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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; and,

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; and,

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

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.
NCSL urges the federal government to consult with state elected officials, their national representative organizations and existing interstate partnerships in developing a federal program. As Congress and the administration examine proposals for reducing greenhouse gas emissions, the National Conference of State Legislatures encourages the federal government to always take the following principles into account:

- Federal action should be flexible, allowing for a range of complementary strategies at the state and federal level maintaining a strong role for state, local and tribal government in any federal action.
- Federal legislation should provide states the authority and flexibility to work within an overall framework; to apply the law effectively to all sources of emissions and ensure achievement of climate change goals in the most cost effective, timely and efficient manner for each state.
- Federal legislation should not preempt state or local governments from enacting policy options that differ from federal choices or from enacting stricter or stronger measures within their jurisdiction.
- Federal legislation should afford states the flexibility to form regional cooperatives and implement innovative policies that advance federal efforts to reduce the effects of climate change.
- Congress must authorize and appropriate sufficient funds for federal, state and local governments to implement any federal legislation. These funds should be newly authorized appropriations, not reprogrammed resources.
- Federal legislation should ensure state legislative authority in any federal climate change legislation and affirm the active role played by state legislatures in both fiscal and substantive aspects of state policymaking.
Federal legislation providing for the allocation of greenhouse gas reduction programs to states should include language making decisions related to such allowances subject to state legislative approval.

NCSL urges the federal government, should it choose to act on this issue, to take into account the following principles regarding program design components:

- Any national system must include short, medium and long-term goals and incorporate a rigorous oversight program that provide for ongoing study and analysis of the system to ensure it is achieving intended goals.
- A new national program should serve to address uncertainties that are hampering investment in generation, transmission and distribution and enhance the likelihood that appropriate technologies will be developed and other solutions implemented so as to achieve the desired reductions in GHG emissions in the most economical manner possible.
- Federal legislation should be designed appropriately to balance competing criteria, including, but not limited to, equity, economic efficiency and ease of administration.
- Revenue derived from a greenhouse gas reduction program should be directed to complimentary policies focused on mitigating climate change consumer costs including but not limited to energy research & development, weatherization, conservation and energy efficiency activities.
- A national program to reduce GHG emissions must also address adaptation issues.
- Auctioning of allowances may be the most economically efficient mechanism for achieving a GHG emissions reductions goal. However, the allocation of emissions allowances at no cost can serve as an appropriate transition measure necessary to ensure continued reliability, minimize economic dislocation resulting from the carbon intensity of the existing infrastructure, and allow for development and deployment of needed new technologies and measures to reduce emissions.
Priority distribution of allowances at no cost should be to those entities in affected sectors where existing regulatory structure provides the necessary oversight to ensure that the value of such allowances is accounted for in establishing price rates for consumers.

The allocation of greenhouse gas reduction program to states under a federal greenhouse gas reduction program should include language making decisions related to such allowances subject to state legislative approval.

The establishment of any new federal program should include provisions for transparent reporting and accountability and incorporate the use of third party verification to ensure reported outcomes are verifiable.

Unintended Consequences

NCSL believes that federal legislation regarding the reduction of greenhouse gases should take into account the implications of actions and/or inactions on economic development, energy security, and those most vulnerable citizens. Evaluation should include the life cycle impacts of policy options including ancillary impacts.

NCSL believes that federal legislation should require continuing assessments of the potential impacts to the United States of climate change, by state or region including effects on water resources, agriculture, infrastructure, natural systems, environmental quality, public health, biodiversity and the cultures of our native peoples. Such an assessment will support the development of domestic and international adaptation-mitigation strategies. The Environmental Protection Agency (EPA) should provide funding and assist states in developing assessments and adaptation plans at the state and regional level.

NCSL also urges the federal government to fully consider how legislation will affect low-income households that already struggle to balance needs and expenses. NCSL encourages the federal government to expand and enhance long-term funding for the Department of Energy’s Weatherization Assistance Program and to ensure that any new
federal program does not undermine existing federal, state and private sector energy assistance and outreach programs that assist our most vulnerable citizens.

Research and Development
NCSL strongly urges the federal government to authorize and appropriate funding and provide other incentives to spur expanded research and development (R&D), as well as advance the demonstration and deployment of new and existing technologies to improve energy efficiency, advance mitigation strategies and reduce greenhouse gas emissions.

NCSL urges the federal government:

- To ensure that legislation not limit the diversity of technologies supported, as future advancements cannot be predicted.
- To take into account state and regional differences, and not limit or specify the technologies used in each state and ensure sufficient flexibility for each State to determine how to best achieve nationally-set goals.
- To promote current and future innovations and expand the use of such technology through R&D transfer agreements with other countries.
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; and,

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.

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures supports federal efforts to further the development of and proliferation and use of cover crops; and,

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 (NCSL) 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 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; and,

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; and,

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.
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.

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.
COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE

POLICY: WILDFIRE FUNDING

TYPE: RESOLUTION

A resolution of the National Conference of State Legislators (NCSL) urging the federal government to address insufficient budget mechanisms for wildfire suppression and expressing support for federal efforts to fund catastrophic fires as natural disasters.

WHEREAS, Wildfire suppression costs have increased dramatically in the last decade; and,

WHEREAS, In the past two years, the U.S. Forest Service has had to transfer more than $1 billion from other programs within the agency to pay for fighting wildfires; and,

WHEREAS, these fire transfers deplete resources from vital fire prevention and mitigation programs, including forest restoration and management activities to reduce future fire risk; and,

WHEREAS, increased fire activity can have substantially negative impacts on air quality, water quality, greenhouse gas emissions as well as reduce downstream water storage as sediment runoff lowers the effective level of dams and reservoirs; and,

WHEREAS, reduced restoration and mitigation funding also makes it easier for invasive pests and diseases to infest vulnerable forests; and,

WHEREAS, anticipated changes in climate will also cause fire risk to escalate in drought-ridden regions, further increasing wildfire suppression costs; and,

WHEREAS, federal funding for wildfire suppression is currently allocated using the 10-year average cost for wildfire suppression activities; and,

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WHEREAS, NCSL recognizes that wildfires must be managed on a regional basis and that increased risk for wildfires on federal lands ultimately will lead to increased costs for state wildfire programs.

NOW, THEREFORE, BE IT RESOLVED, that NCSL urges Congress to address the budget structure of wildland fire accounts. NCSL believes that any federal policy on wildfires should minimize the risk of fire transfers from prevention and mitigation programs and support federal actions that would fund catastrophic wildfires similar to natural disasters.
The automobile is on the cusp of a technological transformation with the potential to both revolutionize personal mobility and provide immeasurable safety benefits. As vehicles that operate on public roads are subject to both state, federal and local jurisdiction, the National Conference of State Legislatures (NCSL) understands the need to clearly define state and federal roles as well as avoid unnecessary federal preemption and burdensome federal mandates.

**State Authority to Regulate Autonomous Vehicle Testing**

NCSL agrees that the National Highway Traffic Safety Administration (NHTSA) should be the sole entity setting federal motor vehicle safety standards (FMVSS) for autonomous vehicles, equivalent to their current role for conventional vehicles. However, NCSL strongly believes that states are the sole authority when it comes to vehicle use – which includes vehicle registration; driver licensing and education; traffic laws, regulations and enforcement; and insurance and liability. NCSL is opposed to congressional or administration proposals that would seek to preempt this authority from states by prohibiting states from prescribing certain standards or regulations related to autonomous vehicle testing, including requirements related to the presence of a human driver.

**FMVSS Exemptions**

NCSL recognizes, appreciates, and agrees that authority to issue exemptions of FMVSS remains solely in the realm of the Secretary of Transportation. However, NCSL strongly encourages the Secretary (or applicable designated agency) to ensure that any exemption of existing motor vehicle safety standards provides a safety level at least
equal to the safety level of the standard. Further, as exemptions are granted, NCSL implores the department to provide such information to states, in a timely manner.

Advisory Councils
NCSL requests that state legislators be appointed to or included in any congressional or administration task force, council, or other advisory group related to the development of autonomous vehicles. NCSL encourages congressional and administration task forces to work with NCSL to help ensure the appropriate states are included.

Cybersecurity Information Sharing
Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security breaches greatly increases. NCSL urges both the administration and Congress to both share any threat information with state governments and to work with states to ensure that such threats and affected vehicle populations do not become endemic. A collaborative effort is vital in ensuring such safety.
WHEREAS, the Black Vulture is a scavenger and feeds primarily on already-dead animals; and,

WHEREAS, they also feed on living animals, often attacking birthing animals; and,

WHEREAS, the species has proliferated over the last 30 years and broadened its geographical range; and,

WHEREAS, maintenance of the species must take into consideration that the Black Vulture is protected by the Migratory Bird Treaty Act; and,

WHEREAS, the US Fish & Wildlife Service (USFWS) is authorized, under certain conditions, to issue a depredation permit for Black Vultures; and,

WHEREAS, USFWS has developed pilot programs in Tennessee and Kentucky in which a single, statewide depredation permit is granted for each state; and,

WHEREAS, the holder of the statewide permit is authorized to include persons seeking relief from the damage caused by Black Vultures; and,

WHEREAS, the authorized “sub-permittees” are bound by all the terms of the primary permit.

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures (NCSL), calls upon USFWS to make a transition in the statewide
depredation permit process from pilot program to standard operational procedure in the
management of Black Vultures; and,

BE IT FURTHER RESOLVED, that USFWS, in each state that is experiencing livestock
predation/injury from Black Vultures, determine the appropriate state agriculture/wildlife
agency or non-governmental organization (NGO) recognized for farm advocacy and
award that agency/NGO the aforementioned permit.

WHEREAS, an average US household saves about $500 per year on utility bills because of these existing standards; and,

WHEREAS, US businesses save about $23 billion annually because of these existing standards, money that can be invested in jobs or spent in local economies; and,

WHEREAS, efficiency standards stimulate innovative technologies, which are beneficial to American manufacturers in a competitive global environment; and,

WHEREAS, lower energy and water use helps mitigate the need for new utility infrastructure.

NOW, THEREFORE, BE IT RESOLVED, that the NCSL urges the Congress and the Department of Energy (DOE) to fully fund and continue this highly successful program; and,
BE IT FURTHER RESOLVED, that the NCSL strongly urges DOE to amend standards as stipulated by law and in accordance with the review schedule dictated by Congress; and,

BE IT FURTHER RESOLVED, that Congress continue to require DOE to regularly review standards for appropriate updates and to resist any attempt to repeal existing standards.
WHEREAS, EPA has approved fuel blends with 15 percent ethanol and 85 percent gasoline. E15 provides higher octane to improve vehicle performance and historically costs less than regular E10 gasoline. Current Environmental Protection Agency (EPA) restrictions prohibit most of the country from selling E15 from June 1 through September 15. However, retailers in air quality non-attainment areas can offer E15 year-round due to the greater reduction in exhaust emissions; and,

WHEREAS, the United States Department of Agriculture’s most recent report on corn-based ethanol stated that “greenhouse gas emissions associated with corn-based ethanol in the United States are about 43 percent lower than gasoline when measured on an energy equivalent basis;” and,

WHEREAS, as the farm economic downturn continues, states and rural communities are looking for increased market and economic opportunities for their agricultural products. Removal of this EPA regulatory barrier is one important way to provide more demand for agriculture, at no cost to the government, while also providing significant benefits to both state economies and consumers; and,

WHEREAS, H.R. 1311 and S. 517, the Consumer and Fuel Retailer Choice Act removes this unnecessary EPA limitation, giving consumers a choice at the pump that saves them money, enhances vehicle performance, improves the environment, and increases state economic output. S. 517 is sponsored by Senator Deb Fischer (R-NE), a former National Conference of State Legislatures (NCSL) Executive Committee member.
NOW, THEREFORE, BE IT RESOLVED, NCSL supports H.R. 1311 and S. 517.
WHEREAS, the Federal Aviation Administration (FAA) anticipates there will be up to 4 million drones by 2020. Already the FAA has registered more than 750,000 drone operators for use in the National Airspace, far more than the 200,000 manned aircraft in the United States; and, millions of Unmanned Aerial Systems (UAS) have been purchased by hobbyists for use in airspace of the United States which is regulated by the Federal Aviation Administration (FAA), and

WHEREAS, the lack of formal rules and regulations pertaining to the use of UAS by hobbyists has resulted in a frontier mentality for use and judgment in that air space; and,

WHEREAS, the FAA does not yet have the preventative enforcement tools for rules or laws when developed that the States have; and,

WHEREAS, as of November 2015 June 2017, nearly all states have every state has considered legislation addressing UAS, with 49 nearly all states have every state has 26 ABC37 states having enacted new laws; and,

WHEREAS, the National Conference of State Legislatures (NCSL) has-having previously created a UAS Foundation Partnership to facilitate candid discussions between state policymakers, industry leaders and end-users, to identify options for maximizing the benefits of UAS while also addressing privacy, safety and 4th Amendment concerns; and,
WHEREAS, the FAA continues its work to integrate UAS rules or laws into American airspace, state policymakers and their constituents are working to tap the potential of UAS for public and private applications; and,

WHEREAS, the U.S Court of Appeals for the District of Columbia eliminated an FAA requirement for drone registration by hobbyists who operate their drone purely for recreation; and,

WHEREAS, many examples of federal delegation of authority to states currently exist.

NOW, THEREFORE, BE IT RESOLVED, NCSL recognizes FAA’s general authority over the national airspace but believes it is imperative to preserve the authority of state governments to issue reasonable restrictions on the time, manner and place of drone operations as they relate to states’ traditional police powers, including to protect public safety and security, personal privacy, property rights and manage land use; and,

BE IT FURTHER RESOLVED, NCSL believes without a federal UAS registration requirement states be allowed to implement their own such requirement; and,

BE IT FURTHER RESOLVED, NCSL strongly believes in the need for federal and state governments to work together to manage the organized deployment of recreational and commercial drones and that should the FAA require registration of all UAS, states should be allowed to conduct this registration and enforcement of federal UAS rules if they so choose and that the federal government should ensure that adequate resources be available to states for proper enforcement. BE IT RESOLVED, that NCSL constructively engage with the FAA and other parts of the federal government in order to build partnerships with states for the organized deployment of UAS that respects privacy, safety and 4th amendment issue
WHEREAS, the Federal Aviation Administration (FAA) anticipates there will be up to 4 million drones by 2020. Already the FAA has registered more than 750,000 drone operators for use in the National Airspace, far more than the 200,000 manned aircraft in the United States; and,

WHEREAS, the lack of formal rules and regulations pertaining to the use of UAS by hobbyists has resulted in a frontier mentality for use and judgment in that air space; and,

WHEREAS, the FAA does not yet have the preventative enforcement tools for rules or laws when developed; and,

WHEREAS, as of June 2017, every state has considered legislation addressing UAS, with 37 states having enacted laws; and,

WHEREAS, the National Conference of State Legislatures (NCSL) having previously created a UAS Foundation Partnership to facilitate candid discussions between state policymakers, industry leaders and end-users, to identify options for maximizing the benefits of UAS while also addressing privacy, safety and 4th Amendment concerns; and,
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BE IT FURTHER RESOLVED, NCSL strongly believes in the need for federal and state governments to work together to manage the organized deployment of recreational and commercial drones and that states should be allowed to conduct enforcement of federal UAS rules if they so choose and that the federal government should ensure adequate resources be available to states for proper enforcement.
In 2016 Congress passed the Frank R. Lautenberg Chemical Safety for the 21st Century Act (LCSA), updating the Toxic Substances Control Act (TSCA) of 1976, which provides the U.S. Environmental Protection Agency (EPA) with the authority to require reporting, record-keeping, and safety testing of chemical substances and/or mixtures. TSCA also gives EPA the power to restrict the use of chemicals. Certain substances are generally excluded from TSCA, including food, drugs, cosmetics, and pesticides, which are regulated under different federal laws.

Ensure Statutory Implementation
Amended TSCA now sets the global standard for the quality of scientific review of chemicals. Accordingly, NCSL strongly urges EPA to meet all statutory deadlines within LCSA in order to: maintain the public’s confidence in the safety of consumer products containing toxic chemicals, implement new scientific standards and continue to keep pace with modern science, and to ensure that the United States continues to lead our trading partners in the quality of our public health and environmental reviews of all chemicals. EPA must assure that the nation’s interest in a strong American business of chemistry is protected, and that the United States maintains its ability to produce products that save lives, protect our children, make our economy more energy efficient, and reduce greenhouse gas emissions.

Appropriate Funding and Establish User Fees
NCSL urges Congress to appropriate full funding for LCSA implementation and supports the requirement for EPA to collect fees for both new and existing chemicals. Section 26 of the Act provides EPA the authority to collect fees that help defray the costs of administering the provisions on collecting and managing information,
implementing the new chemicals program, and evaluating and regulating existing chemicals. NCSL strongly urges EPA to implement the user fee program as expeditiously as possible, assuring that EPA can continue to manage its new chemicals review program efficiently, as well as undertake and complete risk evaluations on schedule, and provide states with resources and assistance as necessary to implement the program. Efficient implementation of LCSA will allow states to better target health and environmental programs to address matters of local and regional need and interest. Additionally, as many states do not have the staff nor the resources to sufficiently protect their citizens from harmful chemicals, NCSL urges Congress to appropriate targeted funding for state grant programs under TSCA, in recognition of the enhanced state-federal relationship, allowing states to fund compliance monitoring programs to prevent or eliminate risks to health or the environment associated with chemical substances or mixtures.

**Preserve State Authority and Improve State-Federal Coordination**

NCSL encourages EPA to interact regularly with states as it continues to build and deliver a strong national chemical regulatory system, while encouraging robust interstate commerce and domestic manufacturing that is globally competitive. NCSL urges EPA to continue a dialogue with states, providing outreach and education on LCSA, ensuring that states are aware their authorities concerning chemical safety and opportunities to leverage EPA implementation of LCSA to focus state resources for greater state benefit. Additionally, NCSL urges EPA to act in a timely and transparent manner on a state’s chemical regulatory waivers as EPA completes its review of chemicals, limiting the scope of pause-preemption. NCSL strongly urges EPA to not preempt states further than statutorily allowed.

**Prompt and Effective Action on Harmful Chemicals in Products and Places that Could Harm People**

NCSL urges EPA to expedite reviews and elimination of persistent, bioaccumulative and toxic chemicals (PBTs) as they are uniquely dangerous and should be phased out of...
commerce except for critical uses that lack viable alternatives. NCSL also supports statutory requirements directing EPA to complete risk evaluations based solely on human health and environmental considerations. The agency should also ensure that reviews of chemicals incorporate protection of vulnerable subpopulations, including children, low-income people, racial and ethnic minorities, workers, and pregnant women. Where vulnerable subpopulations are specific to geographic locations, whether local, state, or regional, NCSL urges EPA to make this identification early and seek state input, including from affected indigenous populations.

**Ensure Access to Mandatory Safety Data on All Chemicals**

Considering limitations on sharing confidential business information (CBI) with the public, NCSL urges EPA to provide unhindered access to mandatory safety data on all chemicals, and sharing of CBI data, with state governments, health and environmental professionals, and first responders in order for them to protect the public and those with potential exposure to chemicals. Further, to facilitate states’ ability to receive CBI information about chemicals from EPA, NCSL urges EPA to promptly complete its guidance document for states.

Additionally, NCSL urges EPA to continue to provide appropriate contextual materials to affected communities to accompany Toxics Release Inventory (TRI) reports to assure that emergency response agencies will understand and be able to respond safely to chemical releases to protect people who live in the vicinity of facilities required to file TRI reports. EPA and the reporting industries should continue working to ensure that reported TRI data is communicated to the public in an understandable manner that includes a description of the risk of release specific chemicals pose to the public and emergency response teams, how these materials are managed to control release, and an assessment of the risk to public health and welfare in the event of regulated or accidental release.
The National Conference of State Legislatures (NCSL) believes that maintaining a strong production agriculture capacity is critical to our nation’s strength and is a matter of national security. NCSL recognizes that decisions affecting American agriculture must reflect a working partnership of the federal government with the states in both the formulation and implementation of policy.

Agricultural Fiscal Policy

NCSL urges federal efforts designed to enhance farm income while increasing agricultural exports. Monetary policies must be implemented which promote low interest rates and maintain dollar exchange rates which enhance the potential for sale of this nation's commodities in international markets. The federal government must also maintain a stable financial network capable of supplying adequate amounts of affordable credit to the agricultural industry. The government must also continue to search for innovative financing tools which enhance the ability of agricultural producers to manage risk and stabilize income. In addition, any domestic farm program must work in conjunction with a strong, aggressive export program which protects and expands our export markets.

State legislators should be represented on any working or study group for the purpose of addressing long term agriculture lending and payment needs established by Congress or the executive branch. NCSL urges Congress to review the existing payment limitations for individual farmers and program eligibility requirements to ensure that they provide support to economically efficient farming operations and promote the preservation of the family farm. In addition, the Conference recommends that all federal agricultural adjustment payments, price-support program loans, payments and other
benefits not related to soil conservation efforts be limited to citizens of this country or aliens lawfully admitted for permanent residence.

**Secondary Market for Long-Term Loans**

NCSL urges the federal government to work with states to assure that the provisions of the Agricultural Credit Act of 1987 continue to be fully implemented.

**Bankruptcy law**

NCSL supports federal legislation to permanently extend allowing farm operations to declare Chapter 12 bankruptcy.

**Farm Credit System (FCS)**

NCSL encourages farm credit institutions to work with farmer-borrowers to restructure debt. NCSL urges that any disposition of land and assets held by the System or its units be conducted in an orderly fashion so that such disposition does not adversely affect the value of those assets or of other property within the community. NCSL also urges that FCS institutions continue to work with producers to provide necessary financing for changes in payments and crops resulting from adjustments to federal programs.

**Commercial Lending Institutions**

NCSL believes that as federal financial assistance is provided to member institutions of the FCS, assistance should also be provided to commercial lending institutions that provide credit to agriculture. Furthermore, Federal Deposit Insurance Corporation (FDIC) policies and federal bank regulation procedures must be reviewed to ensure that the maximum assistance is being provided to troubled borrowers, without compromising the safety and soundness of the institution or the assets of the FDIC.

**Agricultural Bonds**

NCSL supports exempting agricultural bonds from the federal volume cap placed on industrial revenue bonds in each state. Furthermore, NCSL recommends that the
President and U.S. Congress amend the federal Internal Revenue Code to make the use of agricultural bonds more attractive to banks and other financial institutions. NCSL also recommends that the federal government permit deductibility for loans financed by issuers that are not necessarily small issuers as defined by the Internal Revenue Code.

**Crop Insurance**

NCSL supports a state-federal partnership to develop a fair and affordable crop insurance program that complements other risk management tools available in the marketplace for all crops. NCSL supports an efficient program that promotes informed production and management decisions. NCSL also supports federal efforts to encourage private-sector development of innovative risk management tools. However, any plan for crop insurance must not adversely impact a state's ability to levy premium taxes, regulate the business of private insurance or set solvency standards for private crop insurers.

**Marketing**

NCSL seeks a federal policy that will sustain a vibrant agricultural marketplace and strong farm economy while providing for competition and fair practices. The federal government should cooperate fully with states' efforts to supplement private sector marketing programs by providing comprehensive marketing, promotion and market development activities. These should include, at a minimum, sustained commitments to the provision of data on market trends and consumer demands, technical assistance, financial assistance and public education campaigns.

Special emphasis must be placed upon the development of new markets through the creation of demand for new crops or products or additional sources of demand for existing commodities and products; the improvement of linkages between buyers and sellers; a shift toward the sale of processed, not raw, commodities and high value cash crops; and the identification and analysis of potential markets. All parties, both public and private sector, must work together to develop effective strategies to exploit those
opportunities fully and to maintain an ongoing ability to respond to changing consumer demands.

**Direct Marketing Arrangements**

NCSL recommends that Congress review the Packers and Stockyards Act as a mechanism for addressing unfair practices that may occur under direct marketing arrangements, monitor activities in this area, and enact appropriate and timely legislation to safeguard the welfare of producers. NCSL urges Congress and USDA to strengthen and diligently enforce the provisions of the Packers and Stockyards Act in concert with the clear intent of the Act to curb monopolistic abuses in the concentrated meatpacking sector.

**Competition**

Family farmers ultimately derive their income from the agricultural marketplace. Congress must set rules to improve the competitive environment of agriculture so that farmers are able to retain a greater portion of their income.

**Natural Resource Conservation**

All federal government actions affecting natural resources should be conducted in close cooperation and only after consultation and coordination with the states. A strong commitment to conduct research, in the area of improved methods of natural resource conservation and protection, must be maintained. The federal government should work with state and local governments to develop agricultural land use policies, but should leave the responsibility for establishment of these policies to the state and local governments. NCSL favors a block grant approach that gives states maximum flexibility. NCSL supports the use of science, technology and effective practices to reduce nutrient losses to water, including nitrogen and phosphorus, from point and nonpoint sources.

We encourage significant federal investment in state-supported projects -- with an emphasis on watershed-based public-private partnerships -- that provide for
accountability and transparency, as evidenced by the establishment of goals, timelines, milestones, monitoring, measurement and regular public reporting documenting improvements in the quality of water in public waterways. Fundamentally, NCSL believes that states must be given a much stronger voice in ensuring that federal wetlands, endangered species, and land management policies respect the rights of local landowners and states.

**Wetlands and Endangered Species**

The federal government should delegate authority to states for the development, administration, and enforcement of wetlands protection and endangered species programs. The national government, acting through USDA, should set broad national goals and standards for wetlands protection and preservation of endangered species, but states should have the flexibility to meet those goals. The federal government, furthermore, should provide financial and technical assistance as incentives to encourage states to assume primacy over wetlands and endangered species programs.

**Land Management**

Devolution of authority to states should also be a goal of federal land management policies. Demonstration projects should be established to determine if state administration of national forests, grasslands, parks and other federal property will result in cost savings to taxpayers and greater sensitivity to the concerns of local citizens and property owners. NCSL, moreover, encourages Congress and federal agencies to hold hearings and public meetings in order to hear the concerns of state and local officials and of ordinary citizens and property holders regarding the impact of federal landownership and regulation.

**Soil Conservation**

NCSL supports an ongoing education program to make certain that producers are fully aware of the need for proper soil conservation practices and of the best methods to use in their implementation. Diligent efforts must be made by the federal government to
ensure that proper soil conservation practices are adopted and that fragile, erodible land is protected.

NCSL supports requiring that each farm have and follow an approved soil and water conservation plan in order to obtain government assistance. Benefits may be denied if a crop is grown in violation of this requirement. Further, NCSL supports continued extension of the Conservation Reserve Program and federal efforts to protect pollinators, including those that are vital to American food production.

Research and Development
NCSL supports the state-federal partnership in agricultural research at state universities. Furthermore, funds must be made available to support research and development of innovative products. Funds should also be used for dissemination of information about research discoveries both domestically and abroad. It is particularly important that the land grant universities maintain their commitment to agricultural research and development and that the federal government provide sufficient research dollars to support this vital effort.

NCSL urges the federal government to maintain a strong research program for the development of adequate, cost-effective and environmentally sound control measures to ensure the eradication of all insect and plant pests and animal diseases, which should be done in close cooperation with the states. Using existing mechanisms and institutions, the federal government should work with the states in providing the basic training and retraining opportunities necessary for the successful operation of an agricultural enterprise and for the continuing adjustment of producers to changing conditions in agriculture.

Intellectual Property Rights in Publicly Funded Research
NCSL calls on Congress to review the Bayh-Dole Act of 1980 and subsequent amendments for its impact on encouraging concentration and vertical integration within
the agricultural sector, and for its consistency with the mission and purpose of the Land
Grant College system. Further, Congress should increase federal support for
agricultural research, and retain through grant and contract provisions greater portions
of technology arising from such research within the public domain. Congress should
also affirm as objectives of the Land Grant Colleges’ agricultural research mission to
achieve broad dissemination and producer access to crop technology, and preserve
and enhance the income and economic opportunities of producers.

**Beginning Farmer Programs**

The National Conference of State Legislatures supports a state-federal partnership to
confront challenges faced by farmers and beginning farmers, including the use of
federal tax incentives to support state-based development and loan programs. NCSL
supports changes to the federal Internal Revenue code that reduce borrowing costs for
qualifying farmers and strengthen state beginning farmer programs. NCSL is particularly
supportive of beginning farmer and other training programs that provide assistance for
military veterans and limited-resource farmers. Furthermore, NCSL supports raising the
total volume of state bonding authority to free resources for beginner farmer programs if
achieved in a manner consistent with a balanced federal budget.

In collaboration with state governments, as well as public and private local partners,
NCSL supports investment in joint research, demonstration and development of food
systems that provide opportunity to young and beginning farmers with limited assets, to
produce and deliver affordable, healthy, fresh, nutritious food to consumers within the
local and regional markets where the producers operate, toward a goal of national food
self-sufficiency and optimal health.

**Agriculture Biofuels**

NCSL believes that the U.S. Department of Agriculture (USDA) should be the lead
federal agency to examine regulatory issues as they develop for the algaculture
(Farming Algae) industry.
Support State Regulation of Agricultural Biotechnology

NCSL supports the responsible use of the beneficial qualities of agricultural biotechnology such as in improved crop production techniques, pharmaceuticals, anti-immune disease control, biodegradable plastics, and other potential benefits to people in their states, the nation, the world and the global environment. NCSL supports the continued regulation of agricultural biotechnology through state and territorial governments working in close collaboration and partnership with the Coordinated Framework for Regulation of Biotechnology administered by the U.S. Environmental Protection Agency (EPA), USDA, and U.S. Food and Drug Administration (FDA).

Industrial Hemp Farming

NCSL supports federal legislation to define industrial hemp as a distinct agricultural crop (1% or less THC content) and allow states to regulate commercial hemp farming. Currently 33 states have laws allowing hemp research or farming. NCSL believes that hemp has a long history as a sustainable and a profitable crop, and has great potential as a new crop for American agriculture and industry. According to Vote Hemp, an estimated $687 million worth of hemp products were sold in the U.S. in 2016, including foods, body care products, clothing, auto parts, building materials, and paper. Most of these products were made from imported hemp due to federal policy that prohibits commercial hemp farming. NCSL believes that federal policies that obstruct industrial hemp farming are outdated and must be changed.
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, inland waterways, 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. 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 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.