

**Memorandum of Understanding
on Collaborative Efforts**

between the

**United States Environmental Protection Agency
Mid-Atlantic Region**

and the

West Virginia Department of Agriculture



February 2020

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and the West Virginia Department of Agriculture**

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to formalize and enhance collaboration between the U.S. Environmental Protection Agency (EPA) and the West Virginia Department of Agriculture (WVDA).

The mission of EPA is to protect human health and the environment. The mission of WVDA is to protect plant, animal, and human health and the state's food supply; to promote food safety and protect consumers through educational and regulatory programs; and to foster economic growth by promoting West Virginia agriculture and agribusinesses. We share the goal of well-managed, sustainable farms that produce food for our communities and a clean environment for everyone to enjoy.

This MOU formalizes our partnership and expands our collaborative activities related to communication, education, outreach, training, regulatory program coordination, and funding of agricultural practices that benefit the environment. We amplify our commitment to carry out these activities and to engage the broader agricultural community in the pursuit of solutions for environmental protection and sustainable agriculture that move us forward towards achieving our shared goal.

II. Activities - Together, EPA and WVDA intend to:

Enhance Communication and Coordination

- Convene annual meetings with EPA Region III, WVDA, and U.S. Department of Agriculture leadership to communicate priorities and activities, share effective approaches, and identify opportunities to collaborate on issues pertaining to agriculture and the environment.
- Share updates throughout the year on relevant environmental and agricultural programs, policies, and activities to ensure communication and coordination on areas of common interest.

Promote Educational Opportunities

- Host Agriculture Roundtables and Educational Farm Tours to foster a dialogue between EPA and the agricultural community on the successes, challenges, and opportunities to work together to achieve well-managed, productive farms and a clean environment.
- Participate in agricultural events such as State fairs, farm shows, and technical field days to expand open discussion between EPA and the agricultural community.
- Display EPA's "*Healthy Farms, Clean Water*" agriculture exhibit to showcase ways EPA is working with farmers and State/local partners to support conservation practices that improve farm efficiency and protect the environment.

Recognize Agricultural Environmental Stewardship

- Recognize farmers for their environmental stewardship efforts that contribute to efficient farms, healthy soils, and clean water. Highlight these achievements to the broader agricultural community.
- Cooperate on developing approaches to measure and account for farmers' conservation efforts and the resulting environmental benefits.

Maximize Efficient Use of Funding

- Annually develop funding priority areas and activities to support agricultural conservation practices and innovative approaches that will advance environmental protection.
- Identify opportunities to coordinate and leverage Federal, State, and private funding to support producers in implementing agricultural conservation practices that promote sustainable agriculture and environmental protection.
- Advance opportunities to provide EPA grant funding directly to WVDA, particularly in those instances where it can improve the timely expenditure of Federal funds to support environmental protection goals (e.g., Chesapeake Bay Program grants).

Coordinate Regulatory Program Implementation

- Host joint trainings for the agricultural community to ensure effective implementation of Federal and State agricultural regulatory programs.
- EPA will host trainings for WVDA for delegated programs, upon request.
- WVDA participate in program assessments that will identify best practices and opportunities for enhancing programs to protect and restore water quality.
- WVDA will work with EPA to identify tools and activities to further program compliance and participation and improve communication and support to the agricultural community.
- Provide EPA notification to WVDA prior to conducting planned EPA inspections on farms in West Virginia and prior to issuing any formal enforcement actions that may originate from the inspections.

III. Program Planning and Evaluation

EPA and WVDA intend to collaborate on an annual accomplishment report to highlight collective achievements realized under this MOU and plans for the coming year.

IV. Authorities

EPA's participation in this MOU is authorized by Section 102(2)(G) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(G); Sections 104(a) and (b) of the Clean Water Act, 33 U.S.C. 1254(a) and (b); and Sections 103(a) and (g) of the Clean Air Act, 42 U.S.C. 7403(a) and (g). WVDA's participation in this MOU is authorized by W. Va. Code §19-1-4a.

V. Limitations

This MOU is a voluntary agreement that expresses the good-faith intentions of EPA and WVDA. It is not intended to be legally binding, does not create any contractual obligations, and is not enforceable by any signatory agency.

Any commitments by EPA and WVDA in this MOU are subject to the availability of appropriated funds. Nothing in this MOU obligates either EPA or WVDA to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or incur other financial obligations that would be inconsistent with Agency budget priorities. Except as provided in an EPA assistance agreement, interagency agreement, or other separate agreement between the parties, WVDA agrees not to submit a claim for compensation for services rendered to EPA in connection with any activities it carries out in furtherance of this MOU. This MOU does not exempt WVDA from EPA policies governing competition for assistance agreements. Any transaction involving reimbursement or contribution of funds between the parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures under separate written agreements.

Nothing in this MOU constitutes an endorsement by any party of the activities, products or services of any party to this agreement, or any other party. The EPA seal, displayed on the cover page of this MOU, may only be used for official EPA purposes, including identifying EPA as a party to this MOU.

This MOU does not create any right or benefit, substantive or procedural, enforceable by law or equity, by persons who are not party to this agreement, against EPA or WVDA, their officers or employees, or any other person. This MOU does not apply to any person outside of EPA and WVDA.

VI. Commencement/Duration/Modification/Termination

This MOU will remain in effect for five years from the signing date. It may be extended or modified through the mutual written consent of the signatories. Either agency may terminate its participation in this MOU by providing written notice to the other agency 30 days in advance of the desired termination date.

VII. Approval:

Representatives of both the U.S. Environmental Protection Agency and the West Virginia Department of Agriculture sign below on February 19, 2020 in recognition of our commitment to move forward with these collaborative efforts.

Signed:



Cosmo Servidio, Regional Administrator
United States Environmental Protection Agency, Region III

2-19-2020



Kent A. Leonhardt, Commissioner
West Virginia Department of Agriculture

2/19/2020

