

**Farm, Ranch, and Rural Communities Federal Advisory Committee (FRRCC)
MEETING**

**February 23–24, 2009
Mandarin Oriental Hotel
Washington, DC**

FINAL EXECUTIVE SUMMARY

MONDAY, FEBRUARY 23, 2009

Call to Order and Opening Remarks

Alicia Kaiser, Designated Federal Officer (DFO) for the Committee

Alicia Kaiser, DFO for the Farm, Ranch, and Rural Communities Federal Advisory Committee (FRRCC), called the meeting to order at 8:42 a.m., and welcomed Committee members and other participants to the meeting.

James Moseley, Committee Chair

Jim Moseley (Jim Moseley Farms, Inc.), Chair of the FRRCC, welcomed the Committee members and noted that this is a challenging time for the country. Despite these challenges, there is still much work to be performed, so it is great that this Committee can meet and continue the work of the people. Mr. Moseley praised the Committee members for their hard work and dedication.

Sally Shaver, Acting Counselor to the Administrator for Agricultural Policy, EPA

Sally Shaver (EPA) thanked Mr. Moseley and welcomed the Committee members to the meeting. The Committee's work is valuable and greatly appreciated. The Administrator sends her regrets for not being able to attend this meeting. Even though it is early in her tenure as the EPA Administrator, she is already actively working on agricultural issues.

Rafael DeLeon, Director, Office of Cooperative Environmental Management (OCEM), EPA

Rafael DeLeon (OCEM, EPA) welcomed the Committee members to the meeting. He and Mark Joyce met with the Administrator recently and she asked them to convey to the Committee members her apologies for not attending today's meeting and that she looks forward to continuing EPA's strong relationships with the agricultural community.

Discussion: EPA's Lifecycle Analysis (LCA)

Paul Argyropoulos, Senior Policy Advisor, Office of Transportation & Air Quality, Office of Air and Radiation, EPA

The final rule for the Renewable Fuel Standard (RFS) was signed on April 9, 2007, and the program was implemented in the last quarter of 2007. The standard requires increasing renewable fuel use from 4 billion gallons per year in 2006 to 7.5 billion gallons per year by 2012. The passage of the Energy Independence and Security Act (EISA) in December 2007, modified the RFS by: 1) increasing the required volume to 9 billion gallons per year in 2008, escalating to 36 billion gallons per year by 2022; 2) establishing new renewable fuel categories and eligibility requirements, including greenhouse gas (GHG) reduction thresholds; 3) providing new waiver and paper credit provisions; 4) including new

obligations for fuels; and 5) adding new studies and reports. There are a number of potential environmental implications of moving to greater volumes of renewable fuels.

The proposal for the new EISA standard is complete and is awaiting Office of Management and Budget (OMB) approval. EPA continues to meet with various stakeholders, particularly with regard to lifecycle analyses (LCAs). Lisa Jackson, EPA's new Administrator, has had ongoing discussions with the United States Department of Agriculture (USDA) Secretary and the Department of Energy (DOE) Secretary regarding this rule. This proposal is not yet final, so there is still an opportunity for industry, including the agricultural sector, to comment.

There are many other issues with renewable fuels, including the challenges of producing the required volumes, transporting the fuels to market, and the ability of the market to absorb these fuels. The recent decline in the demand for gasoline constrains the market's ability to absorb these renewable fuels. Currently, a significant volume of renewable fuel is ethanol. At some point in the future, the country will hit a blendwall, with every gallon of gasoline consisting of 10 percent ethanol. EPA is working to ensure that the gains achieved from setting emissions standards for vehicles and engines are not erased. Cellulosic biofuels appear to be promising, but currently there are no commercial-scale biorefiners; a much higher level of production will be needed to meet the mandated amounts. Another issue is the current restriction on the use of existing cropland. EPA is working to clarify the EISA requirement that feedstocks used for biofuel production come from lands that were previously cultivated prior to the enactment of EISA. Under EISA, the EPA Administrator has the authority, after evaluation and consultation with federal partners, to grant waivers.

EISA requires lifecycle assessments of renewable fuels, with each fuel category required to meet mandated GHG performance thresholds (reduction compared to baseline petroleum fuel replaced). EISA language permits EPA to adjust the lifecycle GHG thresholds by as much as 10 percent. The baseline fuel for comparison is gasoline and diesel fuel in 2005.

Vincent Camobreco, Environmental Protection Specialist, Office of Transportation & Air Quality, Office of Air and Radiation, EPA

Lifecycle GHG emissions are defined as the aggregate quantity of GHG emissions (including direct emissions and significant indirect emissions such as significant emissions from land use changes), as determined by the Administrator, related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all GHGs are adjusted to account for their relative global warming potential. Because there are many uncertainties, assumptions must be made in the LCA. EPA is working to determine lifecycle GHG values for each type of potential fuel and production pathway.

EPA's analysis has revealed that land use changes have significant affects. Other questions that must be asked include: How much land is converted internationally? What are the emissions trends from international crop production? Where does land use change occur? What types of land are converted? What are the GHG factors from that land conversion? How do we account for the time dimension of GHG releases? To address uncertainty around these factors, EPA is performing sensitivity analyses and examining two possible approaches.

EPA is working on a proposed rulemaking that will highlight all of the work performed to date and identify key areas of uncertainty. After the proposed rule is released, there will be a public comment period. EPA will continue to consult with different stakeholders throughout the process and will update the analysis and modeling between the proposal and the final rulemaking. EPA plans to update the numbers annually and anticipates 3-5 year cycles for updating the analysis.

Discussion

Mr. Jim Andrew (Andrew Farms, Inc.) asked EPA to consider the impact of the Agency's analysis on the biofuels industry and to release the rule as quickly as possible. Mr. Argyropoulos replied that EPA recognizes this, but at the same time, the rule must be vetted by experts and be opened for public comment. He asked the meeting participants for their assistance in speeding the process along. Dr. Otto Doering (Purdue University) expressed concerns about models' ability to predict indirect land use impacts and said that it may be better for EPA to focus on improving the accuracy of the analysis. Dr. Doering asked if EPA could amend the rule after it is released. Mr. Camobreco said that while EPA has used the best tools available, there is still much uncertainty in the analysis. EPA can adjust the lifecycle GHG thresholds by as much as 10 percent. The Agency's next step is to open the proposed rule for public comment; this will help EPA determine if the level of uncertainty is acceptable to move forward or if additional work is needed. Ms. Shaver asked if there was latitude to build some flexibility into the final rule. Mr. Argyropoulos replied that EPA will incorporate new information into the rule as needed.

Mr. Bill Willard (Willard Agri-Service) asked if imported nitrogen production was considered in the analysis. Mr. Camobreco confirmed that it was, but production is a small piece of the puzzle. Mr. Argyropoulos added that the modeling assumed that the maximum amount of Conservation Reserve Program (CRP) land available for feedstock production would be used.

Mr. Ralph Grossi (American Farmland Trust) asked for a realistic timeframe for implementation of the final rule. Mr. Argyropoulos responded that the proposal will likely be released in the next month, but he could not give a timeframe for the implementation of the final rule.

Mr. Grossi pointed out that there is little information about the relative GHG contribution from baseline land use, let alone from land use changes. Different types of crop production, different types of livestock operations, and urban conversion all have different impacts on GHG emissions. Mr. Grossi asked if EPA's work would provide this information. Mr. Moseley asked if other issues such as changes in land use from the decapitalization of the livestock industry were considered in the analysis. Mr. Camobreco replied that EPA's charge was to analyze the rulemaking, so the work was focused on modeling incremental change. Mr. Argyropoulos thought there was enough flexibility in the rule to address these types of issues as they arise. Mr. Snyder indicated that while he understands the importance of assessing the global environmental impact from biofuels production, he would prefer that EPA first focus on the needs of the farmers and the people of the United States and let others around the world adjust accordingly. Mr. Argyropoulos replied that land use changes have international implications; EPA's legal team required that this be included in the analysis. Ms. Martha Noble (Sustainable Agriculture Coalition) asked if GHG emissions from CRP land converted to cropland would be counted. Mr. Camobreco said that the issue EPA addressed in the analysis was more of a land use change issue. Ms. Noble asked if tracking and verification of land use change was part of this proposed rule. Mr. Argyropoulos replied that EPA has proposed a number of different verification methods and asked the Committee members to read that section and offer their advice. Ms. Noble asked if proposed climate change legislation was considered in EPA's analysis. Mr. Argyropoulos confirmed that it was.

Panel Discussion: Reactive Nitrogen (Nr)

Ms. Kaiser asked everyone in attendance to sign in at the registration table. She indicated that participants can sign up to make public comments, which will begin at 1:20 p.m. Comments should be limited to 4-5 minutes each. As a reminder, this meeting is open to the public, so any comments made are a matter of public record and can be cited by the press.

Thomas Theis, Co-Chair, EPA Science Advisory Board's Integrated Nitrogen Committee

The Integrated Nitrogen Committee (INC) was formed by EPA's Science Advisory Board (SAB) because there was a need to develop better strategies for managing Nr. INC recently posted a draft report on

managing Nr, which can be downloaded from the SAB Web Site at: <http://yosemite.epa.gov/sab/sabproduct.nsf/MeetingCal/F5B0375541B31DB78525753800486151?OpenDocument>. The draft has been reviewed by outside experts, but the Committee's comments are welcome.

Nr includes all chemical forms of nitrogen except nitrogen gas. Nr is a dietary requirement for all humans but also is used for other purposes. Nr is introduced to the United States in four fundamental ways: fossil fuel combustion, the Haber Bosch process, the import of nitrogen-containing commodities, and biological nitrogen fixation, which occurs on managed and unmanaged lands. Human activity creates about four to five times as much Nr as occurs naturally in the environment. When Nr is introduced into the environment, it can transform as it travels through the environment.

Approximately 35 teragrams of Nr are input into the environment and 14 teragrams are output. This leaves a balance of approximately 21 teragrams of Nr. Storage accounts for about 5 of those teragrams, leaving 16 teragrams. Scientists think that these 16 teragrams are being denitrified, but the numbers are not clear. Better monitoring and accounting for all Nr in the United States is needed.

Although there are some positive effects of Nr, negative effects include: air quality impairment, eutrophication/hypoxia, loss of biodiversity, global warming, acid rain, ozone depletion, and drinking water contamination. Major pieces of legislation that grant EPA the authority to regulate Nr include the Clean Air Act (CAA), the Clean Water Act (CWA), the Safe Drinking Water Act (SDWA), and EISA. EISA will have profound implications for the management of Nr in the environment.

Metrics for measuring Nr include quantity, impacts, policy, economic, and regulatory. Atmospheric and terrestrial emissions account for almost all of the Nr emissions into the Chesapeake Bay, with each responsible for approximately one-half of the emissions; only a very small amount of emissions is from wastewater outfalls. This is simply a measure of quantity. Other metrics to measure Nr include millions of dollars of damage caused, mortality, and mitigation costs. Each of these metrics is divided by the three emission areas of air, land, and water. Dr. Theis displayed a bar graph showing that addressing air inputs of Nr in the Chesapeake Bay would provide a good return on the investment.

The overarching objective is to maintain the benefits of nitrogen while minimizing the losses to the environment. INC studied the cascade and identified a number of control points, which are locations in the nitrogen cascade where nitrogen uptake processes can be improved (e.g., nitrogen use efficiency) and nitrogen losses to the environment can be better managed (e.g., wastewater). INC drafted five recommended actions that, if enacted, would reduce the anthropogenic nitrogen load in the United States environment by approximately 20 percent. These five recommendations are:

- ✧ For the combustion control point, INC recommends that EPA expand its NO_x control efforts to include 90 percent decreases of emissions from heavy-duty on-road and all off-road mobile sources, and currently uncontrolled electricity generation and industrial processes. This would amount to a reduction of approximately 2 teragrams of nitrogen per year.
- ✧ For the ammonia from the manure and fertilizer control point, INC recommends decreasing livestock-derived ammonia emissions to approximately 80 percent of 1990 emissions, which would result in a decrease of 0.5 teragrams of nitrogen per year. INC also recommends decreasing ammonia emissions from fertilizer applications by 20 percent, which would be a decrease of approximately 0.2 teragrams of nitrogen per year. INC thought that a large amount of ammonia could be captured at Concentrated Animal Feeding Operations (CAFOs). It is more difficult to capture ammonia from fertilizer.
- ✧ For the nitrogen losses from croplands control point, INC recommends decreasing flows of Nr into streams, rivers, and coastal systems by approximately 20 percent through improved landscape management, such as wetlands management, improved tile-drainage systems, and

riparian buffers on cropland. This would result in a reduction of approximately 1 teragram of nitrogen per year.

- ✧ For the nitrogen use efficiency control point, INC recommends an increase in crop nitrogen-uptake efficiencies of 25 percent above current levels through a combination of knowledge-based practices and advances in fertilizer technology (such as controlled release). The goal is to ensure that more of the nitrogen is absorbed by the plant, which would result in less nitrogen runoff. This would result in a reduction of approximately 2.4 teragrams of nitrogen per year.
- ✧ For the wastewater treatment control point, INC recommends that a high priority be assigned to nutrient management through a targeted construction grants program for improved wastewater treatment under the CWA. It is believed that this could save between 0.5 and 0.8 teragrams of nitrogen per year.

If enacted, these five recommendations could reduce the amount of Nr released into the environment by approximately 20 percent. Some have questioned if this is enough of a reduction to reduce the impacts of Nr to an acceptable level. Most likely it is not, but this is what can be accomplished at this point in time.

Discussion

Senator Brubaker asked whether an analysis of cost reduction per pound was performed for the recommendations. Dr. Theis replied that this was not done. Senator Brubaker asked if Dr. Theis knew which of the recommendations might be most economically feasible. Dr. Theis added that bringing NO_x emissions into compliance or expanding the compliance envelope would be the cheapest and most effective way to reduce Nr in the atmosphere, saving a few teragrams per year.

In response to a question from Mr. Thomas Franklin (Theodore Roosevelt Conservation Partnership), Dr. Theis said that the report assumed that natural wetlands would continue to provide environmental benefits. Mr. Franklin pointed out that natural wetlands are being lost at a rapid rate. Dr. Theis noted that the draft report includes many recommendations, some of which focus on the conservation of natural wetlands.

Ms. Martha Guzman Aceves (California Rural Legal Assistance Foundation) commented that one of the recommendations in the report that was not included in the presentation was fertilizer use reporting. She asked Ms. Shaver if this was something that the Administration planned to pursue. Ms. Shaver responded that she was not aware of any movement in that direction. Dr. Doering said that the concern was related to a recent decline in reporting and the question should really be posed to USDA.

Ms. Aceves noted that there was not much discussion in the report on specialty crops, which are a major issue for California.

Dr. Teferi Tsegaye (Alabama A&M University) asked how other elements would be separated from nitrogen and addressed. Dr. Theis stated that unintended consequences were considered and included in the report and asked Dr. Tsegaye to send him his comments.

Mr. Tom McDonald (Five Rivers Ranch Cattle Feeding) asked how ammonia emissions from livestock feeding operations could be easily reduced. Mr. Moseley pointed out that research has shown that feed alteration can reduce ammonia emissions, but he too was curious about other techniques and their cost. Dr. Garth Boyd (Camco Global) asked if the report included detail on the technologies recommended to accomplish these emission reductions. Dr. Theis responded that these technologies are discussed in the report, but not in great detail.

Agricultural Nonpoint Source Pollution: Agenda for the Future

Joseph Piotrowski, Special Assistant to the Director, Office of Wetlands, Oceans, and Watersheds, EPA

Nonpoint source (NPS) pollution is the largest contributor to water quality problems in the United States, and agriculture is the leading contributor to NPS pollution. Water quality and ecological consequences include hypoxia and eutrophication; impairment; and leading sources and trends. The adverse effects on human health via drinking water also are a concern. Addressing nutrients is a top priority for EPA, but current efforts are insufficient. Future actions may include regulation. The agricultural community should be involved in future decision-making. Mr. Piotrowski asked for the participants' assistance in determining how best to address this problem.

Available data show that nutrients are problematic for rivers and streams; lakes, ponds, and reservoirs; and estuaries. Nutrient levels in individual streams are measured and these measurements have shown agriculture to be a major contributor of nutrients. Current voluntary approaches alone are not sufficient to deal with the NPS problem.

Excess nutrients can adversely affect drinking water quality by stimulating algal growth; this can result in adverse health effects and create taste and odor problems. Runoff of nitrogen-based fertilizers leads to elevated nitrate levels in surface and ground water and this can pose acute health risks for children. EPA is studying different ways to decrease these adverse impacts.

Numeric water quality standards for nutrients are not being adopted quickly enough. EPA has been a little slow in getting the states to set nutrient standards for watersheds.

Is it time to regulate NPS pollution? What is the tipping point? More hypoxic dead zones? Fisheries collapsing? Currently, the agricultural community is one step removed from the problem. How long will this continue? The data are there and best management practices have been established. Funding is always an issue, but EPA and the agricultural community need to work together to address this problem.

EPA needs the Committee's assistance to better connect the water quality message with the farming community, to help the Agency understand how it can better support farmers in their nutrient reduction efforts, to ensure that the solutions make financial sense for farmers, and to determine how to achieve significant reductions sooner rather than later.

Discussion

Dr. Tsegaye praised EPA's Region 4, which has established centers of excellence for watershed management that have been successful because of their community outreach. Mr. Piotrowski said that his office is working with Region 4 and hopes to expand that program across the nation. Dr. Tsegaye asked if EPA is working with young people on the water quality issue. Mr. Piotrowski replied that the EPA Drinking Water Program has developed a training and education program on water quality.

Cliff Snyder, Nitrogen Program Director, International Plant Nutrition Institute

Mr. Snyder explained that there needs to be a balance between producing food and protecting the environment. The International Plant Nutrition Institute is dedicated to ensuring that nutrients are used effectively and efficiently to satisfy the global population's need for nutrition while also protecting the environment.

The INC report listed the need to increase crop output to meet global food demand while also reducing the impact of N_r on the environment. This is a major challenge.

The use of fertilizer nitrogen has greatly increased over the past 30 years. Despite this, there is evidence that voluntary efforts in agriculture are reducing the nitrogen load to watersheds. Comparing the 1980 to 1996 and 2001 to 2005 total nitrogen discharge numbers shows that total nitrogen discharge to the Gulf of Mexico has decreased by 19-21 percent. The discharge of water to the Gulf has only declined 6 to 11 percent annually.

Most nitrogen and phosphorus originates from the Upper Mississippi and the Ohio-Tennessee basins. The trend, however, is declining, so this should pose less of an environmental risk over time. Voluntary actions are reducing the net nitrogen balance in the Mississippi River Basin, especially in two key upper sub-basins. Voluntary actions also are reducing the net phosphorus balance in the Mississippi River Basin. There is a concern, however, because soil phosphorus reduction could lead to lower nitrogen use efficiency. Phosphorus increases nitrogen use efficiency, so reducing nutrients across the board can have negative consequences for production and the environment.

In a United States Geological Survey (USGS) report on decadal-scale changes of nitrate in ground water in the United States from 1988-2004, 67 percent of the sites (16 out of 24) had no significant change in nitrogen concentrations. Of the remaining eight, seven of those sites had nitrate increases. The bottom line is that management of nutrients is impacting water quality. The agricultural community should work to address this by using the best practical and economically feasible technology available to manage nutrients.

Nitrogen use efficiency rarely exceeds 70 percent and often ranges from 30 to 60 percent. Farmers can do better, but it comes at a cost; there is both a technology cost and a real economic cost. The Institute is redoubling its efforts to convince the agricultural industry to adopt a 4R stewardship approach, which includes using the right source at the right rate at the right time with the right placement. Improving fertilizer nitrogen use efficiency can be accomplished through: proper rates and sources, nitrification inhibitors, urease inhibitors, slow release of nitrogen fertilizers, and site-specific applications. Using these techniques, agriculture could reduce nitrous oxide losses by 20-50 percent and, in some cases, by as much as 60 percent.

In the United States, nitrous oxide accounts for about 57 percent of agriculture's GHG emissions. In terms of total sector emissions, agricultural sector emissions account for less than 8 percent of the total GHG emissions.

The International Plant Nutrition Institute works to help agriculture better manage nutrients. Color-coded charts that show the direct and indirect effects of different management scenarios on GHG emissions have been developed. Farmers can use these charts to choose different management activities to reduce their environmental footprint. A rating scale helps farmers to identify the areas where they may want to focus their efforts.

Discussion

Mr. Andrew stated that it is important to consider yield in the equation as well as the improved efficiencies that can be achieved through biogenetics. Dr. Snyder agreed, adding that increasing yields is just one part of the solution.

Mr. Jay Vroom (CropLife America) said that two of the day's presentations presented the same issue in very different ways. He cautioned the Committee about blaming agriculture for these environmental problems when agriculture is just one of many contributors to the problems. Dr. Robert Flocchini (University of California, Davis) asked Mr. Piotrowski how much urban homeowners contribute to the problem relative to agriculture. Mr. Piotrowski responded that urban contribution numbers are available and he said that he could get those numbers for the Committee.

Ms. Chinn asked Dr. Snyder if the environmental footprint of agriculture is increasing or decreasing.

Dr. Snyder responded that, not including measures of water or air quality impact, the agricultural footprint is decreasing.

Ms. Aceves commented that some of the more traditional approaches to soil management such as cover cropping were missing from the discussion.

Mr. Willard asked if Dr. Snyder had the numbers on the actual pounds of nitrogen and phosphorus being used on the ground. Dr. Snyder clarified that Mr. Willard was referring to pounds applied per acre and said that as a whole, he thought that the numbers had been relatively flat over the past decade.

Ms. Michele Laur (Natural Resource Conservation Service) asked EPA, as it moves forward in addressing these issues, to remember that a one-size-fits-all approach will not be successful. There should be a cafeteria of solutions and enough flexibility in the regulations to employ the solutions that are best for a specific area.

Dr. Doering mentioned that the population in the Chesapeake Bay area has increased quite a bit over the past 25 years and if no action had been taken, the Chesapeake would be in much worse condition than it is today. Secondly, with respect to hypoxia in the Gulf of Mexico, Dr. Doering said that the first national hypoxia assessment from 1999 included an economic analysis and showed that, from an economic standpoint, without tremendous disruption to agriculture, excess nitrogen flows could be reduced by approximately 25 percent. Lastly, Dr. Doering emphasized that EPA needs to better coordinate its work with USGS.

Mr. Piotrowski said agriculture in the Chesapeake Bay area is still significantly below its goals; only 30 or 40 percent of the farms in the area have been reached to date. This is an area where EPA needs help from experts like those on this Committee. EPA is considering using the USGS Sparrow data to target certain areas for the control of nutrients where the greatest impacts on water quality can be achieved.

Mr. Moseley told a story about talking to a young farmer he met on Election Day who was eager to apply nitrogen to his crops before the price increased. This example shows that farmers are not getting the information they need to make informed decisions. We can do better.

Administrative Matters

Stephanie McCoy, Office of Cooperative Environmental Management, EPA

Ms. McCoy explained travel reimbursement procedures for Committee members.

Public Comment

Alicia Kaiser, DFO for the Committee

Ms. Kaiser indicated that seven members of the public had signed up to make comments and asked them to limit their comments to 3-4 minutes each. She called for Michelle Perez (Environmental Working Group) and Ben Gamam (Greenwire) to make their comments, but neither one was in attendance.

Mr. Ed Jestice (Delaware Farm Bureau) introduced himself and thanked the Committee members for listening to the concerns of the Delaware Farm Bureau. Some of the major concerns in EPA Region 3 include: (1) EPA's definition of point source discharge; (2) the business risks associated with CAFO permitting; and (3) the economic impacts of EPA's decisions on agriculture in the Delmarva Region. Delaware is a small state that produces a lot of poultry. The state has a nutrient management commission; in fact, nutrient management plans on Delaware farms have been in place for many years. EPA recently proposed changing the definition of a CAFO to include operations with 37,500 birds or more (it was previously 125,000 birds or more). This rule change would increase the number of CAFOs in Delaware from 11 to approximately 300-400. EPA also recently gave producers in Delaware 2 weeks' notice of a

February 27, 2009, deadline by which they had to determine if their operations were considered CAFOs, and if so, determine if they were discharging pollutants and obtain the required permits.

Mr. Jess McCluer (National Grain and Feed Association [NGFA]) thanked the Committee and explained that EPA issued an opinion on temporary storage facilities that would reduce the amount of commercial storage space available at grain handling facilities. It is important that EPA understand the potential impact of this rule, not only on the grain processing industry, but also on farmers and ranchers. Manufacturers of these products have seen sales drop as much as 50 percent and some of the grain handling facilities have started using open ground piles to store grains, which can lead to spoilage and ultimately, be dangerous to humans and animals. NGFA hopes that this issue is resolved soon.

Ms. Kaiser called for Anna Pavlova (25 x 25), but she was not in attendance.

Mr. Don Parrish (American Farm Bureau Federation) introduced himself and said that with the growing world population, agriculture will need to produce more food in the next 30-50 years than has been produced in the entire history of mankind. Agriculture produces more meat and dairy products more efficiently today than ever before; agriculture's environmental footprint is shrinking.

Discussion

In response to a question from Senator Brubaker, Mr. Jestice said that the Delaware Farm Bureau is asking for a 90-day extension of the February 27, 2009, deadline. Senator Brubaker suggested that the Committee draft a letter to the Administrator recommending a 90-day extension. Mr. Moseley asked the Livestock and Poultry Workgroup to work on this.

Full Committee Discussion Session

Moderated by Jim Moseley, Chair, FRRCC

Mr. Blackham brought up a discussion at the National Association of State Departments of Agriculture (NASDA) meeting on a recent ruling from the Sixth District Court. His understanding was that the court ruled that when pesticide spray reaches the nozzle, it becomes a point source discharge. Thus, a farmer would have to obtain a permit for every pesticide spraying. This could be devastating to crop production because pests can unexpectedly invade a crop and farmers need to spray immediately. He suggested that the Committee provide advice to EPA suggesting a more manageable rule.

Mr. Andrew asked if the Committee would consider a reorganization whereby Committee members would be allowed to move to different workgroups and Chair positions might be reassigned.

Senator Brubaker said that he distributed copies of a report on next generation biofuels from the Chesapeake Bay Commission. If Committee members are interested, he can provide information on the Commission's next meeting to Mr. Moseley or Ms. Shaver.

Mr. Willard asked if the FRRCC would be informed when a decision was made by the Administrator on an issue for which the Committee had provided advice. Mr. Moseley said that it is up to the Administrator to decide whether EPA will take the Committee's advice. Mr. Moseley suggested that Ms. Shaver and Mr. DeLeon have a discussion with the Administrator or her Chief of Staff to clarify what it is that she expects from the FRRCC and then share the outcome with the Committee.

Ms. Dawn Riley (Dawn Riley Consulting) asked if EPA was taking actions to regulate NPS pollution and if so, what actions were being taken? She added that the Committee also needs direction on how to address this issue.

Ms. Noble asked Ms. Shaver if the Committee could request a revision of the Committee's charter or membership from the Administrator. Ms. Shaver responded that the charter and membership are reviewed

automatically every 2 years; the review process for the FRRCC will likely begin in the fall. Mr. Moseley added that succession planning is important; the Committee should start thinking about this sooner rather than later.

Dr. Boyd pointed out that the National Association of Clean Air Agencies (NACAA) has made a series of recommendations to the Obama Administration, some of which are agriculture-related, and suggested that the Emerging Issues Workgroup review NACAA's Web site and begin discussions on this issue.

EPA Updates

Sally Shaver, Acting Counselor to the Administrator for Agricultural Policy, EPA

Ms. Shaver distributed handouts listing some of the topics that might be of interest to the Committee. She noted that the topics with asterisks are ones that are not yet finalized.

In the area of climate change, the GHG Mandatory Reporting Rule is being re-reviewed under the new Administration, with a final ruling deadline of June 26, 2009. The proposal has not yet been released. In terms of the endangerment finding under the CAA, the proposal was released for public comment and EPA currently is reviewing those comments. A decision on how to proceed has not yet been made by the new Administrator. A memo issued by former EPA Administrator Stephen Johnson interpreting the Prevention of Significant Deterioration (PSD) regulations in the CAA as applying to only pollutants that are subject to another provision in the CAA and pollutants for which emissions currently are regulated by EPA was released for public comment. If the interpretation is changed, it would impact the agricultural community through additional reporting requirements.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) reporting rule was released in December 2008, and became effective in January 2009. CAFOs have been scrambling to comply with the Emergency Planning and Community Right-to-Know Act (EPCRA) reporting requirement. Petitions have been filed by both sides on the CAFO rule under the CWA. The National Air Emissions Monitoring Study (NAEMS) currently is in the second year of monitoring, and some data have been collected, but have not yet been analyzed.

Ms. Shaver noted that Mr. Blackham had raised the issue about the Sixth Circuit Court ruling on pesticide application. EPA had issued a final rule on pesticides that said if pesticides are used according to label instructions, spraying would not require a National Pollutant Discharge Elimination System (NPDES) permit under the CWA; this decision, however, was overturned by the court. EPA is asking for an *en banc* hearing on this ruling. If the ruling is not overturned, EPA can appeal to the Supreme Court. Mr. Vroom corrected Ms. Shaver by saying that a decision on how to proceed has not yet been made.

The Rapanos court decision has increased the complexity and uncertainty around the definition of "waters of the United States"; the decision may lead to Congressional action.

EPA is reviewing and revising the National Ambient Air Quality Standards. The first standards up for review are the primary and secondary standards for NO₂ and SO₂. The primary standards address public health issues, while the secondary standards address environmental concerns. EPA is required to have a proposal for the NO₂ primary standard by June 2009, and a final rule by January 2010. EPA is considering implementing an hourly maximum standard in place of the current annual average. EPA also is reviewing the primary standard for SO₂; a proposal is due in November 2009, and the final rule will be issued by July 2010. The proposal for the secondary standard for NO₂ is due in February 2010, and the final rule will be released in October 2011. This is a proposal that the FRRCC may want to weigh in on.

There are a number of stationary source rulemakings under consideration, including the new source performance standard for grain elevators. EPA is reviewing small commercial and institutional boilers under the area source rule. The proposed rule will be released in July 2009, with rule finalization due the following July. EPA is required to set emissions limits for these boilers for mercury and polycyclic

organic matter and is reviewing different technologies, emission limits, annual tune-ups, work practice standards, and so on. This rule would affect small boilers, so it may have an impact at the individual farm level. For Reciprocating Internal Combustion Engine Maximum Achievable Control Technology (RICE MACT), EPA plans to release a proposal on or before March 25, 2009. This is a rule that could potentially impact a number of farms as well. EPA continues to revise its fire policy and is working to ensure that agricultural burning, along with other types of prescribed burning, is included in the policy. This proposal will likely be released for public comment in spring 2009.

EPA released an Advanced Notice of Proposed Rulemaking on the definition of solid waste and is required to issue a final rule by July 15, 2009. EPA needs to determine if certain materials should be considered solid waste and if these materials meet the definition of solid waste under the Resource Conservation and Recovery Act (RCRA). This is important because burning certain types of combustion units as defined by RCRA will be subject to the CAA. This decision will have implications for commercial and industrial incinerators as well as other solid waste incinerators, including animal incinerators, so there are broad implications for agriculture. The Spill Prevention, Control, and Countermeasure (SPCC) rulemaking that was finalized last year was to become effective on February 3, 2009, but the effective date has been delayed until April 2009, and EPA is accepting comments for an additional 30 days.

The Office of Pesticide Programs (OPP) pollinator protection team is in place and has begun its work. EPA is working with USDA and other agencies on this issue. Ms. Shaver asked Committee members with specific questions on pesticide issues to see Ms. Pat Cimino, who was in the audience. In 2006, EPA determined that carbofuran was not eligible for re-registration and released a notice of intent to cancel. EPA is reviewing the comments received and working to reach a final decision. With respect to the regulation of soil fumigants, EPA released a new suite of safety measures in July 2008, to protect bystanders and workers from soil fumigants. Public comments and new data are being reviewed.

EPA's internal cross-media team is working on some ongoing agricultural research, including identifying best management practices to protect waters and watersheds from nutrients and pathogens from CAFOs. EPA also is working with the American National Standards Institute to develop new standards. As required by the recent Farm Bill, USDA created an Environmental Services Board that is charged with establishing technical guidelines and science-based methods to measure the environmental services benefits from conservation and land management activities in support of emerging environmental services markets. A Federal Advisory Committee also will be established. USDA recently created an Ecosystem Services and Markets office; EPA will be working with that office on ecosystem services issues. The Climate Change/Renewable Energy Workgroup may want to look into this as well.

Ms. Shaver introduced Ms. Roberta Parry, who can respond to the Committee members' questions on water issues. Ms. Robin Dunkins also is in attendance and can answer questions on air issues. Mr. Argyropoulos can answer questions on renewable fuels. There also are representatives from some of EPA's Regional offices in attendance. Ms. Shaver said she would be happy to direct Committee members to the right person if they have region-specific questions.

Discussion

Mr. McDonald asked if the definition of solid waste would include manure. Ms. Dunkins replied that the definition could include manure and other farm wastes. The current proposed rule is that incineration rules would have to be followed for solid wastes; fuels also would be subject to certain rules, but they would not be as stringent.

Mr. Willard asked if there was an EPA policy that superseded state guidelines on agricultural burning. If not, is this something EPA might consider instituting? Ms. Shaver responded that the fire policy is strictly a policy, not a rule. There is an existing federal wildland fire policy in place and that is what EPA is looking to revise.

Mr. Vroom indicated that the revised rodenticide evaluation rule was nearing completion. There are a number of agricultural applications that will be impacted by this rule. He suggested that Ms. Shaver add that to her list.

Ms. Kaiser reminded the Committee members that they had suggested establishing a Workgroup clearinghouse. She and Ms. Shaver have determined that the EPA portal, which can be used to manage work and host Web conferences, would be a good tool for the Committee. She suggested that the Workgroups consider scheduling a training session.

Workgroup Breakout Sessions

Climate Change and Renewable Energy Workgroup

Mr. Andrew, Chair of the Climate Change and Renewable Energy Workgroup, said that Mr. Moseley had asked the current Workgroup Chairs to continue in their positions until the Committee's charter is renewed. Mr. Andrew noted that it is important to have a backup person who can run meetings or discussions in the Chair's absence and asked if anyone in the Workgroup was interested in being Vice-Chair. The participants suggested appointing a Workgroup member who was not in attendance.

Mr. Andrew thanked the Workgroup members for their hard work on the draft EPA biofuels strategy letter. Mr. Argyropoulos stated that the letter was now before the new Administrator for consideration. Mr. Andrews said that he had asked Mr. Argyropoulos to provide the Committee members with copies of the revised document so the FRRCC could determine the impact of its letter.

Mr. Argyropoulos thanked the group for their valuable comments, which indicated that the biofuels strategy document lacked clarity. The document was scaled back to focus on the areas in the biofuels supply chain that will have an effect on EPA's internal coordination efforts. The other, more detailed portion of the document is going to become a biofuels primer with information on the overall effects that biofuels are having on the supply chain to ensure that the public has more information on this topic. Because the document has been revised, it will need to be re-reviewed by the Steering Committee and the Assistant Administrators. Additional Agency input is being sought as well. Mr. Argyropoulos promised to provide the Committee members with copies of the final document.

In response to Mr. Andrew's question on the Workgroup's next steps, Mr. Argyropoulos suggested that the members focus on the areas of the rule that are related to climate change and renewable energy. There are specific topics on which the Workgroup might want to offer its expertise, such as the definition of biomass, certification that the biomass came from approved lands, and so on. The Workgroup also could focus on bigger issues like climate change and energy impacts. Dr. Doering suggested he and Ms. Noble review the rule, flag topics that might be of interest to the Workgroup, and present these to the full Workgroup for consideration. Mr. Andrew said that the Committee members could review the highlighted sections of the document individually and then the Workgroup could have a conference call to discuss the topics. Mr. Argyropoulos added that an introductory briefing to discuss the rule in more detail over the phone could be scheduled.

Ms. Noble asked if the waiver criteria would be included in the rule. Mr. Argyropoulos said that there would not be specifics on waiver criteria; in the rule, there is discussion of EPA's ability to adjust thresholds by 10 percent. Other waiver issues will be handled as they have been in the past.

In response to a question from Mr. Andrew, Mr. Argyropoulos said that the blendwall is discussed in the document but not in detail. Dr. Doering pointed out that it is the renewable fuel requirement that pushes the blendwall issue; one way to address this would be to hold up the renewable fuel requirement. Mr. Andrew commented that there is going to be a push to increase the percentage of biofuels allowed in gasoline. EPA's Public Affairs Office may want to consider developing a plain language document to explain the issues related to increasing the percentage. Mr. Argyropoulos said that EPA has been working

to communicate better with the public on the issue. The Agency is working to refine its testing programs to identify the possible effects, but it is a complicated issue. It is a matter of balancing the environmental benefits, the health protections, and all of the other important issues. Another challenge is getting the public to consider long-term benefits and not just think about the short-term benefits. Ms. Noble asked if there were concerns with using biodiesel. Dr. Doering replied that there are concerns. Mr. Argyropoulos added that it would be ideal to get to the point where cellulose or wastes could be used because that would do away with the food versus fuel competition. Dr. Tsegaye asked about using detropha as a feedstock. Mr. Argyropoulos responded that detropha is not used extensively in the United States, but if use increases, EPA will include it in its modeling.

Mr. Andrew suggested that EPA work to improve its relationship with agriculture by at least making the Regional Administrators more available to the farm press. Mr. Argyropoulos replied that, to the extent possible, EPA will try to get its materials out in a more public forum.

Mr. Andrew asked for other suggestions for issues that the Workgroup could address. Mr. Argyropoulos noted that climate change legislation is coming and suggested that the Workgroup might want to focus on communicating its views on this issue to EPA. In response to a question from Dr. Boyd, Mr. Argyropoulos said that EPA staff members could give the Workgroup a presentation on climate legislation. Ms. Laur noted that one of the concerns is that the GHG initiatives might make the economic conditions of farming so bad that agriculture moves across the border. Other countries often do not have the same level of environmental regulations as the United States, if they have environmental regulations at all. The Secretaries of Commerce, Energy, Agriculture, and Transportation wrote a letter stating that although addressing GHG emissions is important, in some cases, the CAA is not the appropriate vehicle. Ms. Dunkins added that the Farm Bureau also assessed that rule and raised some issues; it may be helpful to review these issues. Ms. Laur stated that USDA crafted a response letter; she offered to send the group a link to this letter.

Mr. Argyropoulos urged the Workgroup to also review the document on how EPA conducts its reviews. The Agency is still working on the endangerment finding and will likely release its interpretation of that soon, which also will affect this discussion. Ms. Laur emphasized the importance of its structure; it would be helpful to know to what degree agriculture plays a part in the process. Mr. Moseley agreed and asked if there were summaries or briefs available on the issue. Ms. Dunkins replied that a presentation could be given to the Committee.

Mr. Andrew said that Ms. Shaver had asked the Workgroup to review three documents, including one about the charter and a news release, and determine if the Committee could interface with the Ecosystems Services Branch. He asked the Workgroup members to read the documents that evening; the group will discuss them the following day. Ms. Shaver thought that the Workgroup might want to provide input, especially on the charter document. Dr. Doering explained that this was a project of the Assistant Secretary who believed strongly that these things should be determined by the market. He noted that the U.S. Forest Service (USFS) also has done quite a bit of work in valuing ecosystems services; EPA should be encouraged to work closely with USFS on this issue. Ms. Laur said that Ms. Sally Collins, the head of Ecosystem Services would be speaking on the subject. She agreed to circulate a copy of the presentation to the group.

Dr. Doering said that the National Invasive Species Advisory Committee is very concerned about the use of invasive species in the production of biofuels. The Invasive Species Committee plans to draft a working paper that will be the first step toward defining the problem that will be ready for release by May. Dr. Doering added that, if he could, he would share the paper with the group.

Mr. Andrew noted that Ms. Shaver is looking for a group to take on NPS pollution. Dr. Doering said that the issue did not really fit in the Climate Change/Renewable Energy Workgroup and suggested that the Emerging Issues Workgroup would be more appropriate.

Mr. Andrew summarized the group's plans. Dr. Doering and Ms. Noble will identify topics in the biofuels strategy document that are of interest to the Workgroup, these will be distributed to the Workgroup members, each person will individually review the items, and the group will discuss the issues in a conference call. The Workgroup will review other related materials and then draft its recommendations. Ms. Dunkins will provide background materials on potential climate change legislation to the group.

Mr. Andrew said that he would especially like to hear Dr. Boyd's input as it will be from an industry standpoint. He stressed the importance of looking at this from both sides of the issue. Dr. Boyd agreed to give his input and suggested that the group might, after receiving the materials from Ms. Dunkins and reviewing them, hold a WebEx where Ms. Dunkins or someone else can provide a background presentation.

Mr. Andrew recessed the Workgroup meeting at 4:54 p.m.

Livestock/Poultry Workgroup

Mr. Cooper, Chairman of the Livestock and Poultry Workgroup, said that the group's work to date has resulted in four advice letters: (1) CAFO Inspections, (2) Producer Recognition, (3) EPA News Notes, and (4) Producer Certification. The Workgroup decided to add two more topics: (1) NASDA Partnership/EPA and (2) Delaware 90-Day Stay letter. Mr. Cooper then started the discussion of the four advice letters. Workgroup members received handouts of preliminary draft versions prior to the discussion of each letter.

Ms. Chinn mentioned that suggestions from previous conference calls and conversations had been incorporated in the CAFO Inspections letter. She went through the letter a few paragraphs at a time, and workgroup members and EPA staff members then provided comments and suggestions for text editing.

The first paragraph of the letter provided an introduction and mentioned that agriculture has been the backbone of our nation's economy. American farmers and ranchers have worked diligently to provide a safe and affordable food supply. EPA CAFO inspections generally have provided useful guidance on protecting the environment. CAFOs have made remarkable progress during the last 5 years. The purpose of the letter was to create a better working relationship between EPA and the agricultural community. Ms. Christine Eppstein (Smithfield Foods), Dr. Tom Davenport, Mr. McDonald, Ms. Aceves, and Mr. Blackham then contributed to the discussion on text editing options of this first paragraph.

The second paragraph of the letter was concerned with improving communication and enhancing cooperation between EPA and the agricultural community. For example, it was suggested that EPA provide 48-hour advance notice prior to inspections as well as the reason for and the details of the inspection. Advance notification would: (1) allow the farm/ranch operator to be present for the inspection; (2) allow a prior discussion of farm biosecurity protocols; (3) allow EPA to comply with biosecurity policies without posing a threat to the farm/ranch; and (4) ensure that all materials are available, resulting in improved efficiency, communication, and cooperation.

Ms. Aceves asked whether the 48-hour notice is consistent with how inspections currently are conducted. Mr. Rick Colbert (EPA) responded that according to policies received from Mr. Granta Nakayama (Assistant Administrator, EPA) in December or January, inspections are either announced or unannounced; they take into account various considerations, including biosecurity, and so on. No time period is given. Ms. Chinn remarked that there are more reasons than just biosecurity for the advance notice. Farm operators would have to find substitute workers for persons who have to be present during inspection. Ms. Chinn also mentioned that she would not want her children to be present when an EPA inspection is performed. Mr. Colbert said that EPA's focus is on targeted inspections.

Mr. Colbert alerted the Workgroup to a potential problem with the 48-hour advance notice. If a farmer cannot be reached, it could have the consequence that an inspection cannot be conducted. He suggested

including language saying that EPA will try to give a 48-hour advance notice, if possible. Senator Brubaker, Mr. Cooper, Mr. Vonk, and Mr. McDonald also contributed to this discussion.

The advice letter's third paragraph recommended extending an invitation to the state regulatory agency as standard inspection protocol for all CAFO inspections. For example, the state regulatory inspector could help the producer better understand issues brought forward by EPA, thus improving communication. In addition, the state regulatory agency would know immediately of any compliance issues.

In the fourth paragraph, the Workgroup encouraged EPA to clarify the purpose of CAFO inspections in all printed materials, offer compliance assistance, demonstrate a cooperative approach prior to enforcement action, and use inspections as teaching/learning opportunities to offer guidance in improving care given to the environment. Producers should not be regulated beyond their ability to operate their business.

The next three paragraphs noted that EPA's printed materials regarding CAFO inspections have an underlying negative tone that may give the impression that agricultural enterprises are noncompliant. Examples of such text were listed in bold in the letter. Mr. Vonk said that he did not have a problem with the items printed in bold and did not know why they concerned anyone. Mr. Cooper, Mr. Doug Young, Ms. Aceves, Dr. Davenport, and Mr. Colbert also participated in the discussion. It was suggested that the documents be rewritten in collaboration with EPA staff and that the Web be reviewed for existing documents.

The letter's eighth paragraph concluded that the Livestock and Poultry Workgroup believed in the EPA CAFO inspection process and its importance for environmental protection. Achievements in agriculture in recent years were recognized, and EPA was encouraged to improve the communication process by implementing the recommendations in the CAFO Inspections Advice Letter.

Mr. Cooper suggested revising the letter for tomorrow's morning session, if time permits. The Workgroup then could have a motion to approve the final document.

Mr. Cooper opened the discussion of the EPA News Notes. The preliminary draft version stated that this newsletter would be distributed every 3 months starting June 1, 2009. It would be sent to livestock and poultry organizations and all state agricultural government agencies. Main topics to be discussed in the newsletter include: agriculture-related EPA regulations and laws, including proposed but not yet enacted measures; pending agriculture-related lawsuits; contact lists and contact information for submitting questions and comments to EPA; promotions and recognitions (with pictures) related to award programs such as environmental stewardship and land conservation (state, region, national); and clarification of onsite CAFO inspection guidelines. The newsletter would be designed in such a way that recipients could copy content into their own organizational newsletter or magazine. Each article would start with a summary and would provide a link to the entire article. It was suggested that EPA assign someone to coordinate, write, and distribute this electronic newsletter on a quarterly basis.

Mr. Cooper then discussed the preliminary draft of the CAFO producer certification program. The main objective of this program is to have livestock and poultry producers better trained and formally certified in environmental stewardship, with EPA providing oversight and support, as well as each EPA region and/or state agricultural agency administering the program. Program guidelines would include: all CAFO owners/managers are eligible to participate on a voluntary basis; an EPA-supported certification emblem and formal certificate for certified persons who will be allowed to place a certification emblem on their farm entrance sign; creation of an environmental stewardship program by EPA and livestock and poultry organization representatives; usage of core concepts that already are used by existing programs of some states; and certified CAFO owners/managers receiving preferential treatment during annual inspections, a suggestion that would have to be further elaborated. There appeared to be agreement on the main objective of the program. It also was suggested that EPA should give compliance assistance at the

beginning rather than impose penalties right away. Mr. Cooper raised the question of whether the group should just make a general recommendation and ask EPA to work with the group on the details. Mr. Cooper summarized that there is some good core material in the document, but more work is needed, and it would be best to table this item for now.

The next topic was the draft version of the producer recognition program, which was introduced by Mr. Cooper. The main program objective is to promote positive relations between EPA, producer groups, and individual livestock and poultry producers. The program, which is to be administered by EPA, also is tailored toward encouraging environmental stewardship in the United States. Proposed guidelines include: any authorized CAFO is eligible to be nominated under the condition that it had no penalties or infractions from EPA in the previous 3 years; selection of first and second prize winners would be made for each farm animal species; a state government agency must co-sponsor a state nominee; any state or EPA regional environmental stewardship award winner is automatically a nominee for the national award; the winner will be presented a plaque and farm sign by an EPA representative at the national convention; and the application criteria will cover multiple components of the environment: air, water, and soil. Selection criteria are still to be determined.

A participant commented that the main objective should be good environmental stewardship instead of promoting positive relations. The group discussed potentially broadening the award to all livestock operations. Mr. Blackham volunteered to revise the certification program draft based on the group's comments.

Mr. Jestice, President of the Delaware Farm Bureau, talked briefly about the Delaware 90-Day Stay Letter regarding a February 27, 2009, EPA deadline for medium-sized CAFOs to apply for a permit. He asked Mr. Hank Zygmunt (EPA) to give his opinion on this issue. Mr. Zygmunt responded that the final CAFO rule was signed by the EPA Administrator in October 2008. That particular rule did not alter in any form a long-standing compliance date of February 27, 2009, for CAFOs that discharge and need to seek permit coverage. Delaware Senator Carper and Congressman Castle have sent a letter to the Administrator requesting a 90-day extension. A response has been drafted and will be published.

The meeting was adjourned at 6:00 p.m.

Emerging Issues Workgroup

The Emerging Issues Workgroup Chair, Mr. Ralph Grossi, stated that the group had several items to discuss, including two papers that will be discussed by the full Committee—one on nanotechnology and one on land use. Other papers that have been developed in draft form can be discussed by members as well. In addition, the Workgroup was asked to discuss the Sixth Circuit Court decision and report back to the full Committee with recommendations for action if needed.

Mr. Vroom introduced Ms. Lynn Bergeson (Bergeson & Campbell, P.C.) who had spoken to the group previously on nanotechnology. Two papers were merged into the one being presented for discussion by the Workgroup, and Mr. Vroom would like to see the paper advanced to the full Committee. Mr. Grossi explained that the Workgroup could choose to have this paper approved as a White Paper to send to the Administrator, or send the paper along with a letter to the Administrator highlighting specific recommendations and actions. He asked Ms. Bergeson to highlight the paper and the actions.

Ms. Bergeson explained that nanotechnology is an area of significant interest within EPA and USDA in various programmatic areas because of its ability to enhance, facilitate, and foster sustainable and cutting-edge agricultural practices that EPA will be in the position of managing. The goals of the paper are to allow EPA to have a very reliable source of information on these types of developments and broker better communication between OPP and other offices at EPA that manage industrial chemicals and USDA. The paper addresses some of the regulatory frameworks and some of the very promising applications of

nanotechnology in various areas outside of pesticides, and provides an overview of the issues and ways that the FRRCC may be of service to the Administration in pursuing these issues.

Dr. Flocchini said that he understood that many of the issues fall under EPA's regulatory authority, but wondered if USDA should handle the educational component. He mentioned that the stakeholders he knows would rather hear from USDA than EPA. Mr. Vroom responded that the view is that EPA and USDA do not regularly come together; the FRRCC wants to encourage EPA to work with USDA. Workgroup members suggested that how EPA and USDA would work together needed further elaboration.

Ms. Hammerstrom asked if a definition of nanotechnology could be included in the paper for people who are not familiar with the term. Ms. Bergeson responded that the National Nanotechnology Initiative definition, which describes nanotechnology as a constellation of technologies involving materials that are manufactured or created at the 0 to 100 nanoscale range, could be included.

Dr. Richard Bonanno (Pleasant Valley Gardens) said that he would prefer that the paper be accompanied by a cover letter, because then the bullet points in the paper can be listed in a single page.

Ms. Pat Cimino of OPP advised the Workgroup to consider who to target at USDA to best get the Agency's attention, because getting the various branches to communicate is difficult. Ms. Bergeson responded that she could help identify the best contacts at USDA. The group then suggested possible contacts at USDA.

Dr. Snyder added that if this technology promises to reduce the environmental footprint in many varied areas, then that is reason for coordination. He said that a case study example might be useful in educating people about nanotechnology's pros and cons; he does not want the FRRCC to offer a letter to EPA or USDA that appears promotional in nature. Ms. Bergeson agreed, and noted that USDA has identified with some precision emerging and existing applications that diminish the environmental footprint. EPA's January 2008 Nanotechnology White Paper included specific examples of pollution prevention applications of nanotechnology.

Mr. Grossi noted that if the FRRCC approves of the focused cover letter with the attached papers, the next step would be drafting the letter to the Administrator, and the Workgroup could schedule a conference call in March or April to approve the letter. Mr. Grossi asked any members with specific comments about wording to submit them to him within the next week or 10 days. He added that it is important that the paper discuss both the benefits and risks associated with nanotechnology. Ms. Bergeson agreed.

Mr. Grossi moved to the paper on land use. He noted that this is a difficult issue, especially in terms of EPA's role, which will be a supporting role on a number of these issues, but a broader role on growth and its impact on air quality. There is not a specific agenda for the land use paper yet. The Workgroup has not determined whether a letter with recommendations will be submitted, or whether the paper would be refined to become a background paper for the Administrator.

Ms. Hammerstrom commented that the paper needs to be developed further to become a background piece. There are some issues raised in the paper that are not part of EPA's role, such as succession planning issues, and the Workgroup should not make recommendations that are not in EPA's purview. Mr. Grossi received several comments expressing concern about EPA, or any federal entity, getting involved in land use, which has historically been a local and state issue.

Ms. Shaver noted that there is some history of land use discussion within EPA, especially within the Office of Air. The question is how the Workgroup should present the information. Mr. Grossi added that the presentation of the information should be targeted for the audience, and not much is known about the new EPA Administrator's interest in these issues. Ms. Shaver noted that Administrator Jackson addresses the disparate impacts on communities when she speaks. In this case, the Workgroup can discuss rural

communities and how they are affected as a way to present some aspect of the land use issue. Mr. Grossi noted that there are at least two major areas in which EPA will make or influence decisions on land allocation: biofuels (crops and cropping patterns), and urbanized areas where sprawling development is directly related to the air quality problem. Ms. Shaver added that the decisions made will affect the amount of farm land, and could drive the loss of the land to other types of activities. Administrator Jackson's decisions will affect land use.

Ms. Hammerstrom noted that the unintended consequences of the regulations are that lands are being taken out of production. Dr. Bonanno suggested that the letter offer EPA some advice about what its philosophy should be in terms of land use.

Ms. Riley said that she would advise EPA to maintain a balance and not create overregulation. Food production should be a priority for the nation, and maintaining a domestic supply of food, fuel, and fiber needs to be an issue of homeland security.

Ms. Riley asked if Ms. Shaver was confident that there will continue to be an agricultural advisor at EPA and agricultural staff at each of the regional offices. Ms. Shaver responded that there will have to be some staff members because of the issues under consideration, but whether the current construct will remain is unknown.

Mr. Grossi suggested that this discussion continue, and that the Workgroup put these issues into an outline that reflects the general categories raised. He invited members to send in their suggestions and comments. The Workgroup will craft a White Paper that will be submitted to EPA in lieu of a set of recommendations. Ms. Parry commented that it is better to provide EPA advice on an issue that the Agency currently is addressing. The more the broad philosophy can be tied to EPA's role and specific decisions that are emerging, whether biofuels, air quality, or NPS pollution, the more relevant the advice.

Mr. Vroom explained that the Sixth Circuit Court decision was related to EPA establishing a rule that pesticides applied directly to waters for the purposes of addressing pest issues in water would be exempted from an NPDES permit requirement. Some did not think that this regulation went far enough, so a lawsuit was filed and the Court rendered a decision that invalidated the EPA regulation that sought to exempt some pesticide applications. The Court stated in a three-judge panel decision that pesticides are not pollutants except when they come out of a nozzle. The decision discusses excessive residues left after the intended purpose of the pesticide is completed without defining what is meant by "excessive." The court decision means that if EPA finds a pesticide in the water that can be traced back to a mechanical conveyance, the pesticide became a pollutant at the time it exited that conveyance. The decision also clouds the demarcation between biological and non-biological registered pesticide materials. In response to a question from Mr. Grossi, Mr. Vroom said that the Justice Department has been given until April 9, 2009, to determine how to proceed.

Ms. Parry stated that for EPA, the question should be: What good is this doing for the environment? If permits were required, would that improve the water? There may be specific instances of pollution damage to water from runoff, but for the most part, pesticides are not the issue for water.

In response to a question from Mr. Grossi on what the Workgroup could do to address the issue, Mr. Parrish said that the group could ask for a rehearing. Mr. Grossi noted that the timeliness of the letter is critical; it should be a simple one- to two-paragraph letter, and the Workgroup could bring it before the full Committee for approval at the next day's meeting.

Ms. Cimino said that if the Court decides not to hear the case, the rule will take effect within 7 days of the decision. Mr. Vroom volunteered to draft the letter, and Mr. Grossi suggested that the Workgroup meet at the morning break to discuss it.

Mr. Grossi explained that the issue of the regulation of nonpoint source nitrogen was raised during the morning session, and the Workgroup was asked to discuss it. There is not a proposed rule, just a recommendation at this point, but there is a greater comfort level now in the Federal Government with more regulation than there has been in some time.

Ms. Parry responded that Mr. Piotrowski's presentation stated that the United States has a very serious water quality problem. There is a great deal of data that point to sources from agriculture, and not much progress has been made to date in improving water quality. She challenged the FRRCC to determine how progress can be made and identify ways to verify that it has been made. If regulation is necessary to bring about a solution, then so be it, but the last thing EPA wants to do is regulate if demonstrable change can be made by some other means.

Ms. Hammerstrom mentioned that she was involved with an EPA grant for water quality education that produced a booklet on water quality, point and nonpoint sources of pollution, farm best management practices, and some specific information on certain crops such as grapes and cotton. It contains steps that farmers can take to reduce nonpoint pollution on their farms. Ms. Hammerstrom presented the booklet to the Workgroup.

Mr. Grossi asked for a volunteer to draft a short paper for the Administrator on a nonpoint source pollution prevention philosophy and approach that includes education and some outcome orientation as opposed to prescriptive practices, as well as a commitment to punish those who consistently do not do what is right. Mr. Willard agreed to draft the paper. Dr. Doering recommended that the group examine the November 2008 report from National Academy of Sciences (NAS), prepared at EPA's request, on measures that the Agency should take to clean up the Mississippi River.

Ms. Parry recommended that the Workgroup read the information on the Office of Water's Web Site on nonpoint sources, which contains a tremendous amount of material. EPA would like to know how to make progress, and whether there is an adaptive management framework that the Agency should examine.

Dr. Doering advised that if the Workgroup was going to address nitrogen, sufficient time should be spent on it; the INC information will not be released until September 2009, so there is time for a well-considered piece. Ms. Shaver added that the ammonia issue may become relevant in the area of air, depending on the results of the lawsuits on particulate matter.

Mr. Grossi adjourned the session at 5:30 p.m.

TUESDAY, FEBRUARY 24, 2009

Plenary Session

James Moseley, Chair, FRRCC

Mr. Moseley called the meeting to order at 8:44 a.m. He stated that the Livestock and Poultry Workgroup needed additional time to meet this morning, so the members of that Workgroup will depart and meet in another room while the rest of the Committee continues some of the discussions begun yesterday. The full Committee will reconvene after the break.

Mr. Moseley suggested that the rest of the group discuss Mr. Andrew's suggestions from the previous day regarding chairpersons, organization, succession planning, and so forth. One suggestion made was that appointing Vice Chairs might be helpful. Mr. Moseley asked for other suggestions. Dr. Doering thought the Chair or Vice Chair should be a producer or someone who is closely tied to agriculture. Mr. Moseley agreed.

Mr. Willard suggested that the Committee recommend to the Administrator that at least a portion of the FRRCC members continue after the 2 years. It has taken 6-12 months to become acclimated and it would not be very efficient to start over from scratch. Mr. Moseley agreed with the idea of phasing people in and out while still keeping a core group for continuity purposes. Mr. Vroom reminded the group that they had previously considered reinforcing the importance of the agricultural advisor role in a letter to the Administrator. Dr. Doering suggested that the letter be brief and begin with a short history of the agricultural advisor role. In response to Mr. Grossi's suggestion that the FRRCC recommend that it be given a longer term, Ms. Shaver stated that FACA limits committee terms to 2 years. Most of the FACA committees of which she is aware rotate their membership. Mr. Moseley agreed to draft a letter to the Administrator on these issues.

The group discussed the location and timing of the Committee's next meeting. Ms. Kaiser's poll of the Committee members indicated that August 26-28, 2009, worked best for most. It was previously suggested that the meeting be held on the West Coast and focus on specialty crop issues. Ms. Shaver proposed that the Regional Administrators from Regions 4 and 8 might help the group decide on a location. If the meeting is to be held on the West Coast, Mr. Vroom suggested that Committee members from that area lead the planning. He did not think the Regional Administrators should be involved in the planning. Mr. Moseley thought that the group should postpone this discussion until the rest of the Committee members were in attendance.

The Committee had previously discussed the possibility of working with the Agricultural Air Quality Task Force. Dr. Boyd asked about the status. Ms. Kaiser replied that she has been working with Ms. Laur, but the times that the groups can both meet have not yet coincided.

Mr. Grossi said that his Workgroup had some additional work to do and asked if the group could break 5 minutes early. Mr. Moseley agreed to break 5 minutes early.

Dr. Snyder noted that Mr. Piotrowski had commented that the numeric water quality standards for nutrients were not being adopted quickly enough. Dr. Snyder said that he thought there was a general ignorance on the part of the agricultural community about this process. He suggested that, at least semi-annually, the Administrator update the agricultural community on the state of this process or at least ensure that the states inform the agricultural community about when the public meetings will be held.

Mr. Franklin said that one of the ideas presented by Mr. Piotrowski for treating Nr was improving tile drainage and the use of constructed wetlands. He suggested that before action is taken, the issue be evaluated carefully to ensure that this does not lead to a policy of eliminating more natural wetlands in favor of constructed wetlands for purposes of treating nitrogen. Dr. Doering mentioned that NAS has developed two reports, one entitled *The Mississippi River and the Clean Water Act* and the other suggesting possible ways to tackle the problem in the Mississippi. He promised to send the links to those reports to Ms. Kaiser, who then could distribute them to the Committee. Mr. Moseley thought that one of the best ways to address the issue is to educate farmers on proper nutrient management. Ms. Laur suggested that the Committee identify barriers to best practice implementation and work to find solutions. Regarding Mr. Franklin's concern about watersheds, USDA works to repair many watersheds; this work probably will increase with the addition of stimulus funds. She suggested that the Committee make a recommendation to the EPA Administrator who could then forward the recommendation to the Secretary of Agriculture.

Ms. Riley asked if baseline data were available on the nutrient loads currently entering the Mississippi River or the Chesapeake Bay. Dr. Doering replied that USGS has collected these data and asked her to e-mail him for links to the appropriate reports. Ms. Riley asked why those numbers are not released to the public. The public is hearing that agriculture is a major polluter, but there is little said about the other sources. Dr. Doering noted that the NAS report to which he referred includes recommendations for reducing nutrient loads; NAS takes a fairly balanced approach to the issue. Also, the updated version of the INC report will be on the Web in mid-March; he will try to let Ms. Kaiser know when it was

available. Going back to Dr. Snyder's presentation from yesterday, there are still opportunities for farmers to improve efficiency by using the technologies available to produce more crops with less input.

Mr. Vroom suggested that the Committee consider the complex issues of water quality separate from those of air quality; the complexity of these issues is yet another reason to have at least some continuity on the Committee. He proposed that the FRRCC identify agriculture's energy efficiency accomplishments over the past 20-30 years and identify areas where further efficiencies could be achieved. Mr. Moseley thought this was an excellent idea.

Mr. Grossi brought the discussion back to the Committee's organizational structure, suggesting that the group consider having smaller, more issue-specific workgroups. Mr. Moseley asked the group for their comments on this suggestion.

Mr. Andrew asked for some guidance on the lobbying rules for Committee members. Ms. Shaver explained that FRRCC members are not allowed to lobby on behalf of the Committee. What each Committee member does as an individual citizen, however, is completely separate.

Mr. Vroom said that the Emerging Issues Workgroup is tracking the pollinator protection work being performed by EPA and USDA, and will provide an update at the next Committee meeting. Ms. Shaver mentioned that she could arrange to have a presentation on this issue at the next Committee meeting if the members wanted more details.

Mr. Tsegaye commented that he thinks that there is too much reliance on models and not enough monitoring. Ms. Shaver agreed that monitoring is important. Although models have improved, data are still needed to validate these models. Mr. Moseley agreed that monitoring is important. Dr. Doering noted that there are many other groups who share this concern about the inadequacy of current monitoring efforts. He suggested that the Committee form some strategic partnerships with these groups.

Mr. Grossi asked the Emerging Issues Workgroup members to meet for 5 minutes at the back of the room.

Livestock/Poultry Workgroup

The Livestock and Poultry Workgroup meeting started as a closed session. Mr. Cooper explained that executive issues had to be discussed. During the closed session, Workgroup members received handouts that were not distributed to the observing audience in the public session.

At 9:07 a.m., the public was admitted to the meeting. At that time, a discussion about an unspecified topic was already underway. Mr. Cooper, Ms. Chinn, Ms. Noble, and Mr. Blackham were the major contributors about issues related to inspections and a 48-hour notice. Emphasis was on developing a better relationship between EPA and producers. A motion to accept the document under discussion was seconded and approved.

Mr. Cooper said the Workgroup would ask Ms. Kaiser or Mr. Ashcraft for help with formatting the next document related to the producer recognition program. The building of partnerships and cooperation was emphasized in the discussion. The group also discussed requested changes from Mr. Blackham. The exact meaning of infraction was discussed and it was determined that it would cover any kind of violation. It also was mentioned that the winners should be recognized at an FRRCC meeting and expenses be covered through this Committee. A motion to accept the document with the recommended modifications was seconded and approved.

Mr. Cooper opened the discussion for the next topic. Mr. Blackham, who authored the document, and Ms. Friedman conversed about the EPA partnership with NASDA. State departments of agriculture are a source of expertise that EPA can use to provide both outreach and technical advice to farmers. After all of the editorial suggestions were made, a motion to accept the document was seconded and approved.

Mr. Cooper then continued the previous day's discussion on the electronic News Notes and mentioned that he had incorporated some suggestions from Ms. Shaver; for example, she suggested that the e-notes be distributed first to the FRRCC with copies sent to the organizations that were recommended. The distribution will be performed quarterly. A motion to accept the document in revised format was seconded and approved.

Mr. Cooper mentioned as the last topic the letter from the Delaware delegation. The Workgroup members were concerned that they did not have enough time to understand the background. A motion to table this proposal was seconded and approved.

Mr. Cooper then asked the group whether there was any other business to be discussed. Ms. Aceves brought up the subject of using a Web portal. Mr. Cooper remarked that this would involve training. The Workgroup was supportive of this initiative. Air issues and climate change were mentioned as potential future topics. The best time for a future conference call was discussed, and a call was tentatively scheduled for 1:00 p.m. EDT on April 14, 2009.

The meeting was adjourned at 9:58 a.m., and the Workgroup members rejoined the full Committee session already in progress.

Call to Order, Plenary Workgroup Presentation Session

Moderated by James Moseley, Chair, FRRCC

Climate Change/Renewable Energy Workgroup

Mr. Andrew reported that the Climate Change/Renewable Energy Workgroup discussed the draft biofuels strategy letter that was successfully submitted to EPA. Mr. Argyropolis informed the Workgroup that the comments were very useful and helped EPA craft a restructured document. EPA views the document as a guide for the Agency on how to move forward and address biofuels issues. This document and a biofuels primer currently are under review. Mr. Argyropolis promised to send the Workgroup members a copy of the final product.

The group then discussed the RFS2 and the issues of international land use, the definition of renewable biomass, approved lands, climate impacts, energy impacts, and societal impacts. Dr. Doering and Ms. Noble volunteered to review the rule and highlight areas of critical importance to the Workgroup, which then will review and discuss these issues. Recommendations will be drafted and presented to the full Committee for consideration for submission to the Administrator. The Workgroup also plans to review climate change materials as background for possible comment on proposed climate change legislation. Ms. Laur graciously volunteered to lead this effort. The climate change issue will have the government perspective from Ms. Laur and the climate trader perspective from Dr. Boyd; this should make for some good discussions. He added that the Workgroup is planning to use the WebEx portal to hold virtual meetings. Mr. Andrew said that he hoped that the Emerging Issues Workgroup would tackle the Clean Water proposals and water regulations issues.

Mr. Andrew asked the members of the Climate Change/Renewable Energy Workgroup to let him know if they were still interested in being part of the group.

Livestock/Poultry Workgroup

Ms. Chinn distributed four draft advice letters to the Committee members. Workgroup efforts are aimed at improving communication between EPA and producers and creating a more collaborative effort to address environmental issues in agriculture, keeping in mind, of course, that EPA is there to regulate and ensure that producers are in compliance.

Mr. Cooper asked the Committee members to peruse the first letter on electronic News Notes and provide comments. He explained that this is one of those “feel good” things that the group is trying to promote. On the first page of the letter is a list of organizations; this is not an exhaustive list and can be adjusted as needed. The News Notes would be nontechnical, easy to read, and producer-oriented. The main categories would be: animal agriculture, renewable fuels, water, air, climate change, pesticides, and general information. Content would include updates on proposed regulations, pending agriculture-related lawsuits, an EPA contact list, clarification of inspection guidelines, and updates on research. The newsletter would be managed by the Agricultural Counselor’s office. Dr. Snyder recommended that the Livestock Workgroup coordinate its efforts with the group producing a similar publication on nonpoint source news. Mr. Cooper said that the proposed News Notes newsletter would be more comprehensive than that publication; the information would be presented in an abbreviated form and would include content that organizations could send in their own newsletters. Mr. Moseley asked if there was concurrence on the letter. The Committee members concurred, with no objections.

Mr. Cooper discussed the second letter, which recommends that more notice be given to producers before EPA inspections take place. This will allow producers to make arrangements for child care or additional help on the farm. In response to a question from Ms. Noble, Ms. Chinn confirmed that the text in the letter had been changed to read, “In an effort to improve communications and enhance cooperation between EPA and the agricultural community, the FRRCC recommends EPA give 48-hour advance notice of inspections except in the case of evidence of violation or complaints.” Mr. Moseley asked if the Committee concurred, with the amendment noted. Is there any opposition or other views? Dr. Doering asked if this was a real problem for producers. Mr. Cooper stated that it was. Another example is a producer who owns operations in many different states and would need more notice to be onsite for the inspection. Mr. Cooper pointed out that the second page of the letter included some words in bold print that come across in a negative tone for the producer. The text needs to be kept neutral and fact-based. Mr. Moseley agreed with this assessment and asked the Committee members if they had any comments. Dr. Doering said that he did not think that the producers with whom he has worked would be that sensitive to language. He proposed that the words in bold print be removed and replaced with the suggestion that livestock industry representatives work with EPA to review these materials. Mr. Cooper said that the Workgroup had discussed EPA and producers working together on the wording. The specific text in the letter was given as an example of the text that might be reworked. Dr. Doering thought this was the weakest of the four points. Mr. Cooper said that his comments were duly noted. Mr. McDonald pointed out that if EPA wants to develop a better relationship with the agricultural community more neutral language is needed. Dr. Doering thought a better approach would be to have one short paragraph without an example. He did not think the letter should exclusively recommend that EPA work with NASDA. Mr. Cooper said that if it was okay with the Committee, the text would be changed to read, “NASDA and livestock producer organizations.” Mr. Grossi suggested that the group be given a few weeks to review the letter and then hold a conference call to discuss it. The Committee selected March 10, 2009, as the tentative date for the call.

Mr. Cooper then discussed the next advice letter, which recommends that EPA establish a producer recognition program. The idea is that EPA provide producers with an incentive to be good environmental stewards while also promoting positive relationships. Although it would be ideal if all farms were eligible for this award, the award would be limited to CAFOs, because EPA only regulates CAFOs. Award winning CAFOs should have had no penalties for 5 years. The award program would be limited to the five main meat categories, and the winner for each species would receive the award from an EPA representative (preferably a high-level representative) at their national convention. Mr. Cooper said that the Workgroup discussed soliciting volunteers from both EPA and producer organizations to serve as judges. Dr. Snyder wondered if it might be good to ask the industry to join with EPA to subsidize these awards. Dr. Doering suggested that the award might be supported financially by industry, with EPA making the award decisions. Ms. Aceves said that she supports the concept, but would prefer that the award be available to all livestock operations. This would be a prestigious award and EPA does not want to send a message that CAFOs are the best model for livestock production. Mr. Moseley said that he too would prefer that it be an award for all livestock operations. Mr. Cooper said that the Workgroup also

preferred this, but EPA attorneys said that because EPA regulates only CAFOs, the award would have to be limited to CAFOs. Ms. Shaver suggested that the Committee make a general recommendation and allow EPA to work out the details. Ms. Noble did not have a problem with EPA having an award for the best CAFOs because there is plenty of information out there about CAFOs that violate the CWA. Mr. Moseley suggested possibly having two categories: CAFOs and non-CAFOs. Mr. Cooper suggested offering this idea to EPA and letting the Agency make the final decision. Mr. McDonald made a motion and Mr. Andrew seconded the motion. Mr. Moseley called for a vote. Mr. Grossi stated that he hoped that there was some flexibility to incorporate the Committee's discussion. Mr. Cooper offered to add text to the letter to incorporate the discussion. The expectation is that the group will need to work with EPA staff to refine the guidelines. Mr. Moseley asked if there was concurrence. The Committee members unanimously approved the letter.

Mr. Blackham discussed the next letter, which was about EPA using NASDA as a resource to help EPA accomplish some of its air and water goals. The letter states that EPA's work with NASDA on the pesticide program was very successful and encourages an ongoing partnership with NASDA to address farmer education as well as research and evaluation. In response to a question from Dr. Doering, Mr. Blackham said that NASDA is offering its representatives to approach producers to discuss environmental stewardship and is not offering a significant financial contribution. Mr. Blackham agreed to add a sentence indicating that NASDA had made a formal offer of assistance to the EPA Administrator at their recent meeting. Ms. Noble expressed her concern about EPA having a special relationship with state departments of agriculture on issues with such deep regulatory implications. Mr. Blackham explained that it was not the intent that EPA adopt anything put forth by NASDA or that NASDA be involved in enforcement. Mr. Cooper pointed out that Ms. Noble abstained from the Workgroup vote and the rest of the members approved the letter. Dr. Doering said that he understood why Ms. Noble has these concerns. For example, in point five it is suggested that EPA establish a formal and ongoing partnership with NASDA with regard to preparing, implementing, and enforcing measures. That could be problematic, and it might be better to make it clear that the Committee is encouraging EPA to consult with NASDA on these issues. Mr. Blackham saw their point and made a motion to substitute the following paragraph for point five, "We also encourage EPA to expand their relationship with NASDA to work on education, implementation, evaluation, and research needs for the water and air regulations related to agriculture. EPA and the agricultural community, but especially the citizens of the nation, will benefit from protecting the environment and maintaining an abundant food supply." Mr. Young concurred, but noted that Committee member Suzy Friedman had thought these specific points to be valuable. Dr. Doering seconded the motion. Ms. Shaver said that she thought limiting it to water and air regulations was too narrow and suggested broadening it to environmental regulations. The words "water and air" were replaced with the word "environmental." Mr. Moseley called for a hand vote. He asked all those in favor to raise their hands. Ms. Kaiser counted the votes. He asked all those opposed to raise their hands. Ms. Kaiser counted the votes. Mr. Moseley stated that the letter was approved.

Another issue that the Workgroup is planning to address is the certified producer program. The Workgroup is awaiting additional information on this issue from Mr. Colbert. A list of other topics that the Workgroup would like to address includes: Nr, air issues, voluntary compliance, climate change related to CAFOs, and clarification of EPA and state law.

Emerging Issues Workgroup

Mr. Grossi said that each Committee member was given a copy of a letter asking EPA to seek a rehearing on the Sixth Circuit Court pesticide ruling. He moved that the letter be approved and sent to the Administrator. A Committee member seconded the motion. Ms. Aceves opposed the motion because she did not have enough information to advise the Administrator on the issues; nor did she believe that there was Committee consensus on the issue. If the Committee members have not read the case and the Committee recommends action, this will undermine the Committee's integrity. Other Committee members stated that they also were not comfortable approving the letter. Mr. Moseley asked all Committee members in favor of sending the recommendation forward to raise their hands. Ms. Kaiser

counted the votes. He asked all of the Committee members opposed to raise their hands. Ms. Kaiser counted the votes. The Committee members opposed included: Mr. Tee, Ms. Aceves, Ms. Noble, Dr. Doering, Mr. Franklin, and Mr. Moseley. Ms. Laur abstained. Ms. Kaiser said that there were 15 votes in favor, one vote shy of approval. A majority of the full Committee membership must vote in favor of an issue to send it forward to the Administrator. Mr. Joyce noted that the vote must take place in an open public forum; therefore, e-mail voting is not allowed. In response to requests for more information, Ms. Shaver said that she would send a copy of the decision and a fact sheet on the case to the Committee members. Mr. Andrew put forth a motion to table the issue until the upcoming conference call. Another Committee member seconded the motion. The Committee members unanimously agreed to postpone the discussion.

Mr. Grossi moved to the next discussion topic—a paper on nanotechnology that was sent to Committee members last week. There were some minor edits to the 2-page cover letter. The Workgroup is offering this letter asking for the Committee’s approval to send it to the Administrator. Dr. Bonanno made a motion to approve the paper. Another Committee member seconded the motion. Mr. Grossi said that the word “risk” was added to the section on specific measures that EPA might pursue to educate agriculture stakeholders about the benefits and risks of agriculture nanotechnology. A definition of nanotechnology also was added. Mr. Moseley asked all of the Committee members in favor of the paper to raise their hands. Ms. Kaiser counted the votes. He asked all those opposed to raise their hands. Ms. Kaiser counted the votes.

Ms. Noble reminded the members that she had previously requested that someone with public health expertise be added to the FRRCC. This expertise is especially needed if the group will be discussing issues like nanotechnology.

Mr. Grossi mentioned a number of other emerging issues papers in process. The land use paper was distributed to the Committee last week. A revised version of that paper will be sent to Committee members in the next 30-40 days, followed by a full Committee teleconference to approve or reject it. He encouraged the members to read it a second time and send any comments or suggestions directly to him. Addressing the communications issue has been put on hold until things settle at EPA. The Workgroup has a draft paper on ecosystem services markets in process. If anyone is interested, the Workgroup could distribute this draft paper. The Emerging Issues Workgroup also has the NPS issue to address. Materials are being collected to guide that discussion.

Public Comment

Ms. Kaiser asked speakers to limit their comments to 3-4 minutes each. She called for Ed Jestice, John Thorne, and Tyler Shannon, but they were not in attendance.

Next Committee Meeting

Ms. Kaiser stated that the proposed dates for the next meeting were August 26-28, 2009, and asked any Committee members who had conflicts to raise their hands. No conflicts were identified.

Ms. Aceves asked if the Committee had made a decision on which Workgroup would handle the Nr issue. Should a new workgroup be formed? Mr. Moseley indicated that this will be an issue for the full Committee until a better way to review the issue within a subgroup structure is determined. He agreed to work on this and send an e-mail to the Committee to collect everyone’s views on the issue.

Ms. Kaiser made one last call for public comments, but there were no comments. Mr. Moseley thanked the Committee members and adjourned the meeting at 12:49 p.m.

Action Items

- ✧ Mr. Moseley will draft a letter to the Administrator recommending that the FRRCC's charter be renewed, stressing the importance of the agricultural advisor role.
- ✧ Dr. Doering will send Ms. Kaiser links to the two NAS reports on the Mississippi River and the CWA, who then will disseminate the links to the Committee members.
- ✧ Mr. Argyropoulos will send the Committee members a copy of the final EPA Biofuels Coordinating Framework.
- ✧ Members of the Climate Change/Renewable Energy Workgroup will notify Mr. Andrew if they are still interested in being part of the Workgroup.
- ✧ Mr. Cooper will amend the text of the CAFOs letter to read, "NASDA and livestock producer organizations," and the Committee will discuss further the letter on a conference call tentatively scheduled for March 10, 2009.
- ✧ Mr. Blackham will add a sentence to the letter about EPA using NASDA as a resource indicating that NASDA had made a formal offer of assistance to the EPA Administrator at their recent meeting.
- ✧ Mr. Blackham will substitute the following paragraph for point five in the NASDA letter, "We also encourage EPA to expand their relationship with NASDA to work on education, implementation, evaluation, and research needs for environmental regulations related to agriculture. The EPA and the agricultural community, but especially the citizens of the nation, will benefit from protecting the environment and maintaining an abundant food supply."
- ✧ Ms. Shaver will send a copy of the Sixth Circuit Court decision and a fact sheet on the case to the Committee members, who then will discuss the letter on the March 10, 2009, conference call.
- ✧ Mr. Moseley will send an e-mail to the Committee members to solicit their views on how best to address the Nr issue.

**Farm, Ranch, and Rural Communities Federal Advisory Committee (FRRCC)
Meeting—February 23-24, 2009**

Meeting Participants

Committee Chair:

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Gary Warren
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Richard Wilkins
Delaware Farm Bureau

Support Contractor:

Jen Hurlburt
The Scientific Consulting Group, Inc.

These minutes are an accurate depiction of the matters discussed during this meeting.

Signed by James R. Moseley April 29, 2009

James R. Moseley
Chair
Farm, Ranch, and Rural Communities Committee

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