NCSL Agriculture Task Force

McCormick Place – West Building | Chicago, Illinois
August 7-8, 2016

Co-Chairs
Senator Rita Hart – Iowa
Representative Justin Cronin – South Dakota
## Agenda

**Sunday, August 7**

**Room 179b**

**McCormick Place – West Building**

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| 12:30 – 1 p.m. | **Informal Welcome Lunch**
  
  *Lunch will be provided prior to the tours. Please let us know if you plan to eat lunch on your own.*
| 1 – 2 p.m.    | **Visit to Rooftop Garden at McCormick Place**
  
  Windy City Harvest runs the 20,000-square-foot rooftop garden at McCormick Place in collaboration with Savor...Chicago, the food service operation for McCormick Place. This experimental and commercial production location is testing the feasibility of growing herbs and greens in raised beds with a lightweight soil mix that formerly supported only sedum plants. The farm includes a microgreens operation, beekeeping, and vermicomposting.
  
  **Angela Mason**, Associate Vice President, Windy City Harvest, Chicago Botanic Garden
  
  *The bus will leave the convention center from Gates 43/44 by 2 p.m.*
| 2 – 3 p.m.    | **Visit to Windy City Harvest’s Legends Farm**
  
  Legends South is a 2-plus acre site that serves as an incubator for six small farm businesses independently run by graduates of both the Apprenticeship program and Business and Entrepreneurship for Local Foods course. Accepted farm businesses receive a two-year maximum term lease, ready-to-farm land, mentoring support and technical assistance, access to tools and equipment, and shared access to markets.
| 3:30 – 5 p.m. | **Visit to Farm on Ogden**
  
  This food hub and training facility is underdevelopment and located near a busy transportation hub. The facility will offer large-scale commercial operation training in aquaponics/hydroponics and micro-processing and provide workforce development capacity in this growing industry. The neighboring healthcare provider will further collaborate on this project for food and nutritional opportunities for its patients and the surrounding community.
  
  **Discussion on State-Wide and Local Agricultural Planning Efforts**
  
  **Leland Strom**, CEO, Food and Agriculture Roadmap (FARM) Illinois
  
  **Brad Leibov**, President and CEO, Liberty Prairie Foundation
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| 6:00 – 7 p.m. | **NCSL President-Elect Reception**  
*Hosted by Iowa Senate Majority Leader Mike Gronstal* |
| 7 – 10 p.m.  | **Architectural River Boat Tour Dinner**  
*(Members, invited guests and partners of the Agriculture Task Force only)*  
Enjoy dinner and networking with fellow legislators all while getting an up close view of some of Chicago’s most famous architecture. We will be joined by legislators and partners of NCSL’s Energy Supply Task Force.  

*Drinks and heavy hors d’oeuvres will be served*

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**Room 179b** |
| 7:30 a.m. | **Breakfast** |
| 7:45 – 8:45 a.m. | **Federal Update**  
Representatives from both the U.S. Department of Agriculture (USDA) and Environmental Protection Agency (EPA) will provide updates on the latest agency news as well as participate in a question and answer session on pressing state-federal issues in the agriculture world.  

*Ron Carleton, Counselor to the Administrator for Agricultural Policy, EPA  
United States Department of Agriculture (invited)* |
| 8:45 – 9:45 a.m. | **Future of Fuel: Increased Octane**  
Currently, automobile manufacturers are facing a tremendous challenge in meeting the coming demands for emission reductions and fuel economy improvements. While electric vehicles are forecast to increase market share, the majority of vehicles will continue to be spark ignition engine driven for the foreseeable future. Experts in both the private and public sector are researching methods to achieve emission reductions. This panel will discuss how high octane, renewable fuels can help meet and possibly exceed these requirements.  

*John Farrell, Laboratory Program Manager—Vehicle Technologies, National Renewable Energy Laboratory  
Dean Drake, President, Defour Group LLC  
Dominic DiCicco, Manager, Environmental Policy & Fuel Quality Sustainability & Vehicle Environmental Matters, Ford Motor Company* |
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| 10 – 10:45 a.m. | **Agricultural Inspection: Protecting from Pests and Disease Outbreaks**
|                 | Pests and diseases continue to present a challenge to the agricultural industry that require new regulatory and policy approaches. Additionally, globalization and the rise in international trade have brought countries both closer together, but also more at risk from outbreaks. Join us for a discussion of how USDA and U.S. Customs and Border Patrol work to ensure a safe and secure supply of agricultural products. |
|                 | **Mark Grzeszkowiak**, Chief Agriculture Specialist, Customs and Border Protection Agriculture Cargo Inspection, Port of Chicago |
|                 | **Dr. John Clifford**, Animal and Plant Health Inspection Service Chief Veterinary Officer, United States Department of Agriculture |
| 10:45 – 11:45 a.m. | **Legislative Roundtable and Future Planning for the Task Force**
|                 | Engage in a discussion on NCSL resolutions and directives up for consideration, trending agricultural policy topics happening in the states, and potential topics for future Agriculture Task Force meetings. |
| Noon – 4 p.m.   | **Union Pacific Rail Yard Tour**
|                 | Take a ride on METRA to Union Pacific's Proviso rail yard where committee members receive a rail safety, engineering and hazmat briefing. A tour the rail equipment and hump yard follows the briefing. (Lunch is included.) |
|                 | *Tour bus will depart from gates 43/44* |

### Additional Summit Sessions

**Tuesday, August 9**

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| 7:30 – 8:45 a.m. | **Food & Farm Breakfast**
| Room W179 a Level 1 | The United States and Canada enjoy the largest bilateral trading relationship in the world, which includes more than $50 billion in agriculture and food trade. Join us for a full breakfast briefing from Roy Norton, the consul general in Chicago, about how this bilateral trade directly creates jobs and economic opportunities in both the United States and Canada, builds on our respective efficiencies and creates a more competitive and integrated agriculture and food industry. |
|                 | **Moderator: Sen. Rita Hart**, Co-Chair NCSL Agriculture Task Force |
|                 | **Speaker: Marcy Grossman**, Consul General, Consulate General of Canada in Denver |
|                 | *Hot Breakfast will be provided.* |
|                 | *Sponsored by ADM* |
NRI Committee Business Meeting
Debate and vote on policies that guide NCSL's advocacy work in Washington, D.C.

12:15 – 1:30 p.m.
Room W179 a
Level 1

SmartLabel™ – Delivering Transparency to Consumers
It's no secret that consumers are demanding to know more about the products they buy and consume, from food and beverages to body lotion and laundry detergent. Meanwhile, policymakers at the federal and state levels are engaged in conversations regarding the future of food and beverage product labeling. Join the Natural Resources and Infrastructure Committee for a briefing from Pennsylvania Senator Rob Teplitz and The Hershey Company regarding the new industry product transparency tool, SmartLabel™. SmartLabel™ is a mobile and digital tool that delivers detailed product information to consumers on demand across food, beverage, personal care and household care categories. Consumers can instantly access information about product ingredients, allergens, certifications, nutrition details, usage guides and much more to make better decisions for their families.

Speakers:
Deborah Arcoleo, Director, Product Transparency at The Hershey Company

Sponsored by The Hershey Company

Wednesday, August 10

10:35 a.m. – 12:30 p.m.
Room W375 e

NCSL Business Meeting

The next Agriculture Task Force Meeting will be in Washington, D.C. on December 5 as part of NCSL’s 2016 Capitol Forum.

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NCSL Standing Committee on Natural Resources and Infrastructure

Policy Directives and Resolutions

2016 NCSL Legislative Summit
Chicago, Illinois

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A resolution of the National Conference of State Legislatures, expressing support for federal efforts to increase funding for avian flu research and vaccine development efforts.

WHEREAS, US farmers, poultry processing and food production plants supply a significant portion of poultry products consumed nationally and internationally; and

WHEREAS, agriculture is a key driver of rural and state economies and the tremendous productivity of United States farmers benefits the national economy and the country’s international trade balance; and

WHEREAS, the highly pathogenic avian influenza (HPAI) H5N1 strain is a new mixed-origin virus that combines the H5 genes from the Asian HPAI H5N1 virus with N genes from native North American avian influenza viruses found in wild birds; and

WHEREAS, according to the USDA, since December 2014, confirmed cases of HPAI H5 have been reported in the Pacific, Central, and Mississippi flyways (or migratory bird paths). The disease has been found in wild birds, as well as in a few backyard and commercial poultry flocks. The Centers for Disease Control and Prevention (CDC) considers the risk to people from these HPAI H5 infections to be low; and

WHEREAS, 223 detections of HPAI H5 have been reported across 15 states, with the Midwest being hit the hardest, affecting over 48 million birds; and

WHEREAS, farmers and agriculture related businesses have seen significant losses in revenue and workers have been laid off or subject to reduced work hours; and

WHEREAS, according to USDA statistics, nationwide, over 11% of the nation’s laying hens and over 3% of the nation’s annual turkey production have been impacted to date,
resulting in a significant threat to United States agriculture and the ability of our farmers to feed a growing world population; and

WHEREAS, state and federal governments have invested millions of dollars to address the fallout associated with H5N1 and find solutions to the virus; and

WHEREAS, the USDA Agricultural Research Service (ARS), Southeast Poultry Research Lab (SEPRL) is working to evaluate and develop avian influenza (AI) vaccines; and

WHEREAS, the National Conference of State Legislatures (NCSL) recognizes the serious threats posed by the HPAI outbreak and the key role that the federal government plays in harnessing resources and providing assistance to farmers and others affected by the virus,

NOW, THEREFORE, BE IT RESOLVED by the NCSL that it fully supports recent federal efforts to protect poultry production and the nation’s food supply by aggressively working to contain and remediate outbreaks when they occur. NCSL also supports federal efforts to serve as technical advisors and the clearinghouse of information for all sectors, and investigating ways to stop the spread of the virus.

BE IT FURTHER RESOLVED, that the NCSL strongly encourages the federal government to increase the funding necessary for state and federal agencies to continue development of biosecurity containment strategies, time sensitive approaches to sharing information, and more aggressive research into what is causing avian influenza, why some fowl are more susceptible, and prevention measures, including the development of vaccines, that can be taken.

BE IT FURTHER RESOLVED, federal agencies should work closely with the states to align HPAI efforts and share best practices.

BE IT FURTHER RESOLVED that NCSL and the states are willing partners in the federal government’s HPAI efforts and will closely monitor federal actions and progress on these and related efforts of utmost importance to the states and our nation’s food supply, rural agriculture economies, environment, and natural resources.
WHEREAS, growing concerns about water quality, soil fertility, weed control, nematode control, water retention and biodiversity; and

WHEREAS, farmers need real solutions to solve concerns and maintain yields and profits,

WHEREAS, cover crops have proven to increase yields in university studies as well as in replicated farm research on real-world field plots; are an increasingly popular way to keep soil healthy; help reduce the need for N and other nutrients, and create a healthier soil environment that resists disease and pests; inhibit weed growth by shading them out, by preventing emergence, and by compounds exuded by the roots; are shown to reduce populations of pathogenic nematodes and encourage populations of beneficial ones; break up soil compaction whether it is naturally occurring or a result of heavy cultivation and tillage; add diversity to the natural biological life in heavily farmed soils, often working in synergy with cash crops for bottom line benefits; add diversity to the natural biological life in heavily farmed soils, often working in synergy with cash crops for bottom line benefits.

RESOLVED, that the National Conference of State Legislatures supports federal efforts to further the development of and proliferation and use of cover crops.

BE IT FURTHER RESOLVED, that this resolution be submitted to appropriate federal officials and the U.S. Congress.
A resolution of the National Conference of State Legislatures Natural Resources and Infrastructure Committee, recognizing the importance of pollinators, stressing the negative ramifications of continued pollinator loss, and expressing support for federal efforts to protect pollinators.

WHEREAS, farmers depend on pollinator species such as bees, ants, butterflies, birds and bats to successfully produce approximately one third of all United States agricultural output; and

WHEREAS, in addition to food, pollinators also are vital to the production of fibers, edible oils, medicines, and other products; and

WHEREAS, urban and rural beekeepers play an important role in state and federal agricultural production; and

WHEREAS, agriculture is a key driver of rural and state economies and the tremendous productivity of United States farmers benefits the national economy and the country’s international trade balance; and

WHEREAS, pollinator loss poses a significant threat to United States agriculture and the ability of our farmers to feed a growing world population; and

WHEREAS, pollinators are essential organisms in the ecosystems that provide biodiversity, recreation and enjoyment for people and habitat for wild plants and animals; and

WHEREAS, the National Conference of State Legislatures (NCSL) recognizes the serious threats posed by pollinator loss and the key roles that the federal government plays as
landowner and manager, regulator of pesticide products, and financial and technical assistance provider to farmers and other private landowners; NOW, THEREFORE,

BE IT RESOLVED by the NCSL Natural Resources and Infrastructure Committee that it fully supports recent federal efforts to: develop best management practices and enhance pollinator habitat on federally owned or managed lands; incorporate pollinator health as a component of all future federal restoration and reclamation projects; revise guidance documents for designed landscapes and public buildings in order to incorporate pollinator-friendly practices; increase both the acreage and forage value of pollinator habitat in the Conservation Reserve Program and other federal conservation programs; provide technical assistance in collaboration with land-grant university-based cooperative extension services to federal departments and agencies, state, local, and tribal governments, and other entities and individuals including farmers and ranchers; assist states and state wildlife organizations, as appropriate, in identifying and implementing projects to conserve pollinators through the revision and implementation of State Wildlife Action Plans; assess the effects of systemic pesticides and parasites on bee and other pollinator health and take corresponding action, as appropriate, to protect pollinators from pesticides and parasites; and take immediate measures to support pollinators with proper habitat and nutrition during the current growing season and thereafter, including planting pollinator-friendly vegetation, increasing flower diversity in plantings, limiting mowing practices, and reduce or avoid, when necessary, the use of pesticides in sensitive pollinator habitats through the use of integrated vegetation, pest and colony management practices.

BE IT FURTHER RESOLVED that states work closely with affected individuals and serve as laboratories of innovation in problem solving and policy making. Federal agencies should work closely with the states to align pollinator protection efforts and share best practices.

BE IT FURTHER RESOLVED that NCSL and the states are willing partners in the federal government’s pollinator protection efforts and will closely monitor federal actions and progress on these and related efforts of utmost importance to the states and our nation's food supply, urban and rural agriculture economies, environment, and natural resources.
COMMITTEE:  NATURAL RESOURCES AND INFRASTRUCTURE

POLICY:  EXAMINATION OF THE PROPOSED MERGER
          BETWEEN DOW CHEMICAL AND DUPONT

TYPE:  NEW RESOLUTION

A resolution of the National Conference of State Legislatures, urging the federal
government to carefully examine a proposed merger of agricultural input companies.

WHEREAS, America's farmers provide food, fiber, and fuel for this nation and a growing
world population; and

WHEREAS, farmers currently face significant financial challenges due to low commodity
prices and no commensurate reduction in cost for inputs such as seed and fertilizer; and

WHEREAS, both farmers and consumers benefit from true competition in agricultural input
markets; and

WHEREAS, excessive consolidation in the agricultural input sector has the potential to
stifle innovation, create barriers to entry for smaller companies, and lead to higher prices
and limited choices for farmers and consumers; and

WHEREAS, these impacts would have significant negative effects on state economic
output, particularly in rural areas; and

WHEREAS, the proposed merger between Dow Chemical and DuPont could create the
country's largest biotechnology and seed company in an industry that has already
undergone significant consolidation in recent years; and

WHEREAS, the Antitrust Division of the United States Department of Justice is charged
with enforcing section 7 of the federal Clayton Act and prohibiting mergers that would
substantially decrease market competition; and

WHEREAS, the Antitrust Division's efforts ensure that farmers and consumers benefit from
competitive markets for agricultural inputs and the abundant production, competitive
prices, innovation, and efficiency that result when markets function free from
anticompetitive interference; and

WHEREAS, the Clayton Act empowers the Antitrust Division to stop or modify a proposed
merger to prevent economic harm that would be more difficult to address once the merger
is finalized; and

WHEREAS, the Antitrust Division has scrutinized and successfully blocked or modified
several agricultural mergers resulting in substantial benefits for farmers and consumers,
including the proposed mergers of Monsanto and DeKalb Genetics Corporation (1998),
Cargill and Continental (1999), Case and New Holland (1999), Monsanto and Delta & Pine
Land (1999); and Syngenta, Astrazeneca and Advanta (2004);

NOW, THEREFORE, BE IT RESOLVED by the National Conference of State Legislatures
that it urges the Antitrust Division of the United States Department of Justice to carefully
examine the proposed merger between Dow Chemical and DuPont in order to protect
American farmers and state economic output from the negative effects of excessive
consolidation and uncompetitive markets for agricultural inputs.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Attorney General
Loretta Lynch, President Barack Obama, and all members of Congress.
WHEREAS, as many rural hospitals have recently closed, air ambulance services have become increasingly necessary and are being used more frequently to transport patients to faraway hospitals in an emergency; and

WHEREAS, competition among air ambulance services have increased costs; and

WHEREAS, air ambulance services can cost patients tens of thousands of dollars out-of-pocket when companies do not accept a patient’s insurance, and emergency patients rarely have the capacity to choose their own air ambulance company; and

WHEREAS, some air ambulance companies refuse to reveal actual costs to insurers, and some insurers are unwilling to pay market value for the service; and

WHEREAS, federal government Medicare reimbursements cover only a small portion of the actual cost of an air ambulance, forcing air ambulance companies to charge patients more; and

WHEREAS, under the Airline Deregulation Act, states cannot regulate routes, services or prices of air ambulances; and

NOW, THEREFORE BE IT RESOLVED THAT, NCSL supports state sovereignty in air ambulance regulation in order to protect patients from overwhelming financial burdens for emergency medical services; and

BE IT FURTHER RESOLVED THAT, NCSL urges Congress to amend the Airline Deregulation Act in order to provide states the authority to enforce insurance regulations on air ambulance providers to protect consumers.
Federal Land Policy Management Act (FLPMA)

The Federal Land Policy Management Act (FLPMA) provides for perpetual federal retention of public lands unless it is in the national interest to dispose of a particular parcel.

Ninety-three percent of all lands under federal jurisdiction in the United States are located in the West, and over sixty-three percent of the land area in the twelve western states is federally controlled. Further, many federal and non-federal lands are intermingled. This limits the western states' prerogatives in managing the uses of their own land and further limits the potential base of the states' economies. Units of governments whose property tax revenue bases have been reduced by large federal land holdings also require adequate funds to help make up the shortfall. With perpetual federal retention, Congress must assure state payments in lieu of taxes in perpetuity.

Federal-state relations regarding federal agency land planning vary widely and suffer from a lack of specificity on how and when cooperation should take place. No meaningful mechanism currently exists in the wilderness review process for the involvement of legislatures as the state policymaking bodies.

The National Conference of State Legislatures (NCSL) urges all federal agencies involved in the management of public lands to incorporate within their policies and regulations provisions for a continuous and cooperative involvement of state governments in public lands policy and public lands management. Furthermore, NCSL supports remedial legislation which will guarantee a state and tribal role in public lands management and establish procedures for designations, disposition, or use of certain public lands found to be excess property.

Federal agencies managing federal land should assure that uses, both on-site and off-site, do not cause adverse environmental impacts on the federal land or other adjacent lands or...
waters and provide special protection for wetland resources in light of the goal of no loss of wetlands.

As Congress considers funding for federal agencies with public land management responsibilities, NCSL recommends that Congress assure appropriations sufficient for the full and proper execution of the agencies' legislative mandates to process lease applications properly and expeditiously and protect the environment during increased energy development.

If a federal wilderness designation occurs, state and/or tribal "inholdings" in wilderness areas should be purchased, or exchanged with lands of equal or greater value outside of these areas as designated by FLPMA.

NCSL also urges the establishment of an interagency coordinator or coordination program to facilitate tribal governments, state agencies and communities to address all relevant agencies in a "one stop" manner.

Takings and Land Use Authority

NCSL strongly opposes any federal legislation or regulation that would: 1) attempt to define or categorize compensable "takings" under the Fifth Amendment to the United States Constitution; (2) interfere with a state's or tribe’s ability to define and categorize regulatory takings requiring state or tribal compensation; (3) preempt state or tribal eminent domain constitutional provisions or statutes; or (4) infringe on state or tribal sovereignty under the Eleventh Amendment. NCSL supports collaborative examinations of state, tribal and federal use of eminent domain authority.

Conservation Easements

NCSL urges Congress to enact legislation to make permanent the tax deduction for charitable contributions by individuals and corporations of real property interests for conservation purposes through conservation easements.
Readiness and Environmental Protection Initiative

The Department of Defense (DOD) Readiness and Environmental Protection Initiative (REPI) enables DOD to work with partners to protect valuable habitat and avoid land use conflicts in the vicinity of priority installations. Maintaining availability, accessibility and capability for realistic training, live fire testing and other operations is crucial to ensuring a trained and ready force to support the DOD mission to fight and win the nation's wars.

REPI provides significant and long term benefits to the people and the landscape in communities surrounding military installations. It enhances military readiness; protects high value habitat; strengthens military/community relations; and provides the opportunity for partnerships among key stakeholders, such as state, tribal and local governments and the military. NCSL supports REPI and believes there is a limited window of opportunity for REPI partnerships to protect land and habitat in support of military training and testing. In addition, the increasing numbers of willing sellers in the existing real estate market present significant near-term opportunities to leverage REPI funding with state, tribal and local partners.

NCSL applauds the United States Congress for recognizing the critical need to protect DoD bases and the limited window of opportunity to do so, and for continuing its strong bipartisan support for REPI.

State-Federal Partnerships In Land Management Around Federal Facilities

The NCSL calls on Congress and the Administration to enable and encourage federal agencies to enter into formal partnerships with state or tribal governments to enable the better management of land in and around military and other federal facilities. Such partnerships will enable states, federally recognized tribes, local communities and the federal facilities, ranges, and training air/sea/land space they serve to work jointly on matters of importance to all stakeholders. The adoption of memorandums of understanding or other agreements between federal agencies, tribal governments, and/or state wildlife, parks, and environment agencies will establish a mechanism for the federal agencies to:

- assist tribal governments and state agencies to acquire landowner agreements around military facilities;
assist tribal governments, communities and states to be better prepared for the next BRAC round by ensuring mission capabilities at military facilities; and

identify within the federal agency the person or office to whom tribal governments, state agencies and communities may contact for assistance in coordinating conservation easement/contracts or other appropriate negotiated transaction.

In partnering with such agencies as the Department of Defense (DOD), the U.S. Department of Agriculture (USDA), the U.S. Department of Interior (Interior), and the U.S. Army Corps of Engineers (Corps) states, tribal governments and local communities will be able to:

- protect water resources benefiting tribal governments and local communities and federal facilities ranges, and training air/sea/land space;
- improve wildlife habitat around federal facilities, ranges, and training air/sea/land space and throughout the state;
- expand public understanding of how critical tribal and state land conservation actions are to protect the mission and economic welfare of federal entities;
- expand public support for federal assistance of state efforts to acquire permanent conservation easements, contracts or other appropriate negotiated transactions and long term leases with landowners to protect federal installations from civilian encroachment that will adversely impact mission capabilities and economic benefits to communities, and increase land for contract training;
- expand state agency, private landowners, and DoD facilities' ability to develop longitudinal training capabilities through partnerships that expand training opportunities in combination with preserving agricultural lands; and that permit federal and national guard training areas to be linked for expanded joint training; and
- encourage tourism to the conservation lands acquired by state agencies.
Jurisdiction for federal water projects is scattered throughout agencies of the federal government and committees of Congress. The National Conference of State Legislatures sees a need for clearer, more coordinated and more consistent federal policies. These policies, however, should recognize and build upon the constitutions, statutes, policies and programs of the states as the fundamental basis for a truly national effort toward better water resources management. The federal government should recognize that water resources policy can and must be developed at the state level. The appropriate role for the federal government should be to provide technical, research and financial assistance to the states at their request.

NCSL endorses the following principles:

- Primary authority and responsibility for water resources management functions, including planning, development and regulation, rest with the states and their delegated interstate agencies. Water resources management, wetland protection, coastal zone management, and soil conservation projects should be clearly delineated by Congress as the primary responsibility of the states and their delegated interstate agencies, with federal oversight.

- A national water conservation initiative should be undertaken to encourage water conservation at the federal, state and local levels. Functions, such as navigation and flood control and other issues at the prerogative of the state, should continue to be shared with the federal government to the degree appropriate. Federal policy must recognize and respect the rights of the states to administer their individual water laws and to manage their water resources.

- The role of the federal government is four-fold: (1) to establish a framework of national objectives developed in cooperation with the states; (2) to provide assistance to the states in the development of programs to meet state needs within
such a framework; (3) to be consistent with such state programs to the maximum extent possible when undertaking direct federal actions pursuant to the national interest; and (4) to coordinate agency activities through a national coordinating entity reporting directly to the President and with provision for adequate state and public input.

The responsibility of the federal government is to establish, in full cooperation with states and other appropriate interests, national objectives for the protection, management, restoration, development, and use of water and related resources to meet national economic, environmental and social objectives and to assist in implementing such policies in federal actions and through assistance and support for state actions.

The essential steps toward orderly, efficient and balanced water resources management are to recognize the primary responsibility of the state and to put each state in the position to secure, in cooperation with local governments, coherent water management strategies.

Federal policy should be directed toward strengthening the capacity of the state to act as the integrator and manager of all programs affecting the water resources of the state. To do so effectively, states need:

- Realistic and dependable financial support to integrate management activities through expansion of provisions for state assistance;
- Full funding of authorized programs consistent with congressional intent;
- A common platform for compiling and accessing data across programs and agencies that is available to local, state, interstate and federal stakeholders; and
- Assurance that direct federal actions will be consistent with state programs, responsive to national policy, and carefully evaluated against mutually agreed upon standards.
• Federal actions, projects and programs must be consistent with adopted state and interstate water and related resources plans and programs.

• Greater flexibility in the entire federal support system for water resource planning and management.

• Federal project evaluation, planning, financing, cost sharing, and cost recovery policies should be reviewed and simplified.

• Project evaluation should promote equal consideration of both structural and non-structural solutions.

Many existing water programs create inherent financial biases which favor certain solutions to water problems over others, sometimes resulting in the approval of programs of only marginal utility. Accordingly, NCSL urges that:

• Cost-sharing policies should be consistent among alternative means for achieving the same purpose.

• Cost sharing policies should be consistent among federal agencies for the same purposes. There should be no financial grounds for non-federal participants to "shop around" for the best deal.

• The public participation requirements of project planning and evaluation criteria should be aggressively carried out.

**Water Conservation**

Water conservation must be a fundamental consideration in all future water management programs.

Accordingly, NCSL recommends:

• A national water conservation initiative implemented by the states as a part of their total water management programs with federal financial and technical assistance including a component for evaluation of the true benefits and costs of conservation;
• Encouraging comprehensive management of intermittently available freshwater resources to maximize the availability of surface and groundwater supplies;

• Closely examining the incentives and disincentives for encouraging conservation, recycling and reuse of water;

• Examining and promoting where feasible the practices of conjunctive use of water supplies; and

• Congress fund research into the use of saltwater or grey water sources as an alternative to the continued use of scarce freshwater resources.

Among water research programs, no specific mechanism exists which focuses the water research establishment on the planning and management concerns of the nation's principal water managers---the states.

As such, NCSL recommends that:

• The research agenda of both the federal agencies and the federally-supported water resources research centers be developed in conjunction with the expressed research needs of the state.

• Congress should recognize state primacy over all water rights within each state's boundaries and bring to closure the debate on the Federal Reserved Water Rights Policy.

• Congress should respect and encourage state compacts for sharing and managing water resources.

**Wetlands**

NCSL supports a wetlands program that is flexible to balance the competing and legitimate demands for conservation and use of the Nation's resources.

NCSL urges Congress and the Administration to:
- Reaffirm the national goal of eliminating the net loss of both wetlands acreage and wetlands habitat values, as a result of any activities, and of increasing both wetlands acreage and wetlands habitat values;

- Designate a single federal agency to be the lead agency responsible for the overall development, implementation, and enforcement of a national wetlands policy in partnership with the states;

- Facilitate the delegation of wetlands protection programs to the states and provide technical and financial resources to assist states in developing and operating their programs;

- Establish a clear preferred sequence of mitigation options that begins with avoidance of adverse effects on wetlands followed by a reduction of unavoidable adverse effects, and allowing compensation by creating, replacing or restoring within the same ecosystem; and

- Recognize that private landowners have an economic stake in wetlands resources and establish a strong program of economic incentives that encourages and assists the private sector to exercise its management responsibilities in a way that will protect the public values wetlands provide while contributing to a reasonable return on investment.

Federal agencies, in conjunction with states, the private sector, and nonprofit groups should expand their educational outreach programs.

The U.S. Army Corps of Engineers and the EPA should agree on strategies for effectively and expeditiously monitoring, verifying, and enforcing permits authorizing activities in wetlands. In addition Congress and other regulatory authorities should take any necessary action, including amending existing laws to prevent the willful alteration of wetlands characteristics to circumvent regulatory jurisdictions.
Aquatic Nuisance Species

To combat the threats to biodiversity in the nation's coastal and estuarine habitats as well as inland navigable waters that are associated with aquatic nuisance species and to help prevent their introduction into state waters, NCSL calls on Congress to:

- Reauthorize the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990;
- Provide for improved means for preventing the introduction of aquatic nuisance species;
- Increase the support for international, national, and state efforts to control and manage aquatic nuisance species; and
- Increase research and technical assistance resources available to federal, state, and local officials.

Water Pollution Control

NCSL urges that:

- Congress fully fund the Sewer Overflow Control State Grants Program;
- Congress separately appropriate full funding for non-point source pollution and ensure the effectiveness of the provisions of this program to restore and protect our nation’s waters;
- Congress initiate an incentive program to encourage water conservation in the states;
- Congress authorize and fully fund new grant programs for wastewater and drinking water infrastructure developments;
- Nutrient pollution be prioritized as a water quality improvement objective in the Mississippi River basin and wherever such pollution from pervasive point
and non-point sources creates serious hypoxic conditions in waters of economic, ecological and/or recreational significance;

- The federal government foster and assist in the financing and support of working groups of state legislators within major watersheds where water pollution is a multi-state responsibility, with such working groups or compacts formed to coordinate the development of strategies, policies, statutes, regulations and spending priorities for the attainment of clean water, including goals, timelines and accountability for performance.

- EPA strengthen pretreatment pollution prevention requirements to reduce the amount of hazardous waste flowing to waters from wastewater treatment plants and from contaminated sludge; and that

- Uniform national wastewater monitoring standards and protocols should be required to assure achievement of water quality objectives, fair and uniform enforcement, and full disclosure of contamination.

### Drinking Water

NCSL urges Congress and the Administration to increase federal appropriations for safe drinking water programs to necessary levels that also takes into account recent developments across the country regarding lead contamination. A special consideration for financial assistance should be given to those states that have communities and water systems that have limited resources to deal with the requirements of the Safe Drinking Water Act (SDWA). States should receive additional federal financial assistance in order to develop and maintain the administrative and technical capacity needed to implement the program's mandated objectives.

Furthermore, NCSL supports the following provisions:

- States should have the authority to prioritize activities based on state public health needs.
• States should be able to use federal drinking water funds to consolidate public water systems when it is economically or environmentally beneficial, and/or in the best interest of the public health.

• Congress should direct EPA to base its standards on scientifically sound principles for protection of human health. The ability of EPA to require water systems to test for additional contaminants must take into account the human health risk posed by the contaminant. Congress should adequately fund EPA's research efforts to develop scientifically sound standards which will assure safe drinking water.

• EPA should be directed to work closely with primacy states in establishing a comprehensive program of water testing which recognizes the potential of contaminants based upon source, storage and delivery of water. Human health protection should be the basis for establishing any contaminant management program.

Disapproval or withdrawal of primacy should not result in a decreased level of public health protection in that state.

**State Revolving Funds (SRFs)**

With respect to the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF), NCSL supports the following:

• Reauthorization of the CWSRF and DWSRF at levels commensurate with state needs.

• States should be able to extend the life of SRF loans as necessary to accommodate low-income communities provided the loan repayment period does not exceed the useful life of the project.

• States should be able to use the interest earnings from the SRF monies for grant assistance to low-income communities, or for other related projects as determined by the individual state.

• States should be allowed to use at least 6-8% of SRF funds for administrative costs.
- States should be able to use SRF funds to consolidate public water systems when it is economically or environmentally beneficial, and/or in the best interest of the public health.

- In years when federal funds increase by more than 20%, states may request a waiver of the increased match required, with current state funds used for state drinking water purposes qualifying as the match for that year.

- Any new requirements applied to the CWSRF or the DWSRF should not be applied retroactively to funding already in the SRF or projects currently in progress.

**Stormwater Management**

NCSL urges Congress and the Administration to:

- Commit to and provide full funding and resources for combined sewer overflows (CSOs), sanitary sewer overflows (SSOs) and storm water wet weather discharges.

- Include a federal cost share of at least 50 percent of the cost of remediation.

- Establish a zero-interest, or low interest, loan program for homeowners and businesses required to implement storm water management programs.

- Wet weather management funding should be in addition to, and not replace, other Federal funding programs.

NCSL further urges Congress and the Administration to:

- Authorize state environmental agencies to grant waivers for both municipal and private sector implementation based on economic hardship.

- Direct the EPA to encourage evidence-based abatement methods and promote compliance using alternative methods of abatement that are least costly to implement.

**Groundwater**
NCSL believes that the development of groundwater policy should take into account or include the following:

- State primacy must be assured in the development of groundwater legislation.
- There needs to be federal assistance available to states in protecting wellhead/recharge areas from contamination.
- A survey of state data collection and research needs should be completed to assess future needs for financial and technical assistance with respect to aquifer mapping, monitoring and classification.
- Any policy should recognize the diversity of hydrologic, climatic, economic, legal, and social factors within various states and regions.
- States' primacy in devising appropriate financing mechanisms for groundwater programs should be continued.
- Where necessary groundwater conservation programs with appropriate financing should be developed jointly by the federal, state and local governments, but implemented by state and local governments.
- A comprehensive review of groundwater contamination from pesticides should be undertaken and recommendations based on this review should be implemented.

**Publicly Owned Treatment Works**

NCSL urges Congress to cooperate with states to eliminate barriers to local government's ability to restructure assets or raise the capital necessary for costly improvements to Public Owned Treatment Works (POTWs). While NCSL takes no position with respect to whether any particular POTW should pursue a public-private partnership, the decision to enter such a partnership should be made by the local unit of government pursuant to state law and local ordinance.
The National Conference of State Legislatures (NCSL) recognizes the substantial benefits to the nation of the U.S. system of waterways and ports by providing access to the world’s markets and the combined efforts of all levels of government and users in sharing the cost of port and waterway development and maintenance. NCSL further acknowledges the distinctive roles played by the states and the federal government in financing waterways and ports. The increase of state and local financial support in recent years should be concomitant with an increased planning authority, which is particularly important for the integration and support of other transportation systems for enhanced waterway and port activity.

Ports

NCSL believes that in order to sustain U.S. leadership in global trade:

- The nation’s ports must receive adequate federal funds to improve and maintain federal navigational channels.
- Congress should adequately fund deepening projects to modernize our ports and make full use of the Harbor Maintenance Trust Fund to maintain the nation’s harbors.
- NCSL opposes the accumulation of harbor tax receipts at the federal level, as it is a break in faith from the purpose of the Harbor Maintenance Tax and results in the imposition of a competitive burden without providing needed improvements necessary to achieve efficiencies to offset added taxes.
Intermodal Connectors

NCSL calls on Congress to significantly increase federal investment in highway and rail infrastructure and provide states added flexibility to improve intermodal connectors and surface transportation systems near the nation’s ports. Where feasible, NCSL also encourages and supports the deployment of ferry crossings.

Maritime Security

NCSL believes that port security is a state-federal partnership, critical to the nation’s homeland security strategy and that states need clear federal direction to ensure that resources are focused on the most needed security improvements.

As such, NCSL supports the Department of Homeland Security’s Port Security Grant Program, which is vital to ports’ abilities to make improvements quickly and comply with the Maritime Transportation Security Act of 2002. Federal assistance should fund federal directives and requirements regarding enhanced security of publicly operated ferries and the inspection of vehicles and freight in order to avoid unfunded federal mandates.

Foreign Imports

NCSL supports:

- Action by the Federal Maritime Commission to restrict foreign cargo shipments from nations that discriminate against U.S. carriers.

- Complying with the requirements, regarding the importation of hazardous materials, of the National Environmental Policy Act to insure proper notification and assessment of environmental impact.

Inland Waterways

NCSL supports the continued predominant federal role in inland waterway capital and operating expenditures due to the interstate commerce nature of this transportation system as well as the implementation of the 2014 Water Resources Reform and
Development Act (WRRDA). NCSL also supports increased investment in the Inland Waterways Trust Fund to repair and modernize the existing infrastructure. **This increased level of investment should come from an increase of the per gallon fuel user fee between $.06 and $.09 as such an increase is already supported by commercial barge and towing companies, the users of the inland waterway system. The commercial barge and towing companies, joined by a diverse coalition of stakeholders, unanimously and voluntarily requested a 45 percent increase to the per gallon user fee to address the growing backlog of needed lock and dam construction. Congress approved the increase in 2014, and should now increase the federal level of investment to lock and dam infrastructure commensurate with the increasing revenue deposited into the Inland Waterways Trust Fund, to ensure full use of these funds annually, based on industry-endorsed capital investment strategy recommendations on priority projects.** NCSL supports the utilization of U.S. Department of Transportation discretionary funds for emergency assistance to states for ports and waterways.

**Waterways—General**

NCSL believes that:

- The role of the U.S. Coast Guard in directing waterborne traffic should be enhanced. As such, adequate emergency response plans should be developed with a review of existing contingency plans. Additionally, Congress should continue to fund the Coast Guard's Integrated Deepwater Systems program while maintaining existing funding for other transportation programs.

- The user fee method of financing expenses incurred primarily for the user's benefit is an appropriate mechanism. However, the effect of such charges in a competitive worldwide environment should be carefully scrutinized. Any assessed fees should be equitable and nondiscriminatory and should be protected in trust fund accounts with their expenditure limited to the purposes for which they were collected. As such, commercial barge and towing should be directed solely to the Inland Waterways.
Waterways Trust Fund. Recreational boat user fees should be directed solely to boating safety programs. Additionally, user fees should not be assessed on commercial traffic to recover uncompensated benefits to civilian navigation and search and rescue activities.

- A comprehensive liability and compensation system on marine environment should be maintained at the federal level to provide vulnerable states with a means of environmental restoration in the event of a shipping accident, or as a result of invasive species.

- It should be the policy of the United States to require that domestic oil producers and common carriers develop the capability to safely transport crude oil and other liquefied petroleum products and to quickly and effectively contain and clean up oil spills that occur.
We Look Forward to Seeing You at the 2016 Capitol Forum from December 5-8 in Washington, D.C.

For More Information, Please Visit Our Website.