

Federal Issue of importance to NJ Ag

1/24/12

NPDES Permit Requirement

A top Farm Bureau priority is to achieve a legislative remedy to make certain that farmers and ranchers will not have to get a Clean Water Act (CWA) permit to apply pesticides when done in accordance with the FIFRA label, thus clarifying that FIFRA is the “law of the land”. A federal court, in 2009, handed down an unprecedented ruling that declared that the use of a pesticide, even in complete accordance with FIFRA, may constitute a “discharge of a pollutant” under the CWA if the pesticide is applied into, over or “near” waters of the U.S.

The House of Representatives passed legislation (H.R. 872) that would amend both FIFRA and the Clean Water Act (CWA) to clarify that CWA permits are not needed when a pesticide is applied in accordance with a FIFRA-approved label. Senate bill is S. 718.

2012 Farm Bill

Extensive congressional hearings and educational efforts have already begun in both the House and the Senate and will continue in Washington, D.C. and throughout the country during the year. Significant cuts in farm spending are expected. While all areas may expect to be cut, the commodity title of the farm bill seems to be the primary target.

Concentrated Animal Feeding Operations (CAFOs)

On Oct. 21, 2011 the Environmental Protection Agency (EPA) published a proposed rule that would require that concentrated animal feeding operations (CAFOs) submit a wide range of details about their operations to EPA. EPA plans to take final action on this proposal by July 2012.

NJFB feels that EPA’s attempt to mandate the reporting of this information is unlawful. Farm Bureau is also concerned about farm security and privacy and the lack of demonstrated necessity. NJFB submitted comments to the agency regarding these concerns.

Ag Labor

Farm Bureau continues its support for comprehensive immigration reform that includes

- An effective, usable, foreign worker program
- A reliable employment verification system
- An adequate transition provision

Child Labor Rules

NJFB submitted comments voicing our concerns about proposed US DOL changes to child labor rules that may make it more difficult to have minors working in production agriculture.

Canada Geese – farm damage

Complaints about crop damage caused by Canada geese are increasing. In addition to working with state and federal wildlife officials, NJFB is also communicating with Rep. Jon Runyan regarding what can be done to decrease goose populations and the damage they cause.

Estate Taxes

The *Unemployment Insurance Reauthorization and Job Creation Act of 2010* set the estate tax exemption at \$5 million per person and the top rate at 35 percent for 2011 and 2012. The bill put in place a new provision for 2011-12 that allows the unused portion of a spouse’s exemption to be used by a surviving spouse. In addition, the legislation permanently reinstates stepped-up basis. Without congressional action, in 2013, the estate tax

exemption will shrink to \$1 million per person with no spousal transfer and the top rate will increase to 55 percent.

Legislative action is necessary this year to stop the estate tax from reverting to previous levels.

Pesticide Spray Drift

For decades, EPA and state pesticide policies have acknowledged that some small level of pesticide drift is unavoidable and does not pose an “unreasonable adverse effect” when a pesticide is used according to product label restrictions. When it is determined that certain uses of a product could cause an unreasonable adverse effect, restrictions are placed on the use of the compound to meet the standard under FIFRA. In 2009, EPA proposed a new spray drift policy that would have the effect of setting an unachievable “zero drift” standard. The proposal would adopt a precautionary principle approach, effectively replacing FIFRA’s risk-benefit standard with a new zero-risk standard. In 2010, the agency withdrew its proposal due to an overwhelming response from the farming community. However, EPA is expected to issue a similar proposal/guidance document in 2012.