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National Barley Growers Association



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Congress Departs for August Recess with Action Still Pending on Farm Bill and Ag Appropriations

The House and Senate have begun their August District Work Period, or recess, as it is commonly referred. Congress departed without formal movement on a Farm Bill, which is on the back burner while they deal with the upcoming end of the federal fiscal year and the need to enact new appropriations bills or a Continuing Resolution (CR) to keep the government operating. The CR has become the norm over the past decade or more, with Congress typically going to the end of the calendar year (or beyond) before enacting an omnibus appropriations package to fund the government for the next year. The Agriculture Appropriations bill, which carries funding for our barley research priorities, was the subject of contention in the House prior to the recess. Efforts by a segment of House Members to vote on amendments to impose significant additional cuts to the Agricultural Appropriations bill left the chamber at a stalemate and the bill in limbo until September.

NBGA Supports Approval of Crop Protection Option for Barley

The NBGA submitted comments to the U.S. Environmental Protection Agency (EPA) in support of the approval for the use of chlormequat (product name is Adjust SL) on barley and wheat. NBGA previously submitted a joint letter of support with the National Association of Wheat Growers (NAWG) in September

2022 when the registration application was submitted by Eastman company. EPA issued a notice to approve chlormequat on barley and wheat with a public comment period that closed on July 25th. If EPA finalizes the notice to approve chlormequat for barley and wheat it could be eligible for use in 2024.

EPA Moves Forward with Endangered Species Workplan Actions

The past few weeks have seen the release of EPA's Vulnerable Species Pilot Project and the Herbicide Strategy. This all started in 2021 in response to the escalating challenges of fulfilling its Endangered Species Act (ESA) obligations for pesticide decisions, EPA began developing a comprehensive, long-term approach to meeting those obligations. In April 2022, EPA released its workplan to address the complexity of meeting its ESA obligations for actions taken under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This comprehensive workplan establishes four overall strategies and dozens of actions that EPA will adopt to improve protection for federally threatened and endangered (listed) species and meet ESA obligations. In November 2022, EPA released a Workplan Update.

The ESA Workplan identifies several pilot projects to provide earlier protections for listed species. These pilots include the "Federal Mitigation Pilot Project," which is a collaboration across federal agencies, and the "EPA Vulnerable Species Pilot Project," to identify early mitigation for listed species that EPA has determined are particularly vulnerable to pesticide effects.

Through EPA's Vulnerable Species Pilot, the Agency will identify certain vulnerable listed species, identify mitigations to protect them from pesticide exposure, and then implement these mitigations across different types of pesticides (e.g., herbicides, insecticides). This project will focus on implementing protections for multiple pesticides within a group to protect a particular species.

For example, EPA may implement specific restrictions to protect the Taylor's checkerspot butterfly from all insecticides used within or near the species range.

This effort is intended to ensure that EPA begins to adopt meaningful protections for species likely to be affected by pesticide use by incorporating mitigations into applicable registration and registration review decisions, even if consultation with the FWS and NMFS has not been completed or even begun.

In late June EPA released a draft white paper on the Vulnerable Species Pilot. The draft describes how EPA: 1) selected these listed species, 2) developed and evaluated proposed mitigations, and 3) developed an implementation plan to reduce their exposure to outdoor uses of conventional pesticides. It also describes EPA's current thinking on a potential future expansion plan of this approach to additional listed species.

The Herbicide Strategy, released on July 24th, is intended to provide early mitigations that minimize impacts to over 900 federal endangered and threatened (listed) species and designated critical habitat for conventional herbicides used in agriculture, before completing effects determinations and, where necessary, consultation under the ESA. The mitigations in the Herbicide Strategy would address the most common ways that conventional agricultural herbicides impact these listed species.

The NBGA is developing comments on the Vulnerable Species Pilot and will likely also submit comments on the Herbicide Strategy. The deadlines for public comments on the Vulnerable Species pilot is August 6, 2023 and the deadline for comments on the Herbicides Strategy is September 22nd.

More information on the pilot projects can be found here: *Implementing EPA's Workplan to Protect Endangered and Threatened Species from Pesticides: Pilot Projects* | US EPA

NBGA Welcomes New Members

The NBGA would like to extend a warm welcome to our newest members! We're excited to represent barley maltsters in the Midwest and Pacific Northwest!



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