construction based on an approval process of fair cost estimates; and
  - 7.11.3. Availability of long-term, low-interest loans for farmers and landowners working to restore their farmland and levee protection systems; and
  - 7.11.4. Adding cropland to the definition of EWP valuable assets, allowing cropland reclamation activity following flood events to be funded by the NRCS EWP program;
- 7.12. Reimbursement for the destruction of property caused by the release of water from a reservoir or the opening of a levee, from the budget of the responsible agency; and
- 7.13. We oppose flood insurance policy holders being penalized or losing coverage due to others in the same flood plain not procuring the mandatory flood insurance.

#### **546 / U.S. Army Corps of Engineers' Authority**

- 1. We support:
  - 1.1. Legislation to amend Section 404 of the Clean Water Act (CWA) to restrict the U.S. Army Corps of Engineers' (Corps) authority to waterways used for transporting interstate and foreign commerce, or which can be made navigable for these purposes with reasonable effort. We urge that legislation be enacted to clarify and restrict the Corps' responsibilities to those which it exercised prior to 1972;
  - 1.2. The Corps completing its review of any application and providing a definitive response within 60 days of submission;
  - 1.3. Legislation restricting the Corps' authority to navigable streams and flowing waterways that have continuous flow 365 days a year. The jurisdiction of the Corps should be constrained to navigable waterways;
  - 1.4. The Corps and Environmental Protection Agency (EPA) regulations that exclude converted cropland from the definition of waters of the United States;
  - 1.5. Legislation to enable farmers and ranchers to protect their property from streambank erosion. The Corps, U.S. Fish and Wildlife Service (FWS), National Marine Fishery Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), and EPA should work with state regulatory officials to allow landowners the flexibility to manage streambank erosion without a site-specific permit;
  - 1.6. Allowing all structures that are washed out or damaged in floods to be rebuilt or repaired in the original channel to the extent possible;
  - 1.7. Legislation that provides the Corps the authority and funding to develop and construct streambank and shoreline protection projects to prevent erosion damages to infrastructure;

- 1.8. The Corps paying damages to farmers for lands lost to erosion or flooding on rivers or resulting from new navigation locks and dam of Corps managed projects;
- 1.9. Inclusion of the value of crops grown in a storm surge protected area as part of the cost-benefit ratio for storm surge protection plans;
- 1.10. Enhancing the present reservoir system with added emphasis on flood control and water supply development;
- 1.11. Bonding authority for the Corps to expedite lock and dam improvement projects to result in a reduction in project cost and saving of taxpayer dollars;
- 1.12. The release of water from Corps' lakes in a manner that prevents flooding of low-lying downstream lands;
- 1.13. Removal of log jams and impediments being a part of routine maintenance programs on outlet streams;
- 1.14. Completion of all Yazoo Basin flood control projects, including the Yazoo Valley Backwater Project, and the installation of pumping stations to relieve the backwater flooding problems;
- 1.15. Requiring a cost-benefit analysis of the effects of changing the hours of operations of any lock and dam. The analysis should include:
  - 1.15.1. The effect on the Corps, local communities and businesses that use or are affected by the lock and dam; and
  - 1.15.2. Public input;
- 1.16. The Corps modifying operations of the current Master Water Control Manual to place primary emphasis on flood control;
- 1.17. The Corps having authority to make seasonal management adjustments to the Master Manual or Annual Operation Plan to minimize flooding impacts to urban and rural areas. These temporary adjustments should be balanced with agricultural, navigation, transportation, municipal, irrigation, and power generation uses of the river system;
- 1.18. Efforts to establish uniform flood control standards between states;
- 1.19. The expansion of existing levee districts, or the creation of new levee districts, with the proper funding mechanisms to meet the new Federal Energy Management Agency/Corp of Engineers levee standards;
- 1.20. The concept of using the Risk Informed Decision Framework that addresses four evaluation areas: national economic development, environmental quality, regional economic development and other social effects;
- 1.21. The Corps adopting flood control, electric generation, navigation and agriculture as their top priorities, and annual appropriations should reflect these priorities;
  - 1.21.1. Lake levels in lakes created or maintained for the purpose of flood control and currently under a lake regulation schedule should be maintained by the Corps' standards of flood control; and
  - 1.21.2. The Corps' modernizing reservoir operations and water control manuals to increase water supply where possible;
- 1.22. Shifting all habitat restoration funds to restoration and repairs of levees and other infrastructure;
- 1.23. Dredging navigable waters to maintain the transportation infrastructure vital for agriculture;
- 1.24. The Corps holding annual meetings in each district to seek public input into the best use and operations of its projects; and
- 1.25. Establishing guidelines to facilitate the removal of flood-related hazards or related stream clearing activities by property owners or municipalities. These guidelines would:
  - 1.25.1. Provide that in situations deemed emergencies by local, county, state, or national authorities, flood-related hazards may be removed prior to any notification of the agencies;
  - 1.25.2. Require that environmental agencies be notified prior to the removal of flood-related hazards or related stream clearing activities; and
  - 1.25.3. Not require permits or professional engineering services.
2. We oppose:
  - 2.1. Dredge-and-fill regulations being applied to agricultural land;
  - 2.2. The use of federal tax dollars appropriated for erosion control by the Corps being diverted to buy land or easements;
  - 2.3. The Corps charging fees to water utilities for water storage, for water withdrawal based on Corps' loss of revenue, for annual operation and maintenance costs, and for percentage of any major dam repairs;
  - 2.4. Any attempt by the Corps to increase fees for their services. The Corps should carry out its obligations to maintain stream flow and drainage in public waterways. The Corps should protect agricultural land use, flood control, power generation and navigation when making decisions about rivers. Land and other flood damage restoration costs should be considered in cost-benefit analysis for private levee repair costs. The Corps should place a value on wetlands equal to the appraised value for the land when calculating cost-benefit ratios for levee repairs, which includes the value of public services in the calculations;
  - 2.5. The Corps requiring a spring rise of the waters under the jurisdiction of the Corps of Engineers;
  - 2.6. Efforts by the Corps or the EPA to expand non-tidal wetlands; and
  - 2.7. The Corps taking high-water easements for the purpose of raising water levels without just compensation to landowners.

## 547 / Water Quality

1. ***Agricultural Point Sources/Concentrated Animal Feeding Operations***
  - 1.1. Any new rules, regulations or enforcement of the Clean Water Act (CWA) as applied to concentrated animal feeding operations must:
    - 1.1.1. Take into consideration the unique climate and topography of each state;
    - 1.1.2. Preserve the 25-year 24-hour storm permit exemption;
    - 1.1.3. Not extend point source regulations to nonpoint sources such as farm and ranch fields and pastures;

- 1.1.4. Clarify the definition of process wastewater to exclude water mixed with minute amounts of feedstuffs or dust around animal buildings;
- 1.1.5. Allow individual states to retain control of implementation of CWA regulations and compliance monitoring; and
- 1.1.6. Trigger enforcement only by an actual illegal discharge into the waters of the United States.
- 1.2. We support:
  - 1.2.1. Use of voluntary best management practices be included in Concentrated Animal Feeding Operation (CAFO) nutrient management plans;
  - 1.2.2. Development and use of alternative technology for livestock feeding operations including vegetative treatment areas;
  - 1.2.3. Cost-share programs to offset the cost of building and maintaining lagoons and other waste management systems when farmers are required to build such systems by state and federal regulations;
  - 1.2.4. Laws or regulations absolving farmers from liability claims of environmental pollution when building, managing or operating livestock facilities according to the federal CAFO rules;
  - 1.2.5. Allowing agriculture producers to use herbicides according to label instructions for moss and plant control in canals and ditches without having to obtain a permit;
  - 1.2.6. Manure that has been spread by tank truck, irrigation or spreader at normal agronomic rates should not be considered point source pollution under the provisions of the CWA. The accidental or unintentional discharge of manure should not be considered point-source pollution under the provisions of the CWA;
  - 1.2.7. Any Animal Feeding Operation (AFO) that creates no waste water discharge be exempt from classification as a point source; and
  - 1.2.8. The current qualitative guidance is insufficient to assure that EPA decisions regarding permitting will be fairly and evenly applied.
- 1.3. We oppose:
  - 1.3.1. Reducing the present federal guidelines for CAFOs to less than 1,000 animal units;
  - 1.3.2. Revisions to EPA regulations pertaining to the designation of CAFOs;
  - 1.3.3. Co-permitting for livestock operations;
  - 1.3.4. Requiring AFOs with fewer than 1,000 animal units to develop an environmental management system (EMS) as a condition to avoid an National Pollution Discharge Elimination System (NPDES) permit;
  - 1.3.5. Livestock producers being held responsible for pollution derived from animal nutrients after ownership of the manure has been transferred to another party and removed from the producer's control;
  - 1.3.6. The number of animal units kept in confinement being the sole determining factor in defining a concentrated animal feeding operation;
  - 1.3.7. Mandatory NPDES permits on farms and animal operations that do not discharge;
  - 1.3.8. Efforts to classify a dry litter AFO as a CAFO; and
  - 1.3.9. Any mechanized system or conveyance used to distribute water, and organic or inorganic compounds to agricultural land be designated as point-source.
2. ***Regional Water Quality Initiatives and Total Maximum Daily Loads (TMDL)***
  - 2.1. TMDLs should be scientifically valid, achievable, and economically feasible. If existing state water quality standards do not allow for achievable and economically feasible TMDLs, those standards should be revised. The CWA grants sole authority to states to determine whether, when and how to implement TMDLs. We oppose efforts by EPA to approve, demand or direct state implementation plans either directly or through threats of federal backstops.
  - 2.2. We support voluntary best management practices (BMPs) in the development of implementation plans.
3. ***Clean Water Act (CWA) Framework and Agricultural Water Quality Programs***
  - 3.1. CWA regulates the "discharge of pollutants." We oppose changing the wording, meaning or definition of navigable waters in the CWA, the removal of the term "navigable waters" from the CWA and any attempt to broaden the reach of the CWA. Federal CWA jurisdiction should be limited to navigable streams and flowing waterways that have continuous flow 365 days a year. The Act's framework should:
    - 3.1.1. Maintain state primacy over local land and water decisions;
    - 3.1.2. Maintain state authority to allocate quantities of water within its jurisdiction and groundwater;
    - 3.1.3. Promote a clear distinction between which waters are subject to federal jurisdiction and which waters are subject to state jurisdiction; and
    - 3.1.4. Maintain existing statutory and regulatory exemptions for prior converted croplands and waste treatment systems.
  - 3.2. We support the concept of cleaning up our nation's water; however, the goal of zero water pollution should be substantially modified. The current focus of the CWA should remain that of achieving fishable and swimmable standards. CWA and Coastal Zone Management Act (CZMA) regulations should not infringe on property rights, should not result in unfunded mandates for state and local governments and should be subject to cost/benefit and risk assessment analysis. Reauthorization of the federal CWA and CZMA should not alter federal or state water rights and water allocation systems and should encourage state control over these programs.
  - 3.3. We believe the CWA and the CZMA should allow state flexibility to develop programs to protect water quality as long as they are no more restrictive than federal mandates. The authority for determining impaired waters, establishing standards and criteria, and developing and implementing appropriate response programs and plans should remain with the states with input from farmer representation. Funding should be expanded for research in new technologies and methods that will enable producers to achieve effective environmental stewardship.



- 3.4. The pursuit of pollution abatement should be only one of the many factors considered in the development of national water policies. Other factors, including the cost of pollution abatement, the needs of agriculture, the needs for growth and the presence of naturally occurring pollutants, must also be considered.
- 3.5. The federal government and its agencies should not require a NPDES permit for interbasin water transfers or require water treatment on interbasin transfers.
- 3.6. The CWA does not stand alone in protecting America's waters from pollution. Other ongoing programs at the federal, state, and local level combine to provide an effective foundation for water quality protection and must be funded fully, coordinated with and not superseded by the federal government.
- 3.7. The attainment of water quality standards established by federal action under the CWA should take into consideration the particular and difficult problems caused by naturally occurring pollutants. Solving these difficult problems should not come at the expense of the established users of water.
- 3.8. We support:
  - 3.8.1. The reauthorization of section 117 of the CWA without expansion of federal authority;
  - 3.8.2. Efforts to establish, in rules, a definition and threshold for the level of scientifically valid data necessary to accurately assign a water body's classification, and to determine a water body's quality as it relates to its ability to meet its assigned beneficial uses; Such definition should, at a minimum, include the following:
    - 3.8.2.1. Environmental Protection Agency (EPA) standards based on sound science and native baseline levels;
    - 3.8.2.2. Data that includes, but is not limited to, the historical, geological and hydrological capability of a water body to meet beneficial uses; and
    - 3.8.2.3. The chemical, physical and biological data collected under an approved sampling and analysis plan. This plan should, at a minimum, specify monitoring location, dates and quality control/quality assurance;
  - 3.8.3. That baseline determinations of pollution be taken into account when nonpoint source pollution studies and policies are formulated;
  - 3.8.4. Requiring that data generated by any water quality monitoring program, including development of standards and designated uses, be gathered and analyzed in a manner that meets the highest level of EPA Quality Control and Quality Assurance protocols;
  - 3.8.5. The monitoring and standards of water quality being administered on a state level;
  - 3.8.6. Adequate federal funding for United States Geological Survey (USGS) stream gauging program;
  - 3.8.7. EPA conducting a federally funded cost/benefit analysis and risk assessment before imposing any additional regulatory proposal;
  - 3.8.8. Amendments to the federal CWA and CZMA to provide that nonpoint sources be dealt with using voluntary Best Management Practices (BMP) or accepted agricultural practices, based on technically and economically feasible control measures; and
  - 3.8.9. Only state level management of runoff from agricultural nonpoint source related activities. The EPA should recognize states with comprehensive livestock waste management programs as "functionally equivalent" to the federal program under the CWA.
- 3.9. The EPA should not grant authority to tribes to regulate water quality standards.
- 3.10. The CWA should not expand water quality standards to include the broad category of biological diversity.
- 3.11. Tax credits, low-interest loans, grants and preferential tax treatment should be made available to aid and encourage farmers to implement BMP or accepted agricultural practices. The use of BMP or accepted agricultural practices by the farmer or rancher should be conclusive proof of compliance and prevent prosecution under the CWA.
- 3.12. Surface and groundwater quality problems, originating at facilities owned, controlled or operated by the federal government, have often deteriorated to the point that positive action must be taken to remediate the problem. To protect our health, land, water and natural resources, federal facilities that have contaminated water affecting private landowners must take the following steps:
  - 3.12.1. Whenever deemed necessary, a professional mediator, with no vested interest, should be engaged to facilitate interactions among the landowners, contractors and responsible federal government agency. The mediator must have access to technical and legal consultants to assist with decision making. The main objective of the mediator is to bring accountability to the remediation process;
  - 3.12.2. Allow only the most affected parties to determine which agency would facilitate the process; and
  - 3.12.3. Cost of the mediation would be the responsibility of the federal agency responsible for the contaminating facility.

#### **4. *Ground Water/Drinking Water***

- 4.1. We support:
  - 4.1.1. The use of Maximum Contaminant Levels (MCL) in establishing drinking water standards for pesticides and urge that EPA expedite the standard setting process;
  - 4.1.2. EPA action based on statistically significant trends that will serve as a warning that the MCL is being approached;
  - 4.1.3. Action to prevent reaching the MCL;
  - 4.1.4. EPA work with appropriate federal and state agencies and institutions to best determine environmentally vulnerable areas when considering pesticide registration amendments and use prohibitions;
  - 4.1.5. USDA as the primary federal agency to development and implementation of any federal groundwater policy or program affecting agriculture. Groundwater policy should be based on adequate scientific research;

- 4.1.6. National legislation to ban Methyl Tertiary Butyl Ether (MTBE) because of water quality concerns raised in scientific studies;
- 4.1.7. State governments be given primary authority and responsibility to respond to agriculturally contaminated groundwater with site specific recommendations to the producer to mitigate contamination. Such a response should involve coordinating all appropriate and necessary resources available to the state to make the determination. The state agriculture departments, where possible, should serve as a lead agency;
- 4.1.8. That regulations adopted to prevent pesticide contamination take into account the geological differences of our nation as well as regional agricultural practices, thus allowing the most economical and practical method of contamination prevention;
- 4.1.9. EPA and state government authority to require chemical registrants to conduct groundwater monitoring programs in support of their products and as a condition for registration or reregistration. Monitoring must be tied to the development of groundwater standards;
- 4.1.10. Emphasis be placed on the protection of current and potential potable groundwater. Recognition should be that all groundwater cannot be expected to be potable and should not be subject to the same degree of protection;
- 4.1.11. The replacement of salt as a deicer on roads, bridges and highways with the alternative products calcium magnesium acetate (CMA) and other agriculturally based products;
- 4.1.12. We encourage the inclusion of environmental concerns as well as damage to road surfaces, bridges and vehicles as a part of overall cost considerations when comparing salt to CMA as a deicing agent;
- 4.1.13. Increased research by USDA, in the use of computer modeling, to predict pesticide migration. Cooperative Extension Service offices and Natural Resources Conservation Service (NRCS) District offices should develop capability to assist agricultural producers in making site specific use decisions;
- 4.1.14. Liability for groundwater contamination caused by pesticides be based on levels supported by competent, scientific evidence that show actual harm to human health;
- 4.1.15. The federal government underwrite groundwater liability insurance much in the same manner that it currently underwrites floodplain insurance; and
- 4.1.16. Re-evaluation of P.L. 83-566 (NRCS small watershed program) and its emphasis on flood control projects and consideration of its use in the water quality of watersheds and public water supplies.
- 4.2. We oppose:
  - 4.2.1. EPA arbitrarily lowering maximum arsenic levels in rural water systems because a lower level will substantially increase the costs to rural water users;
  - 4.2.2. Legislation that would regulate the sale and use of nitrogen fertilizers;
  - 4.2.3. The enactment of federal legislation that would place either civil or criminal liability on farmers and ranchers for following generally accepted agricultural practices, including label instructions;
  - 4.2.4. Linking farm program benefits with well testing and groundwater contamination concerns; and
  - 4.2.5. State or federal legislation that would place a presumption of liability upon farmers or ranchers for pollution of public or private water supplies near agricultural operations.

## 5. *Nonpoint Source Management*

- 5.1. Locally administered programs are better able to achieve the goals of the CWA. The CWA does not give EPA authority over nonpoint source pollution controls. This authority lies with individual states.
- 5.2. Any watershed management plan should include among its goals and objectives the preservation of agricultural productivity and the livelihood of farm families in the watershed.
- 5.3. We support:
  - 5.3.1. Nonpoint source programs that emphasize a voluntary, incentive-based approach;
  - 5.3.2. Federal assistance to administer a state-developed voluntary assurance program to assist farms and agricultural producers with conservation efforts;
  - 5.3.3. Efforts to address nonpoint runoff and improving water quality that target impaired watersheds using a "worst case first" approach;
  - 5.3.4. Federal funding levels adequate to develop site-specific information, technical assistance, cost-sharing for local programs, and upgrading septic systems;
  - 5.3.5. BMP or accepted agricultural practices that are developed locally with producer involvement and financially practical for landowners to voluntarily apply;
  - 5.3.6. Farmers and ranchers retaining the right to modify their nutrient management plans at any time based on changes in their farming/ranching operations;
  - 5.3.7. Research efforts to clarify the cause or causes of pfiesteria;
  - 5.3.8. States having the right to review 208 Plans (drainage districts) which are voluntary in their applications;
  - 5.3.9. The promotion of management practices to improve water quality should depend on what is challenging the integrity of the water body. Specific management practices should not be promoted over others as a guaranteed solution;
  - 5.3.10. Grants and loans with reduced interest rates for nutrient management storage systems and related equipment;
  - 5.3.11. Efforts to control the phosphorous content of runoff from all contributors;
  - 5.3.12. A requirement that TMDL allocations be redone when science indicates that the existing allocations are incorrect;
  - 5.3.13. State and federal regulatory agencies balancing wetland mitigation requirements with the need for optimized tile drainage for food, fiber and fuel production;

- 5.3.14. BMP or accepted agricultural practices as an alternative to numerical standards to more effectively address the point and nonpoint sources of pollution that greatly vary in a regional watershed;
- 5.3.15. That pollution permit trading in any reauthorization of the CWA as one approach to implement the act's requirements; and
- 5.3.16. The general guidelines of pollution permit trading but allow local entities to determine the management system which best fits its needs. These general guidelines should:
  - 5.3.16.1. Have a goal of water quality improvement;
  - 5.3.16.2. Set environmental goals and constraints that cannot be changed arbitrarily by any member of the system;
  - 5.3.16.3. Identify and establish a credible monitoring system which:
    - 5.3.16.3.1. Maintains a set of baseline data obtained on a case-by-case basis;
    - 5.3.16.3.2. Manages transactions; and
    - 5.3.16.3.3. Monitors environmental conditions and activities across permit traders;
  - 5.3.16.4. Allow farmers who achieve reductions beyond the permit's requirements to "bank" their reductions for future trading.
- 5.4. We oppose:
  - 5.4.1. EPA efforts to gain greater regulatory authority by including nonpoint source pollution controls under the federal storm water discharge permit program;
  - 5.4.2. Any attempts by EPA to dictate specific practices and regulations to control nonpoint source pollution;
  - 5.4.3. Limits on agricultural cost programs;
  - 5.4.4. Altering approved nutrient management plans;
  - 5.4.5. Any enforceable mechanisms to address nonpoint source pollution. Enforceable programs should be developed and implemented by the states;
  - 5.4.6. Using regulations to address agricultural, nonpoint source issues related to TMDLs of pollutants in streams;
  - 5.4.7. Mandatory requirements to carry out the nonpoint source management programs;
  - 5.4.8. Mandated fencing of streams and riparian areas;
  - 5.4.9. EPA's efforts to revoke the administrative exemption for silviculture from the NPDES permitting process;
  - 5.4.10. Mandatory financial assurance (bonding) for nutrient management facilities associated with AFOs or CAFOs;
  - 5.4.11. Designating water flow from farm fields or drainage tile as point sources of pollution under the CWA;
  - 5.4.12. The current CAFOs requirement to maintain a daily water inspection log;
  - 5.4.13. CWA permits for the lawful use of pesticides;
  - 5.4.14. EPA requiring NPDES permits on forest roads for timber harvesting; and
  - 5.4.15. Federal regulation or control of runoff water into non-navigable streams.
- 6. ***Gulf of Mexico Program***
  - 6.1. We support the right of states to develop a volunteer plan of action to address the agricultural nonpoint source portion of the EPA's Gulf of Mexico program. We believe the program's goals and objectives can best be administered at the local level through soil and water conservation organizations and farm groups.
  - 6.2. Any policies made regarding the Gulf of Mexico hypoxia area must be backed by sound scientific research and give proper consideration to impacts on agriculture production.
- 7. ***Perchlorate***
  - 7.1. Landowners, producers or their lenders shall not be held liable for the cost of perchlorate cleanups caused by actions over which the producer, landowner or lender had no management oversight or control of decision-making.
  - 7.2. We support:
    - 7.2.1. Funding for research into the health risks and strategies for mitigating risks associated with perchlorate in water and food; and
    - 7.2.2. Using the best available science and appropriate risk assessment for the establishment of health goals or regulatory standards.
  - 7.3. We oppose any legislation or administrative decision that releases the federal government (i.e. the Department of Defense) and their contractors and subcontractors from liability associated with pollution of their land, crops or products by perchlorate.
- 8. ***Lake Erie Basin***
  - 8.1. We support the formation of a multi-state task force to study the sources, causes and solutions for harmful algae blooms.

## 548 / Water Use

- 1. Water is one of our most vital resources. We support the construction of water storage, funding of water conservation and efficiency programs, the streamlining of permitting of storage projects and state and federal cooperation in building multi-use water systems anywhere feasible consistent with state water laws.
- 2. More attention should be given to the long-term effects of such plans, such as the advantage of building structures of sufficient strength to take care of likely future agricultural water needs.
- 3. ***Coal Slurry Pipelines***
  - 3.1. Federal legislation dealing with coal slurry pipelines should:
    - 3.1.1. Respect state water laws and protect such laws from threats of nationalization under the Interstate Commerce Clause of the U.S. Constitution;

- 3.1.2. Respect state laws concerning property rights and eminent domain procedures;
- 3.1.3. Require payments to owners for damages to their property; and
- 3.1.4. Provide that a state that has a water compact with another state shall receive credit for the amount of water that is transported to the other state in a coal slurry pipeline and ensure:
  - 3.1.4.1. That the use and appropriation of water for all interstate coal slurry pipelines, not just those that use the right of federal eminent domain, be made pursuant to the law of the state where the diversion takes place;
  - 3.1.4.2. That if a state denies a water permit or exercises conditions on such a permit or authorization, up to and including termination, this exercise will not be prohibited as an unreasonable burden on interstate commerce;
  - 3.1.4.3. That federal reserved water can only be used in a coal slurry pipeline if state law is fully complied with; and
  - 3.1.4.4. That nothing in the law shall alter in any way any provision of state law or interstate compact.
- 4. ***International Water Agreements***
  - 4.1. We support:
    - 4.1.1. Reasonable agreements and cost participation with Mexico and Canada;
    - 4.1.2. The efforts of Texas and the United States government to uphold and enforce the 1944 water treaty between the U.S. and Mexico;
    - 4.1.3. Efforts to ensure that water delivery to the Rio Grande River and allocations are strictly honored by the U.S. and Mexico as stipulated by the 1944 treaty;
    - 4.1.4. Federal and state programs designed to alleviate hardships to Texas agribusiness as a result of Mexico's treaty non-compliance, including actual production history crop insurance;
    - 4.1.5. Financing of improvements to water delivery systems along the Rio Grande River; and
    - 4.1.6. Renewal of the Columbia River Treaty with Canada in such a manner as to maintain its original focus upon flood control and power generation.
- 5. ***Reclamation Projects***
  - 5.1. We support:
    - 5.1.1. Enabling legislation authorizing navigation projects that include the use of water for agricultural irrigation and other purposes;
    - 5.1.2. Users of water from new developments paying their fair share of the development cost of the facilities that make the water available;
    - 5.1.3. Placing appropriate values on flood control, conservation, power, recreational and environmental benefits;
    - 5.1.4. Infrastructure costs and repayment reflecting the share of benefits received;
    - 5.1.5. Provisions, wherever feasible, for an irrigation district, or other instrumentality to assume repayment and administrative responsibility for all or portions of the project before a reclamation project is constructed;
    - 5.1.6. The transfer of ownership and administrative responsibility for reclamation and other projects from the federal government to a local, state or interstate agency upon its assumption of repayment obligations. The cost of assuring safety for federal dams should be borne by the federal government;
    - 5.1.7. Elimination of the Bureau of Reclamation (BOR) and transferring custody of western water and power projects to the appropriate project users and water master responsibilities to the states;
    - 5.1.8. Using Hydroelectric dams to their full potential to produce power rather than limiting their use to regulate the downstream flow for environmental or recreational purposes;
    - 5.1.9. A plan that would allow water districts that receive their water through the BOR to "bank" their unused water;
    - 5.1.10. Sufficient duration for future contracts to allow farmers to secure long-term capital or financing;
    - 5.1.11. BOR continuing its role regardless of changes in the Environmental Protection Agency (EPA) standards, including regulations stated in Waters of the United States (WOTUS); and
    - 5.1.12. The continued investment, repair and maintenance of all BOR irrigation projects.
  - 5.2. We oppose:
    - 5.2.1. The change of focus of the BOR from development of water resources to regulation enforcement and recreation enhancement;
    - 5.2.2. The renaming of water storage projects by the BOR and the U.S. Army Corps of Engineers (Corps) with the intent to weaken the importance of "lakes" behind federally-regulated dams by calling them "reservoirs;"
    - 5.2.3. The destruction of federally regulated dams for purported environmental reasons; and
    - 5.2.4. Any efforts to amend reclamation laws that would negatively affect the priority of water allocation for agricultural use.
- 6. ***Reserved Water Doctrine***
  - 6.1. The importance of the present and future water yield from public lands to the economy of all states is clear.
  - 6.2. Legislation is needed to dispel uncertainty that the implied reservation doctrine produced.
  - 6.3. We support legislation that requires federal agencies to:
    - 6.3.1. Comply with state laws relating to the use of water and to respect private rights to use water established under state law;
    - 6.3.2. Provide that water flowing from reserved lands and other federal lands shall be subject to state authority; and
    - 6.3.3. File with the appropriate state agency their present use of water in the state and provide access to the courts for landowners to determine if federal claims are reasonable.

- 6.4. We oppose reserved water rights on federal lands except through filing with the state for a right in accordance with state law.
7. ***Rural Water Systems***
  - 7.1. We support:
    - 7.1.1. The concept of rural water systems organized and operated in accordance with accepted principles and practices;
    - 7.1.2. Steps by the Environmental Protection Agency (EPA) in cooperation with state agencies to safeguard water quality, while at the same time, encouraging EPA not to initiate costly and unnecessary regulations, which could only drive up the cost of rural water; and
    - 7.1.3. Funding for rural water and sewers, including projects in unincorporated service areas, through the rural development program of USDA.
8. ***Underground Water***
  - 8.1. We support:
    - 8.1.1. State laws that strive for the protection, development and administration of groundwater to protect the rights of overlying landowners;
    - 8.1.2. Prohibition of nuclear waste repositories that endanger underground water aquifers;
    - 8.1.3. Continuing research on groundwater recharge and on making more efficient use of our water resources. Such research should be designed to develop a conservation program with emphasis on individual, local and state participation;
    - 8.1.4. All reasonable management efforts being made to prevent contaminants from entering groundwater; and
    - 8.1.5. Subject to state water law, allowing veto authority to a state whose groundwater is diminished in cases of interstate artificial withdrawal or transport of groundwater.
  - 8.2. We oppose:
    - 8.2.1. Federal intervention and controls in underground water matters;
    - 8.2.2. Taking underground water in the form of hot water and steam from overlying owners by classifying water as a mineral; and
    - 8.2.3. Groundwater projects that affect another state's water unless up-to-date empirical studies clearly show that water can be withdrawn and exported without adverse effects on said state's agriculture and sovereign lands.
9. ***Water Diversion***
  - 9.1. We favor multistate compacts to provide for the use of water between states.
  - 9.2. We support:
    - 9.2.1. States being allowed to divert from rivers and streams that amount of water said state is entitled to pursuant to rights, compacts or decrees; and
    - 9.2.2. International surface water transfer programs that would ensure the interests of American agriculture.
  - 9.3. We oppose:
    - 9.3.1. Any move to break the Colorado River Compact or any other river compact;
    - 9.3.2. The diversion or sale of water from the Great Lakes Basin;
    - 9.3.3. Recreational in-channel diversions if they:
      - 9.3.3.1. Do not promote multiple uses of water;
      - 9.3.3.2. Are used as growth and development controls which lowers property values in non-growth areas;
      - 9.3.3.3. Restrict flood control projects and promote stream bank erosion by excessive amounts of water flowing for longer periods of time;
      - 9.3.3.4. Erode the value of water for water rights owners by restricting where and how much of their water can be diverted from streams;
      - 9.3.3.5. Are not limited to the minimum amount needed for a limited amount of time for the specific purpose for which the application is being made;
      - 9.3.3.6. Are not limited to the amount of water under control of the applicant and limited to the place where control structures exist; and
      - 9.3.3.7. Recreational in-channel diversion or instream flows if they are granted; however, they should not supersede agricultural, municipal or industrial use.
10. ***Water Planning***
  - 10.1. We support:
    - 10.1.1. Planning of water use on a multiple purpose watershed basis, including multipurpose small hydroelectric dam projects when feasible;
    - 10.1.2. Interstate compacts on interstate streams;
    - 10.1.3. For federal-state river commissions:
      - 10.1.3.1. Designation of a majority of the members by the affected states and a requirement that each state representative should be a resident of the basin;
      - 10.1.3.2. Approval of all projects fully within a member state by appropriate authority within the state before final approval by the commission; and
      - 10.1.3.3. Creation of a "basin account" to collect revenues from related projects to finance further development;
    - 10.1.4. Audits by the General Accounting Office of all "benefit-cost" reports required by Congress as a condition for approval of federal projects and all affected property owners have an opportunity to submit appropriate data for consideration; and

- 10.1.5. Consideration of broad geographic areas and needs, including equitable valuation of intangible benefits in "benefit-cost" analyses in future water planning;

## **11. *Water Resource Development***

### **11.1. We support:**

- 11.1.1. Federal funding of producer incentives for water conservation, including construction, repair, and maintenance of impoundments, farm ponds, streams, waterways and drought mitigation measures;
- 11.1.2. Development of procedures at the state and federal levels to encourage increased utilization of surface water for irrigation purposes including irrigation reservoir systems;
- 11.1.3. Desalination of brackish, saline and seawater;
- 11.1.4. Continuation of availability of water supplies for agricultural or other cultural practices at least equal to the historical use;
- 11.1.5. More realistic values for public benefits and recreation being applied to water projects;
- 11.1.6. Public hearings in the vicinity of any proposed reservoir, dam or other water storage project;
- 11.1.7. Cooperation between federal, individual, local and state interests in water development projects;
- 11.1.8. Compensation to nonfederal projects for the benefits that are non-reimbursable in federal projects;
- 11.1.9. Efforts to obtain funds to develop power generation from geothermal resources and to encourage private industry to develop and operate water and energy recovery facilities;
- 11.1.10. Assumption of responsibility by the Corps for protection of affected farmland on all flood control and navigation projects and for major capital items to repair levees and associated systems on major rivers;
- 11.1.11. Cooperation among appropriate agencies in keeping rivers and reservoirs at levels that will not cause serious seep water damage;
- 11.1.12. The continuation of federal agency efforts to make the stream channel improvements essential to critical water conservation in the arid Southwest; and
- 11.1.13. The federal government providing for erosion control created by dams and locks.

### **11.2. We oppose:**

- 11.2.1. The abandonment of cost-effective water projects that have been approved for years by Congress and previous administrations;
- 11.2.2. Landowners being required to bear the added cost of seepage where it occurs from higher levels;
- 11.2.3. Any plan to drain or change the designation or scope of man-made lakes or reservoirs providing much needed electricity, irrigation, navigation and municipal water; and
- 11.2.4. Release of water not in accord with agricultural water demands, hydroelectric power generation and/or flood control criteria.

## **12. *Water Rights***

### **12.1. We support:**

- 12.1.1. The present system of appropriation of water rights through state law and oppose any federal domination or pre-emption of state water law or resource distribution formulas;
- 12.1.2. Water rights as property rights that cannot be taken without compensation and due process of law;
- 12.1.3. Voluntary conservation of water use by updating irrigation systems. Increases in irrigated acres (water spread acres) due to redesigning or remodeling irrigation systems or development of areas within a recorded water right, should not be excluded from irrigation;
- 12.1.4. The concept that privately held consumptive water rights should take precedence over low instream flows;
- 12.1.5. Equal funding to defend water rights against parties receiving government money;
- 12.1.6. Resolution of tribal water claims through negotiated water settlements with participation of all parties having an interest in the affected water;
- 12.1.7. A study being requested by local government before the Environmental Protection Agency (EPA) instigates action on sole source aquifers; and
- 12.1.8. A state's exclusive authority to issue water right encroachment permits on waters within the state.

### **12.2. We urge Congress to pass laws to correct the injustice of breaking legal agreements and decrees made to farmers, such as water rights in the name of protecting endangered species and other resources.**

### **12.3. We oppose:**

- 12.3.1. Any use of the Public Trust Doctrine as a legal basis for deciding water rights issues;
- 12.3.2. Water being considered an article in commerce; and
- 12.3.3. Any instream-flow legislation unless it is based strictly on additional upstream storage.

### **12.4. We further recommend legislation to:**

- 12.4.1. Compensate any landowner whose water rights, established prior to the 1963 California-Arizona decision, suffered damage;
- 12.4.2. Exempt all irrigation ditches constructed before 1976 from permits and fees;
- 12.4.3. Require all federal agencies or commissions to comply with applicable state laws and prohibit the requirement of permits on existing ditches on federal lands;
- 12.4.4. Provide just compensation if a federal project adversely affects a private right established under state law;
- 12.4.5. Provide that the federal government can be enjoined in court suits pertaining to the adjudication of water;
- 12.4.6. Make federal administrative decisions subject to review by the courts;

- 12.4.7. Prohibit the BOR, or any other local, state or federal, governmental agency or Nongovernmental Organizations from securing water rights for fish and wildlife projects, or transportation by the eminent domain process;
- 12.4.8. Prevent water contracts from being unilaterally altered prior to their expiration;
- 12.4.9. Eliminate the acreage limitation set by the U.S. government for irrigation projects; and
- 12.4.10. Provide a reasonable period of negotiations for the contract renewal process.
- 12.5. Congress should develop a system for reparations, in consideration of past errors or omissions that relate to waters being given to the states, to individuals, state governments and to other parties.
- 12.6. Congress should exempt water from any interstate commerce regulations or laws. Congress should act to affirm each state's dominion over the waters within its boundaries.
- 12.7. In case of potential conflicting claims, a state's surface water general adjudication process should be allowed to settle those conflicts.
- 12.8. Claims should not be settled with groundwater, and any surface water should be acquired from willing sellers with the federal government bearing all costs. The settlements shall consider historic water-use decrees. The settlements must contain language to protect the water rights of the communities affected. The federal government should bear all the monetary costs of both parties of any settlement and/or litigation.

### 13. ***Watershed Programs***

- 13.1. We support:
  - 13.1.1. Consideration of the potentially detrimental effect of any high rise dam on the local community and county;
  - 13.1.2. Inclusion of both upstream flood prevention treatment and downstream protective measures in flood damage programs;
  - 13.1.3. The Watershed Protection and Flood Prevention Act, as amended;
  - 13.1.4. Positive action by the secretary of agriculture to review criteria now used for economic evaluation in determining the feasibility of small watershed structures;
  - 13.1.5. Reasonable state participation in funding watershed protection and flood control;
  - 13.1.6. A landowner's ability to clean and clear waterways on their property in times of disaster;
  - 13.1.7. Diligence by sponsors of watershed projects in promoting full understanding, within the project area, of all physical, technical and financial aspects of the proposed project;
  - 13.1.8. Federal funding be appropriated under the P.L. 83-566 program to fund one-half the cost of providing water for any requirements for low-flow augmentation in small watershed impoundment structures and federal funding for upgrading and maintaining existing PL566 structures expeditiously as possible;
  - 13.1.9. Reducing matching fund levels, and allowing for in-kind contributions from local entities, to maintain state and federal dams; and
  - 13.1.10. Rescission of water project authorizations no longer needed because of the development of watershed programs.
- 13.2. We oppose:
  - 13.2.1. Stopping stream channel improvement, an appropriate part of many watershed programs, by unrealistic demands by recreation, fish and wildlife interests;
  - 13.2.2. Language in Natural Valley Storage Projects flowage easements unless it is modified to clearly provide for farming and the construction of agriculturally required facilities within the easement area; and
  - 13.2.3. The Federal Government changing the historic priorities and uses of water storage reservoirs.

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- 1. Public policy should encourage expansion of inland water transportation since it represents the most energy-efficient mode.
- 2. Such public policy should include encouragement of a high degree of cooperation among all modes of transportation to provide the adaptability of equipment that will allow rapid and inexpensive exchange from one mode to the other. This must also include encouragement of multimodal rates and elimination of any discriminatory rate-making.
- 3. The U.S. Army Corps of Engineers (Corps) or any federal or state agencies should pursue alternative means to address endangered species concerns such as establishment of voluntary critical habitats.
- 4. Action should be taken to repair and maintain locks and dams on waterways for present and future commercial traffic.
- 5. Well-maintained levees are essential not only because they allow some of our most productive land to be utilized in farm production, but also to prevent the ravages of flooding from destroying roads, bridges, railroads, homes and businesses. When levees are destroyed by extraordinary rainfall, it can cause severe economic hardship to farmers, rural businesses and entire rural communities.
- 6. Federal and state government agencies should be committed to assisting with the timely repair and maintenance of levees on the main rivers and their tributaries. After a disaster occurs, repairs should be made in "emergency" mode. Those levees that are purposely destroyed by the Corps should be fully restored prior to the next normal high water season.
- 7. If the federal government's river management results in flooding, the Corps should be financially responsible for damages resulting from Corps managed projects.
- 8. We recommend the following actions to ease the flood burden:
  - 8.1. Nonfederal, non-qualifying levees should be allowed the opportunity to enter into the Corps' cost-share program;

- 8.2. Adequate funds should be made available to all appropriate agencies to assist in the repair of levees on the main rivers and their tributaries and to assist in sand and debris removal and to provide voluntary nonlevee alternatives such as emergency wetlands reserve programs;
- 8.3. Wetlands, endangered species and other environmental restrictions should be modified to allow a common sense approach to the removal of trees and brush, the use of river dredges and location of borrow areas to repair damaged levees;
- 8.4. The federal government and the Corps should repair, maintain and upgrade the upper levee systems to the same standards as the lower Mississippi flood control district to guarantee the continuation of commerce on the navigable waters of rivers affected by flood damage and the continued protection of personal property by the levee system;
- 8.5. A uniform federal floodplain standard (also adopted by the states) allowing a one-foot rise in floodwater height for flood protection projects on major rivers and other bodies of water bordering two or more adjoining states;
- 8.6. The cleaning of all floodways by the International Boundary and Water Commission, to include those inside the wildlife corridor, to permit maximum movement of flood water in the Rio Grande Valley of Texas, Colorado and New Mexico; and
- 8.7. Landowners should be compensated for all lost property value if damaged levees along any navigable waterway under the jurisdiction of the Corps are not repaired.
9. Landowners should have the opportunity to bid their land into the Emergency Wetlands Reserve Program or use private funds to repair their levees.
10. We are concerned about the Corps' proposal to release large amounts of water from the Gavins Point Dam.
11. Tennessee Valley Authority (TVA) should return to its original goals of flood control, electric production and navigation. TVA should give its highest priority to agricultural operations within a floodplain when establishing water level fluctuation plans.
12. We support:
  - 12.1. Educating the general public in regards to the economic importance of the Mississippi River and other waterways used in transporting agricultural commodities and farm inputs;
  - 12.2. Reauthorization of the Inland Waterway Trust Fund;
  - 12.3. Legislation to permit utilization of water from river navigation projects for agricultural purposes;
  - 12.4. Prioritizing the Corps' funds for updating locks and dams and cleaning of channels in the Mississippi River and Great Lakes water system to accommodate new, larger vessels and navigate low water levels;
  - 12.5. User fees and fuel taxes received from barge operators on the Mississippi River being used only for repair, upkeep and improvements to the Mississippi lock and dam system;
  - 12.6. Increasing the operation and maintenance budget to maintain navigation, recreation and flood control;
  - 12.7. Representation on the Mississippi River Commission to include at least one member from the Upper Mississippi River area;
  - 12.8. Lengthening to 1200 feet the locks on the Mississippi River at least below Keokuk and below Peoria on the Illinois River;
  - 12.9. A Midwestern, multistate effort to review results of existing river and related studies and identify impacts of associated state and federal regulations. Based on that review, we will support a comprehensive plan for the Upper Mississippi River and its navigable tributaries that serves agriculture, industry, transportation, recreation, and the environment developed by the Corps using the risk-informed decision framework in the analysis of the benefit cost ratio;
  - 12.10. Maintaining channel depth of 45 feet on the lower Columbia River from the port of Portland to the Pacific Ocean. This would ensure year-round and timely shipping and allow the new Panamax class of ships to call on all ports on the lower Columbia;
  - 12.11. A mutually acceptable revision to the Missouri River Master Water Control Manual that protects against proposals that would regulate the river's flow to the detriment of waterway navigation and/or its flood control system;
  - 12.12. Requiring government agencies to send notification about new streambank initiatives to landowners whose property is adjacent to and may be impacted by those initiatives;
  - 12.13. Using hydrology studies and other pertinent information developed within the Comprehensive Plan to expedite the permitting process for flood control projects within the scope of the Plan. A timeline should be developed to establish target beginning and completion dates for each project within the Comprehensive Plan to help move those projects along in a more efficient and timely manner;
  - 12.14. Efforts to change state and federal regulations so that drainage and levee districts may restore a levee to its highest approved flood frequency design and/or profile without being limited by water level mitigation requirements;
  - 12.15. Securing federal and state funds for major capital items to repair levees and associated systems on major rivers. Money appropriated for projects should be used by that project. Routine maintenance and capital items should continue to be the responsibility of the local districts;
  - 12.16. A review of the cost effectiveness of the National Levee Safety Program Act of 2007 and support eliminating the duplication of levee inspections with resulting cost savings used for levee improvements;
  - 12.17. Encouraging the Mississippi River Commission to use its authority to promote improvements to navigation, economic development, flood control, recreation, and environment within the upper and lower Mississippi River basin;
  - 12.18. Efforts to remove silt from rivers and to allow the use of that material behind the levee for strengthening the levee system;
  - 12.19. Encouraging members of Congress to become actively involved in the Mississippi River Congressional Caucus;
  - 12.20. The Maritime Administration's Marine Highway Program and designation of Marine Highway corridors on major waterways including the Missouri and Mississippi Rivers;
  - 12.21. Federal funding of Marine Highway grants to promote economic growth and enhance the efficiency of our surface transportation system; and



- 12.22. Additional funds being allocated to the Harbor Maintenance Trust Fund (HMTF), and funds which have been diverted be spent for their intended purposes. We support 100 percent of the monies paid into the HMTF being spent for the maintenance projects of all harbors and channels.
13. We oppose:
- 13.1. Any plans by the U.S. Army Corps of Engineers (Corps) or any federal or state agencies that would alter the flow levels of the Missouri or any river and would adversely affect domestic water supplies, drainage, irrigation and transportation, that would cause traffic bottlenecks on the Missouri or any navigable river and take private property without compensation;
- 13.2. The dumping or designed erosion of soil into waterways; and
- 13.3. EPA using the guidance document which would effectively remove the word “navigable” from the Clean Water Act.

## **550 / Wetlands**

### **1. Definition/Regulation**

- 1.1. All wetlands are not equal in value. Wetlands need to be classified as to their importance. Those lands that have little or no significant environmental value should not have the same restrictions for development activities as true wetlands.
- 1.2. Isolated wetlands (vernal pools, etc.) not connected to navigable waterways should not be subject to regulation under the Clean Water Act (CWA).
- 1.3. Wetlands should be defined as a naturally occurring area of predominantly hydric soils that presently support hydrophytic vegetation because of existing wetland hydrology. Supporting definitions should be:
- 1.3.1. A hydric soil is a soil that in its natural state is saturated, flooded or ponded long enough during the active growing season to have predominant anaerobic conditions at the surface;
- 1.3.2. Hydrophytic vegetation means a predominance of obligate wetland plants and facultative wetland plants; and
- 1.3.3. Predominance is defined as at least 66.67 percent of the land having those characteristics.
- 1.4. We support:
- 1.4.1. Wetland protection programs that emphasize economic incentives;
- 1.4.2. Cooperative efforts on wetland and related lands issues and will work with water, wildlife and other agricultural groups to achieve acceptable solutions and mutual benefits. All efforts and programs must rely upon voluntary and willing participants;
- 1.4.3. Farmer and rancher representation on any appointed wetland study commission;
- 1.4.4. A workable nationwide permit program that does not restrict or burden agricultural operations and practices;
- 1.4.5. A general or nationwide permit for the construction of agricultural, forestry and wildlife ponds in non-tidal wetlands;
- 1.4.6. All future easements being limited to no more than 50 years and contain frontloaded buy-out options if so desired by the landowner;
- 1.4.7. Requiring mosquito abatement and management plans on government owned lands used for wetlands or riparian areas;
- 1.4.8. Landowners being allowed to use scientific data provided by independent consultants and/or a governmental agency to prove that their land should not be designated a wetland;
- 1.4.9. Non-tidal wetland regulations focusing on protecting true marshes, bogs and swamps. Prior-converted lands and wetlands created incidentally by wildlife or any man-made structures, facilities, irrigation or drainage activities and the production of wetland-dependent commodities should not be subject to regulation;
- 1.4.10. Land with a cropping history of six out of 10 years being exempt from wetland regulation;
- 1.4.11. Farmers with farmed wetlands, with ditches or tile running through them, having the option to improve their drainage;
- 1.4.12. The enactment of legislation to address the following wetland concerns that include but are not limited to the following:
- 1.4.12.1. All prior-converted cropland and farmed wetlands should be excluded permanently from jurisdiction;
- 1.4.12.2. Wetlands determinations and delineations should be made on site whenever requested by the landowners and done within 30 days;
- 1.4.12.3. Unsolicited determinations of wetlands by Natural Resource Conservation Service (NRCS) should be considered invalid;
- 1.4.12.4. Abandonment when an error has been made in the original determination of a wetland because of a lack of knowledge based on the scope and ability of the existing drainage system;
- 1.4.12.5. Sunset of wetlands determinations and delineations should be discontinued and reclassification should only occur at the landowner's request;
- 1.4.12.6. The growing season for wetlands by definition should not be lengthened. A new definition of growing season for wetlands should be adopted for arid states. Currently, the growing season in many states is the entire year; and
- 1.4.12.7. County conservation districts should be the sole agencies to regulate the building of ponds;
- 1.4.13. A public comment period be provided when any changes are proposed in the guidelines and definitions for delineating wetlands;
- 1.4.14. A mapping program—as a prerequisite to regulation—which accurately identifies land which has a predominance of hydric soils, hydrophytic vegetation and standing water; has been subject to the review of locally affected landowners

and operators; and has a standard interpretation from the state NRCS office that insures equality across county lines; and

1.4.15. A prohibition from using “invasive tree species” and “trees not native to a specific area” as “native trees” on prior converted (PC) crop acres as abandoned under Section 404 of the Clean Water Act.

1.5. When a reservoir is built to store surface water, wetlands should be allowed to be contained inside these impoundments.

1.6. The definition of cropland for wetland determinations and delineations should include permanent pasture and hay fields. They should not have to be in rotation.

1.7. We oppose a national goal of no-net-loss of wetlands;

1.8. We will oppose the delineation of these areas as linear wetlands:

1.8.1. Man-made drainage ditches;

1.8.2. Fence lines; and

1.8.3. Either existing waterways or land previously used for natural drainage.

1.9. No person shall become ineligible for any program benefits, or subject to legal or civil penalties, under an act of studies of recharge potential of playa lakes and all other isolated intrastate waters.

## **2. Legislation**

2.1. We support:

2.1.1. Counting all years as “under cultivation” where PC crop acres are idle following a prescriptive procedure to allow salt or other harmful compounds to leach out of soil. Those idled years under a prescriptive recovery period would not count toward “abandonment” under the EPA Clean Water Act – Section 404;

2.1.2. Amendments to federal wetland legislation to narrowing the currently broad scope of wetlands protected;

2.1.3. Keeping private farm ponds from coming under federal regulation under the CWA;

2.1.4. The scope of wetlands regulation being limited to wetland areas that are 10 or more acres in size;

2.1.5. Congress to reviewing the scope and intent of wetlands protection programs and their impact on normal farming and ranching practices;

2.1.6. All land farmed and/or where conversion was commenced prior to December 23, 1985 being considered prior-converted and exempted from further regulation. No agency should recapture these lands as wetlands if they are fallowed for a period of five or more years;

2.1.7. More local control for wetland identification and management;

2.1.8. Continuation of the normal farming and silviculture exemption in Section 404 of the CWA being a condition for state assumption of 404 enforcement responsibilities;

2.1.9. Exemption from the regulations affecting drainage for normal repair and maintenance of agricultural waterways, drainage structures and tile lines and protection of private land against erosion;

2.1.10. A general permit being developed under Section 404 for agricultural land-clearing activities;

2.1.11. An appeals process being established to expedite a solution for those instances when agreement cannot be reached on the Section 404 permit requirements;

2.1.12. Legislation to remove normal farming operations, including aquaculture activities on prior-converted and farmed wetlands, from the jurisdiction of the regulations based on Section 404 of the CWA. A realistic definition of normal farming operations and wetlands should be established for use in administering the provisions of this act;

2.1.13. Federal legislation that would exempt agricultural irrigation reservoir construction, on privately owned wetlands, from wetlands regulation and mitigation, provided it would reduce demand on, and preserve and protect the quantity, and quality of underground water supplies;

2.1.14. The wetlands of the Prairie Pothole region of the country being regulated on an equal basis with all other wetlands. All regions of the country should use the same wetland hydrology criteria;

2.1.15. A penalty for knowingly making a false report of a wetland violation and for the name of the individual or entity that made the complaint to be made public; and

2.1.16. Wetland delineation requested through an AD 1026 should be made in a timely fashion.

2.2. We oppose:

2.2.1. Inclusion of the term wetlands in the definition of Navigable Waters of the United States, and we further oppose giving the Environmental Protection Agency (EPA) final authority in matters of wetlands determination; and

2.2.2. NRCS personnel having to report, for prosecution, any potential violation of wetland regulations on agricultural land. Landowners should not be required to accept off-site delineations by any government agency. We believe the burden of proof that a wetland exists rest with the government agency making the determination.

## **3. Mitigation and Easements**

3.1. Agricultural production must be valued in wetland mitigation calculations when determining wetland mitigation credits and wetland mitigation credits must be severely reduced for converting agricultural acreage into wetland mitigation when the acreage has a recent history of agricultural production.

3.2. We support USDA allowing functional credit units of wetland restoration to be applied towards acres in the wetland mitigation process.

3.3. Wetland mitigation changes that would permit and promote the use of degraded wetland acres in the coastal zone to be used as the source of land for wetland mitigation instead of taking agricultural land out of production for wetland mitigation.

3.4. Wetland protection, enhancement, restoration and maintenance projects should never require mitigation.

- 3.5. Wetland mitigation should only be required where convincing, adverse environmental damage to wetland function can be documented.
- 3.6. We request that the U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (FWS) and other agencies carefully evaluate and notify the wetland mitigation bank(s) and nearby landowners to any potential drainage issues where mitigation banks are being established if the mitigation bank changes long-established drainage outlets.
- 3.7. We support changes in rules, regulations, and/or legislation to require that wetland mitigation banks must provide a sufficient drainage pathway for upstream farm acres to drain when internal drainage is removed downstream during the process of establishing wetland mitigation.
- 3.8. We support an increase in wetland mitigation credits for land in agricultural crop production that provide wetland benefits such as waterfowl habitat on rice acreage so agricultural lands can remain in crop production and receive wetland mitigation credits for providing wetland benefits on farm land.
- 3.9. We oppose the expropriation or excavation of crop land for mitigation by the Corps for the use of levee construction or other uses when alternatives to use land not currently in production exists.
- 3.10. We support:
  - 3.10.1. The establishment of a FWS easement lease buyout program;
  - 3.10.2. FWS reducing the purchase of wetlands and the prohibition of purchasing drained farmland;
  - 3.10.3. Greater transparency of the mitigation efforts of the Corps, FWS and other federal agencies along our waterways.
  - 3.10.4. FWS being required to pay for future irrigation and drainage district assessments if it acquires land within such districts. Any land acquired by the FWS and converted to a wetland within these districts should not interfere with their normal operations. If mitigation is required, no more than one acre should be required to be mitigated per acre converted. Landowners should be given the opportunity to mitigate wetland conversions on the basis of the functional value of the wetlands converted if such mitigation is more practical or economical than acre-for-acre mitigation;
  - 3.10.5. The concept of a voluntary wetland banking program with priority being given to lands currently enrolled in the Wetland Reserve Program, rather than removing additional farmland from production;
  - 3.10.6. Changing federal wetland mitigation policy to prevent further loss of agriculture acreage in counties that still retain 80 percent or greater of their pre-settlement wetlands; and
  - 3.10.7. Education programs which seek to inform landowners of the benefits of wetlands and to urge voluntary conservation of wetland areas.
- 3.11. We oppose the transfer of any interest in property by the Farm Service Agency (FSA) to FWS or any other agency.
4. ***Property Rights and Compensation***
  - 4.1. We support:
    - 4.1.1. The adoption of a satisfactory delineation of wetlands which identifies both values and functions and which also recognizes private property rights. All information gathered in a producer's wetland determination and delineation should be kept confidential and not subject to the Freedom of Information Act;
    - 4.1.2. The identification, protection and enhancement of quality wetlands and encourage voluntary efforts to achieve wetlands restoration if private property rights are protected and economic growth is enhanced;
    - 4.1.3. Federal policy requiring that the owners, operators and/or authorized representatives of land being considered for wetland designation be notified and consulted before any classification determination and requiring onsite inspection;
    - 4.1.4. A system of checks and balances being established to ensure reasonable and consistent interpretations of the laws concerning wetlands.
    - 4.1.5. A requirement that the U.S. Army Corps of Engineers send notification to FSA and NRCS of any change in land classification. FSA and NRCS must forward notification of land classification changes to the landowner and producer in a timely fashion;
    - 4.1.6. A timely and inexpensive appeals process for landowners to appeal wetlands delineations and permit denials. The appeals process should also allow for judicial review;
    - 4.1.7. Government agencies' authority in designating wetlands and requiring mitigation for altered wetlands being sharply curtailed to protect private property rights. The denial of a wetland dredge-and-fill permit constitutes a taking of property for which just compensation to the landowner shall be provided;
    - 4.1.8. Modification of agency guidelines to allow for a mitigation program of wetlands where modern agriculture practices are being planned; and
    - 4.1.9. Landowners and farmers being able to remove tree stumps from their land without having to get approval from NRCS, the Soil and Water Conservation District, FSA or the Army Corps of Engineers.
  - 4.2. We oppose:
    - 4.2.1. Federal jurisdictional control being imposed on farmers without just compensation for loss of productive development or sale potential, as provided in the Fifth Amendment to the U.S. Constitution. Compensation for the lost use of privately owned land due to wetlands delineation is a top priority. Compensation to landowners for reduction in property values should be itemized and taken from the budget of the respective federal agency; and
    - 4.2.2. Mitigation being required for the construction of artificial wetlands or water impoundments.

## **551 / Wild and Scenic Rivers**

1. We are opposed to proposals which would prevent the economic development of a stretch of river which has potential resource value; necessitate the taking of scenic easements or fee title to privately owned land by eminent domain; or unnecessarily involve

federal responsibility for a river which is being adequately managed by a state. We oppose adding more rivers and adjoining land to the National Wild and Scenic Rivers System and urge re-evaluation of all existing wild and scenic rivers. We believe that land acquired by the federal government to preserve scenic riverways should be returned to the original owners.

2. A Wild and Scenic River suitability assessment should not be a requirement of the Department of Agriculture (U.S. Forest Service (USFS) Forest Plans) and the Department of the Interior (DOI) (all areas, including the Bureau of Land Management (BLM) Management Plans).
3. Wild and scenic river advisory committees should be organized in each scenic river area, and a majority of the committee should be made up of local adjoining landowners. Such a committee should be sought for advice in management of the river.
4. Any land designated for wild rivers should be subject to local zoning ordinances.
5. Before a river is designated as a wild or scenic river, a comprehensive study, as mandated by law, should be completed on the exact segment of river that has been proposed.
6. Effective control of noxious or invasive alien species in compliance with state and county laws must be a part of every plan for management of wild and scenic rivers. No legal weed control practice may be excluded for such environmental protection.

## WILDLIFE / ENDANGERED SPECIES

### **565 / Endangered and Threatened Species**

1. Human need for food, fiber, shelter and energy shall have priority over the protection of endangered and threatened species.
2. We believe that endangered and threatened species protection can be more effectively achieved by providing incentives to private landowners and public land users rather than by imposing land use restrictions and penalties.
3. The Endangered Species Act (ESA) should not be reauthorized in its current form. The current federal ESA must be amended and updated to accommodate the needs of both endangered and threatened species and humans with complete respect for private property rights within the framework of the United States Constitution.
4. We support:
  - 4.1. An ecosystem management approach that considers the overall interrelated effects of management on all species of that system and is limited to the historical habitat area of the species based on historical and scientific data;
  - 4.2. A voluntary program administered by the Department of Interior to enter contracts with private landowners to maximize and enhance habitat through technical assistance and other incentives. Contracts should run five years, provided a continuing need exists;
  - 4.3. Compensation to landowners for all damages to or loss of the use of their property including grazing allotments and water rights resulting from implementation of any provision of the ESA regarding private property including grazing allotments and water rights;
  - 4.4. A moratorium on additional listings under the ESA in its current form;
  - 4.5. Listings based on endangerment instead of on rarity, using sound, peer-reviewed science and reliable confirmation of the genetics that is readily available to landowners and their representatives and which considers all populations of a species, including those in other countries;
  - 4.6. The burden of proof for listing being on the petitioner or the Agency and not on the general public;
  - 4.7. Involvement by affected landowners in any ESA listing;
  - 4.8. The posting of a bond equal to three times the damages by any petitioner for listing or any party seeking the injunction that would adversely affect private property interests;
  - 4.9. Strict liability by the federal government for injury or damages to persons or property arising out of the reintroduction or re-establishment of any listed species;
  - 4.10. Civil and criminal penalties for unauthorized introduction of a listed species to thwart farming, development or recreational land uses with purposeful and harmful intent;
  - 4.11. The right of landowners to protect person and property from listed predators and wildlife;
  - 4.12. Research and development of commercial propagation of nonpredatory, listed species for purposes of introduction into the wild and eventual delisting; We recommend that commercially propagated native and non-native hoofstock be exempt from endangered or threatened species rules cited in the Convention on International Trade in Endangered Species;
  - 4.13. Habitat Conservation Plans that:
    - 4.13.1. Are voluntary with landowners;
    - 4.13.2. Do not include private property without the consent of the landowner;
    - 4.13.3. Impose no additional requirements if new species are listed or the Habitat Conservation Plan (HCP) fails;
    - 4.13.4. Assure that landowners acting in accordance with an HCP shall not be found in violation of the ESA or other environmental laws;
    - 4.13.5. Contain no buffers for HCP reserves; and
    - 4.13.6. Provide indemnification for adjacent landowners if listed species migrate onto their property;
  - 4.14. Recovery plans for all listed species based on verifiable, biological, scientific and economic principles, with recovery goals and costs and economic impacts established at the time of listing for all listed species and which first implement all alternative habitat adjustments before adversely impacting private property;
  - 4.15. Economic impact analyses for all ESA actions;
  - 4.16. Hatchery fish and wild fish of the same species being treated the same for listing and delisting purposes;
  - 4.17. Implementation and enforcement of the ESA being consolidated in one agency;

- 4.18. Development and implementation of exemptions or waivers under the ESA for agricultural lands for development of critical water supplies resources;
- 4.19. A report every five years tied to statutory review by the Department of Interior that reports the public and private costs of recovery including land purchases, cost of land restrictions on property owners and public land leasees;
- 4.20. State management of species introduced onto lands within a state or for which the state already has a management program in place, if the state chooses to do so;
- 4.21. A more efficient process for delisting species that allows the agencies to achieve ESA's stated objectives—to recover and delist species;
- 4.22. Automatic de-listing after five years if no recovery efforts have been initiated;
- 4.23. Extending judicial review to all 90-day petition findings under the ESA;
- 4.24. Biological opinions being made available for public comment;
- 4.25. Withdrawal of lands designated as critical habitat if the species has not been sighted for two years;
- 4.26. Equal consideration to petitions for delisting and listing;
- 4.27. The right of any state to reject any proposed or existing critical habitat designation, recovery plan or introduction/reintroduction of any species;
- 4.28. The recognition of species that are considered threatened versus endangered to be a factor in determining the feasibility of development projects both public and private;
- 4.29. The grizzly bear and wolf being removed from the Federal Endangered Species list and management of the grizzly bear and wolf being under the supervision of the state where they exist;
- 4.30. Legislation that would direct the Secretary of the Interior to reissue the final rule that was published on December 28, 2011 (76 Fed. Reg. 81666 et seq) delisting the Western Great Lakes Distinct Population Segment (DPS) of gray wolf, without regard to any other provisions or statute or regulation that applies to the issuance of such rule and not subject to judicial review;
- 4.31. The authority of the National Marine Fisheries Service (NMFS) being limited to the oceans;
- 4.32. If lethal action is taken against any threatened or endangered species for the preservation of public safety, all investigations should be conducted by the local officials of the county involved. All applicable state and government agencies are to be notified so as to provide assistance when called upon;
- 4.33. Private sector rearing and releasing of sage grouse;
- 4.34. The Marine Mammal Protection Act should not apply to fresh water;
- 4.35. Public hearings being conducted in the area that will be affected by the introduction or protection of the endangered species and;
- 4.36. Critical habitat designations should not be initiated at the time of listing, but be determined during the recovery planning process.
5. We oppose:
  - 5.1. Listing additional endangered and threatened species or the designation of additional critical habitat until the ESA is amended;
  - 5.2. Using the ESA as a means to implement policies that restrict proper chemical use on our farms and ranches;
  - 5.3. Using the ESA as a means to implement climate change policies;
  - 5.4. Listing any species that has been controlled as a pest or invasive species;
  - 5.5. Biological surveys being conducted on private lands without consent from the landowner;
  - 5.6. Listing of hybrid species;
  - 5.7. The recognition of unoccupied species habitat as a reason for halting or delaying a project;
  - 5.8. Label restrictions on essential agricultural pesticides for protection of listed species when the restrictions will jeopardize agricultural production. Prior to labeling actual scientific evidence must indicate presence at levels toxic to listed species inhabiting the area;
  - 5.9. The introduction or reintroduction of listed species onto public or private lands;
  - 5.10. Recovery of court costs and attorney fees for plaintiffs filing lawsuits on behalf of listed species;
  - 5.11. Any interruption of federal permits due to Section 7 consultation;
  - 5.12. Section 7 consultation without affected landowners being given an opportunity to participate;
  - 5.13. The National Marine Fisheries Service sinking rope rule for Maine lobstermen for the Right Whale protection for the area eastward of Stonington, Maine;
  - 5.14. The listing of any species with the majority of its range located outside of the United States;
  - 5.15. Listings of threatened and endangered species due to a pest or disease, unless it can be proven scientifically the listing will slow the loss of the species and affected industries will not be economically harmed;
  - 5.16. The ESA being applied to federal insurance programs, such as the National Flood Insurance Program and crop insurance programs. The ESA should be amended to expressly not apply to federal insurance programs and those programs should be made non-discretionary for purposes of the ESA; and
  - 5.17. The relocation or release into the wild of wolves or grizzly bears that have been raised in captivity.

## 566 / Salmon Recovery

1. The federal government must recognize the profound impact ocean conditions have on the species and address these impacts.

2. Additional research must be undertaken to create a better understanding of what happens to the species once it leaves its inland habitat and lives in the ocean. Before any new regulations are proposed, the federal government should assess all of the existing protection already in place and ensure that these regulations are being fully implemented. Voluntary public and private conservation measures should be utilized.
3. We support the following salmon recovery alternatives:
  - 3.1. Physically modify the dams, if found necessary, rather than tearing them down or lowering water levels;
  - 3.2. Improve barging such as net barge transportation;
  - 3.3. Privatize salmon fisheries for stronger fish;
  - 3.4. Control predators of salmon like squaw fish, seals, etc.;
  - 3.5. Utilize a new fish-friendly turbine developed by the Idaho National Engineering and Environmental Laboratories having three goals:
    - 3.5.1. Increase power production;
    - 3.5.2. Reduce hazards to fish during passage through turbines to reduce fish kill; and
    - 3.5.3. Provide economic operation;
  - 3.6. Operate the Brannen bypass system as an option to facilitate salmon recovery and support continued study of the Kevlar tube and other bypass systems; and
  - 3.7. Regulate harvest of offshore and instream fish.
4. We oppose:
  - 4.1. Removal of any publicly owned dam; and
  - 4.2. The Puget Sound Nearshore Ecosystem Restoration Project.

## 567 / Wildlife Management

1. In most states wildlife utilizes private lands for habitat and landowners should be compensated for damage. We favor quantification of game animals as an essential step in determining the contribution private landowners are making to public recreation. In addition, there is an increased need to safeguard farmers and ranchers from crop and livestock damage caused by game animals, migratory fowl, certain species of birds and predatory animals. The spread of noxious weeds from game preserves is a problem in some areas.
2. Many species of wildlife and migratory birds feed on private property with no recourse available to the property owner.
3. We believe that essential services to local landowners and the general public should be more important than the protection of wildlife as the Fish and Wildlife Service (FWS) develops stipulations to a public works project through its management plan.
4. FWS should follow applicable federal laws and presidential orders that support local government and citizen involvement in management planning and/or the execution of management plans.
5. We support:
  - 5.1. Compensation to farmers and ranchers for damages caused by wildlife;
  - 5.2. Farmers having the right to protect their crops and livestock from destruction by wildlife and migratory birds, on both private and public lands;
  - 5.3. A federal cost-share program to help landowners utilize protective systems and technical assistance to prevent raptor damage to agricultural enterprises;
  - 5.4. The retention of wild game ownership by the various states;
  - 5.5. The privileges of citizens to continue to hunt, trap and fish in accordance with state game management regulations;
  - 5.6. The sale of wildlife proven to be taken under crop damage permits, including but not limited to snow geese, deer and Canada geese;
  - 5.7. Adjusting hunting seasons in certain areas to help control damage caused by wildlife and migratory birds;
  - 5.8. The establishment of a USDA regional wildlife services unit in the Northeast;
  - 5.9. Placing the crop and livestock damage permit process for migratory birds under the control of the state government rather than the FWS. The process should be made easier for farmers trying to obtain permits;
  - 5.10. Increased bag limits for geese and no closed season for resident geese. We recommend nuisance goose permits be issued in sufficient quantities to control the rising number of geese;
  - 5.11. Legislation banning harassment of legally licensed hunters by animal rights activists groups and individuals;
  - 5.12. Removal of resident Canada geese, black vultures and cormorants from protection under the Migratory Bird Treaty Act;
  - 5.13. A requirement that FWS plant acreage in all national wildlife refuges to crops suitable for feed for wildlife and pay damages to landowners in adjacent areas;
  - 5.14. A policy that treats wildlife on an equal basis with other grazing privileges;
  - 5.15. State and federal governments obtaining approval of the governing body of any county before they release any species into the environment;
  - 5.16. Amending the National Wildlife Refuge Administration Act and the ESA to require the FWS not to inhibit; the normal development of public works projects (such as road construction);
  - 5.17. The issuance of depredation orders to wildlife officers;
  - 5.18. The elimination of permit fees for federal crop and livestock depredation permits;
  - 5.19. Removal of the black vulture (Mexican Buzzard) from protected status;
  - 5.20. Requiring wildlife authorities to post baited fields as "Baited";
  - 5.21. Wildlife management areas complying with the original intent of the Taylor Grazing Act;

- 5.22. That all wolf carcasses be presented for testing of communicable diseases and the human Hydatid disease be returned to the Centers for Disease Control reportable disease list;
  - 5.23. A requirement for the USDA to reimburse any livestock owner whose livestock are infected with Hydatid disease; and
  - 5.24. A streamlined process for permits to take nuisance animals.
6. We oppose:
- 6.1. FWS releasing wildlife onto private property without permission of the landowner;
  - 6.2. The order requiring openings in net wire fences for game animal access;
  - 6.3. Any legislation to ban the use of leg-hold traps;
  - 6.4. A surtax on hiking, biking and camping equipment to finance a wildlife diversity fund;
  - 6.5. The formation of wildlife corridors;
  - 6.6. The introduction of predator animals as a wildlife control tool;
  - 6.7. Holding farmers liable for application of approved pesticides or pesticide restrictions for wildlife or migratory birds on private lands;
  - 6.8. FWS acquiring land;
  - 6.9. Importing non-native wildlife for release in non-containment situations;
  - 6.10. Federal funding for the creation of a wildlife preserve solely for wolves; and
  - 6.11. The use of federal funds, including the farm bill, to create programs that pay landowners for public hunting or recreational activity access.

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