Litigation – Clean Water Rule and the Clean Power Plan

Clean Water Rule – case pending before the 6th Circuit Court of Appeals

**Nationwide Stay in Place

Clean Power Plan – case pending before the Court of Appeals DC Circuit; oral arguments this fall.

**Nationwide Stay in Place
Renewable Fuel Standard (RFS)

On May 18, 2016, EPA proposed increases in renewable fuel volume requirements under the Renewable Fuel Standard (RFS) program.

These increases would boost production and provide for ambitious yet achievable growth.

The proposed volume requirements and associated percentage standards are for calendar year 2017 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel.

EPA also proposed the volume requirement for biomass-based diesel for 2018.

Comment period closed on July 11, 2016.
## Renewable Fuel Volume Requirements 2014-2018

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cellulosic biofuel (million gallons)</strong></td>
<td>33</td>
<td>123</td>
<td>230</td>
<td>312*</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Biomass-based diesel (billion gallons)</strong></td>
<td>1.63</td>
<td>1.73</td>
<td>1.90</td>
<td>2.00</td>
<td>2.1*</td>
</tr>
<tr>
<td><strong>Advanced biofuel (billion gallons)</strong></td>
<td>2.67</td>
<td>2.88</td>
<td>3.61</td>
<td>4.0*</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Renewable fuel (billion gallons)</strong></td>
<td>16.28</td>
<td>16.93</td>
<td>18.11</td>
<td>18.8*</td>
<td>n/a</td>
</tr>
</tbody>
</table>

(*Proposed Volume Requirements)
Pollinator Health Task Force, co-chaired by USDA and EPA, released its report on May 19, 2015.

Promotion of State Managed Pollinator Protection Plans.

Preliminary Risk Assessments on the neonicotinoids – to be completed by end of 2016.

One completed – Imidacloprid: greatest risk appears to be for use on cotton and citrus

Other crops such as corn and leafy vegetables either do not produce nectar or have residues below the EPA identified level
Worker Protection Standards

The regulation seeks to protect and reduce the risks of injury or illness to:

-- **agricultural workers** (those who perform hand-labor tasks in pesticide-treated crops, such as harvesting, thinning, pruning) and;

-- **pesticide handlers** (those who mix, load and apply pesticides) on farms, forests, nurseries and greenhouses.

The majority of the rule revisions will be effective on January 2, 2017. EPA is working with states to develop updated materials for training and guidance.
Worker Protection Standards

**Key Provisions**

1. Annual mandatory training.

2. Minimum age requirement for handling pesticides.

3. New no-entry application-exclusion zones up to 100 feet surrounding pesticide application equipment.

4. Mandatory record keeping to improve states’ ability to follow up on pesticide violations and enforce compliance.

5. Exemption for farm owners and their immediate families.
Certified Applicator Training


Proposal would strengthen the competency standards for applicators of Restricted-Use Pesticides.

Finalized proposal expected by end of 2016.
Certified Applicator Training

Key Provisions

1. Set minimum age of 18 for private and commercial applicators

2. Private applicator must pass a written exam or complete a training program

3. Established a mandatory 3-year certification period

4. Expand competency of noncertified applicators working under direct supervision of certified applicators

5. Certification exams for initial certification and recertification must be written, closed-book exams
Pesticide Issues

- Atrazine
- Glyphosate
- Chlorpyrifos
Risk assessment concludes:

-- aquatic plant communities are impacted
-- potential chronic risk to fish, amphibians, and aquatic invertebrates
-- concerns for mammals, birds, reptiles and plants

Comment period ends on October 4, 2016

Further review by Science Advisory Panel in 2017
Glyphosate Cancer Review

Assessment will be peer reviewed and completed this fall.

Review includes:
- residues of the chemical in human breast milk,
- an in-depth human incidents and epidemiology evaluation, IARC’s cancer re-evaluation released in August 2015 (which classified glyphosate as a probable carcinogen), and
  - a preliminary analysis of glyphosate toxicity to milkweed, a critical resource for the monarch butterfly.

EPA hopes to issue the draft cancer risk assessment for public comment later in 2016.
Chlorpyrifos

EPA is proposing to revoke all food residue tolerances for the insecticide chlorpyrifos.

The agency is unable to make a safety finding as required under the Federal Food, Drug, and Cosmetic Act (FFDCA).

Prior to a final rule, EPA plans to complete its refined drinking water analysis for the entire country as well as update its analysis of the chlorpyrifos hazard to determine whether its current regulatory approach sufficiently addresses the potential for adverse impacts on infants and children.

The proposal is expected to be finalized by the end of 2016.
Pesticides and Cannabis

Increased interest in pesticides in those states that have legalized cannabis, either recreational or medical.

No pesticide is currently registered under FIFRA for use on cannabis.

The use of unregistered pesticides on marijuana may have unknown health consequences, as no pesticides have undergone complete risk assessments for use on marijuana at this time.

EPA encourages a State to pursue Special Local Needs (SLN) authorizations only where a federally registered pesticide is approved for use(s) similar to the manner in which the SLN pesticide would be used.
The Nutrient Recycling Challenge
The Nutrient Recycling Challenge

Partners

American Biogas Council  American Society of Agricultural and Biological Engineers

Ben & Jerry’s  Cabot Creamery Cooperative  Cooper Farms  CowPots

Dairy Farmers of America  Innovation Center for U.S. Dairy  Iowa State University

Marquette University  National Milk Producers Federation  Newtrient, LLC

National Pork Producers Council  Smithfield Foods  Tyson Foods

U.S. Department of Agriculture  Washington State University  World Wildlife Fund

Water Environment Research Federation
The Nutrient Recycling Challenge

Goals of the Nutrient Recycling Challenge

*Accelerate* the development of nutrient recovery technologies that are adoptable for pork and dairy farms, and can produce environmental and economic benefits.

*Increase* awareness of issues and opportunities related to nutrients and manure management.

*Connect* innovators and agricultural stakeholders.

*Stimulate* markets for products generated by nutrient recovery technologies.
The Nutrient Recycling Challenge

Launch date: November 12, 2015


Phase II: Designs: Late Summer 2016

Phase III: Prototypes/Proof of Concept: Early 2017

Phase IV: Demonstration Pilots on farms: Late 2017
Questions???
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