

**U.S. Environmental Protection Agency (EPA)
Farm, Ranch, and Rural Communities Federal Advisory Committee (FRRCC)
Meeting**

**December 12, 2011
10:00 a.m. – 12:00 p.m. EST
U.S. Environmental Protection Agency
Ariel Rios North Building
Washington, DC**

EXECUTIVE SUMMARY

Call to Order and Welcome

*Dr. Steven Balling, Committee Chair
Alicia Kaiser, Designated Federal Officer (DFO)*

Ms. Alicia Kaiser (FRRCC DFO) called the meeting to order at 10:00 a.m. and welcomed the Committee members.

Dr. Steven Balling (Del Monte Foods), Chair of the FRRCC, also greeted the Committee members and commented on the Committee's positive work ethic and ability to achieve constructive results with such a diverse group of individuals.

Discussion of the Meeting Agenda

Dr. Balling stated that Committee members should make comments on content or language alterations that are of concern regarding the Executive Summary (ES) or workgroup reports. He commented that there was minimal opportunity to make changes because the report had to be finalized by the end of the meeting; however, he wanted all Committee members to be comfortable with the content, given that their names appear on the report. If a consensus on language and wording cannot be reached by the end of the meeting, an alternate version of the ES could be constructed and submitted. Mr. Lawrence Elworth (EPA) added that alternative concerns could be integrated into the report as well.

Formal Approval of the Final FRRCC Report

Mr. George Boggs (Whatcom Conservation District) stated that in the ES and workgroup reports, the language for stewardship level vacillates between "acceptable level of stewardship" and "reasonable level of stewardship." The Resources Workgroup proposed that in the ES and workgroup reports, the language be consistently changed to "reasonable level of stewardship." Mr. Lawrence E. Clark (Farm Pilot Project Coordination) concurred and Mr. Boggs added that this language occurred in three locations in the report documents.

Dr. Janis McFarland (Syngenta Crop Protection) wanted to add a reference to a table attachment in the Science Workgroup report. Dr. McFarland also suggested a discussion for clarification concerning the first Science Workgroup recommendation in the ES (i.e., "Ensure that nutrient criteria and new suspended and bedded sediments (SABS) criteria developed by states, or where appropriate, by EPA are science-based and demonstrate that one or more of these factors in fact causes an adverse biological effect on the designated use for the water body"). She questioned if it is within EPA's jurisdiction to declare that the

states' criteria have to be science-based because EPA develops guidance. Mr. Elworth commented that the preceding sentence could be altered where it states that "the Agency take the following steps."

A participant commented that if a state develops numeric nutrient criteria (NNC), the NNC are reviewed by EPA. Mr. Elworth stated that total maximum daily loads (TMDLs) are reviewed based on the science and this review is delegated to authorities on the subject matter. This does not mean that EPA must act differently, but it does mean that EPA has the responsibility to act. Dr. McFarland reiterated that her intent was to ensure the Agency was acting within its authoritative bounds. Mr. Tom McDonald (JBS Five Rivers Cattle Feeding) thought that the Science Workgroup recommendation makes it clear that the states have primary authority. Dr. Balling said that EPA does have some authority and ultimately is held responsible.

Dr. McFarland stated that although the recommendation reads, "...science-based and demonstrate that one or more of these factors in fact causes an adverse biological effect..." the scientific process works to establish criteria based on nutrients or SABs. The Science Workgroup therefore recommended altering the language to state, "...science-based and demonstrate that the nutrient or sediment in fact causes an adverse biological effect..." Ms. Kaiser confirmed this alteration to the ES, and Mr. Elworth added that this does not need to be changed in the other locations where it occurs in the document.

Dr. Robert Burns (University of Tennessee) pointed out that the first recommendation from the Resources Workgroup in the ES suggests that EPA "connect more effectively to the Land Grant University (LGU) scientists." He proposed that "LGU scientists" be replaced by "LGU system" because many Extension staff members regard themselves as educators and altering this language will help to engage everyone.

Dr. Lori Berger (California Specialty Crops Council) added that in many states LGU work is accomplished by other schools, and so this recommendation could be modified to encompass that by stating, "connect more effectively to the LGU system and other partners" or "other institutions." Dr. Larry Sanders (Oklahoma State University) concurred that a portion of LGU work is being outsourced to other institutions, while universities and LGUs focus on theoretical efforts. Dr. Burns cautioned that such a language adjustment would open up the recommendation for too large a group, and the intent of the recommendation was for EPA to work effectively with LGUs. Dr. David Petty (Iowa River Ranch) and Mr. Omar Garza (Texas Mexico Border Coalition) pointed out that EPA connecting more effectively with other agricultural groups is addressed in the second Resources Workgroup recommendation. Dr. Burns added that the Resources Workgroup report provides more detail about EPA working with other institutions and partners; the first Resources Workgroup recommendation was intended to be focused on LGUs.

Dr. Balling noted that, in California, the first Resources Workgroup recommendation would appear to be limited. He also commented that the second Resources Workgroup recommendation is more general, but the first recommendation focuses on technology transfer. Ms. Martha Noble (National Sustainable Agriculture Coalition) suggested that the third bullet point under the second Resources Workgroup recommendation could be altered to extend beyond curricula development. It could state, "...through partnerships with LGUs, community colleges, producers, etc..." and this would adequately capture groups beyond LGUs. Mr. Elworth commented that without altering the recommendations, a fourth bullet point could be added to the first Resources Workgroup recommendation that explains that exclusivity is not intended. The Committee gave general assent.

Mr. Petty expressed concern about the first bullet point of the third Resources Workgroup recommendation. He said that it was pointing out state and local level stewardship and he was unsure about the inclusion of this on the national level. He added that national penalties on regional issues are

nonsensical. Dr. Balling agreed and stated that there had been general consent to remove the national level from that bullet point previously.

Mr. Archilus Hart (North Carolina Department of Agriculture) mentioned that in the third paragraph of the ES, EPA working with underserved groups (e.g., limited-resource and minority farmers, 1890 and 1994 LGUs, Hispanic colleges and community-based organizations) is mentioned and in fact, a memorandum of understanding exists between USDA and EPA to promote a relationship with 1890 LGUs. This memorandum indicates the potential for what EPA can accomplish, but is not being followed; Mr. Hart said he hoped it was the Agency's intention to reinvigorate its outreach and engagement efforts with the 1890 and 1994 LGUs, tribes, Hispanic colleges and so forth. Dr. Balling commented that many states have more than one LG, although 1862 and 1890 LGUs are just one LG per state. He continued that in a fourth open bullet point, it is proposed to "encourage operations with non-LGUs (for example, state universities, private colleges, nonprofit organizations and so forth) to develop effective technology transfer programs." Mr. Hart commented that this is being done, but should be expanded. Drs. Burns and Balling questioned altering the language to say "other universities," "non-LGUs" or "non-LGU institutions."

Mr. Steven McNinch (Western Plains Energy) and Dr. McFarland questioned whether there would be adequate staff to do the work in resource-limited situations. Dr. Burns suggested a sub-bullet point discussing specific liaisons and staff work. He clarified that the intent is not to exclude any individual or group, but to point out that the system is broken and recommend that it be returned to functionality. Dr. Berger proposed moving this to its own bullet point. Drs. Burns and Balling suggested different wording and agreed to change the fourth open bullet point to "...institutions, universities and organizations, for example LGUs, state universities, private universities, etc...." Mr. Daniel Botts (Florida Fruit and Vegetable Association) advocated making that point the first open bullet point under that heading. There was general Committee consensus on this suggestion.

Dr. McFarland proposed adding "help identify" to the second bullet point under the second Science Workgroup recommendation in the ES because there are vulnerable lands that might not be identified. There was general consensus on the revision and Mr. Elworth pointed out that this must be changed in the Science Workgroup report as well.

Mr. Boggs stated that the first bullet point of the third Resources Workgroup recommendation in the ES was modified earlier; to maintain consistency, the third bullet point of the third Resources Workgroup recommendation in the related workgroup report should be removed. There was general FRRCC agreement to this alteration.

Dr. Balling questioned if Committee members were fundamentally comfortable with the ES and workgroup report documents. Do the documents appropriately represent the FRRCC discussions? The Committee members expressed affirmative support and consensus for the contents of the report.

General Discussion

Ms. Peggy Beltrone (Exergy Integrated Systems) questioned if there was an appropriate "sound bite" that could be used to capture how far the Committee has progressed on the issues. Mr. Boggs commented that the FRRCC members represent diverse experience and education levels. He thought that the ES embraced heartfelt recommendations for how EPA can progress and address agricultural pollution effectively and with less conflict. Although the FRRCC cannot compel EPA to act, the Committee has given a voice to an alternate pathway that includes resources and authorities that can be effectively utilized. The FRRCC offers solid principles that, if embraced, could make serious progress with minimal

litigation. Due to the diversity and non-partisan nature of the Committee, the recommendations are resilient and provide a solid foundation for advancement.

Ms. Martha Noble (National Sustainable Agriculture Coalition) said that there are examples available of issues that occurred where two agencies with two different models produced effective results. Discussions between the agencies, however, were not enough to achieve these results; inclusion of affected communities was essential. The FRRCC recommendations consider this adequately by emphasizing the need for improved overall communication to achieve better understanding from farmers and the public.

Mr. G. Douglas Young (Spruce Haven Farm and Research Center) thought that the second paragraph of the ES concisely expressed his sentiments, with the following sentence being at the core, "Such actions, along with the additional recommendations detailed in this report, will help the Agency move forward with the public and private support it needs to accomplish its mission."

Dr. Balling stated that if farmers, ranchers and dairy workers were provided credible, trustworthy, and transparent science, then they would understand that what they are being asked to do has very real, material effects on improving the water quality, and then they would "step up" and wholeheartedly answer the call. To achieve this result, there must be an up-front, concerted effort to develop trust and credibility with such communities. EPA should engage the agricultural community in discussions about the issues and work with them so that they understand the science.

Mr. Boggs noted that the FRRCC cannot control the actions of the administration or the outcome, but the Committee members can resolve to adopt a consensus and return to their respective organizations and advance these recommendations to effect change.

Mr. Lee McDaniel (Harford Soil Conservation District) commented that EPA is not the only agency or organization working on the clean water issue; there are many other organizations (e.g., states, local groups) and individuals (e.g., farmers) working on this issue. The ES report mentions the opportunities available for partnerships to work toward a common goal when addressing the same problem. Although EPA has a singular role in enforcement, there are many opportunities for others to address the same issue through other means.

Mr. Clark commented that the Committee examined models from around the United States, some of which were successful and some of which were not. The FRRCC report elaborates on those models that were successful. EPA should be confident in embracing the recommendations because they are not new ideas; instead, they are replications of models that already have proved to be successful.

Mr. Garza shared that many years ago EPA discussed the Clean Water Act (CWA) with a Soil Conservation District that did not support the CWA. He applauded EPA's efforts for striving to have conversations with such local communities. In the FRRCC report, there are elements that move in a positive direction regarding such conversations, such as a certainty program. Mr. Garza also supported the inclusion of an economic analysis because resource use and growth is relevant to all organizations and individuals involved.

Dr. A. Richard Bonanno (University of Massachusetts) thought that the point of the FRRCC report was to accomplish a goal. There are individuals working on water quality issues, and EPA needs to work with these individuals to advance appropriate changes.

Dr. Burns questioned what will occur following the release of the FRRCC report. He added that the report may generate some initial excitement, but unless it is followed quickly by implementation, the

forward momentum will stall. Dr. Balling replied that the FRRCC's current membership stands until May 2012 and a response should be apparent by that time. Dr. Sanders commented that EPA's administration should show its support by providing feedback to the Committee.

Dr. McFarland observed that it is a unique time at EPA because Agency leadership has a strong grasp of science and can meld that with available resources and partnerships. This is an optimal period of time to move to the next stage of the CWA, and the FRRCC report will assist with that if the recommendations are heeded.

Mr. Young remarked that Spruce Haven Farm and Research Center is holding a meeting of the farm partnership on December 21, 2011, to begin the process of learning how to effectively run the farm in an ecologically sound manner. EPA can contribute to this process. Any change made to farming methods that occur at this farm will have a substantial benefit in demonstrating for farmers the need for and requirements of such change.

Dr. Balling acknowledged the efforts of Ms. Abby Dilley (RESOLVE) in leading the FRRCC so ably and Ms. Kaiser for her hard work. He also thanked Dr. Ann Sorenson (American Farmland Trust), Ms. Suzy Friedman (Environmental Defense Fund), and Dr. Sanders for their extra time and effort on the ES report.

Discuss the Briefing Schedule for Senior EPA and USDA Officials

Dr. Balling explained that following the current meeting, the FRRCC would adjourn to lunch, followed by a meeting with EPA Administrator Lisa P. Jackson to present and discuss the FRRCC report. At the meeting with Administrator Jackson, Mr. Boggs will review the Resources Workgroup recommendations, Mr. McDonald will present the Partnerships Workgroup recommendations, and Dr. McFarland will summarize the Science Workgroup recommendations. Dr. Sanders then will make some concluding remarks.

Dr. Balling stated that Committee members should be aware that the meeting is limited to 30 minutes thus necessitating brevity and clarity. He emphasized the preference of adopting a conversational tone rather than the tone of a rehearsed speech. Mr. Elworth remarked that individuals from the Office of Water will be in attendance and Ms. Kaiser added that regional administrators also will be in attendance, via teleconference.

A meeting with individuals from the U.S. Department of Agriculture (USDA) will follow the meeting with EPA Administrator Jackson. Robert Bonnie (Senior Advisor to the Secretary for Environment and Climate) and others from the USDA will be in attendance. This meeting will follow a similar format as the meeting with Administrator Jackson; however, it should be USDA-oriented.

Discuss Ideas for the Future of the FRRCC

Mr. Elworth said that the FRRCC membership is for 2 years, at which time the charter must be renewed and membership is reconstituted in May 2012. In considering the fate of the FRRCC, Mr. Elworth asked Committee members to consider the value of the FRRCC. He also remarked that the current iteration of the FRRCC had a narrow focus; however, there are many other areas under EPA's purview that affect agriculture. FRRCC members should consider these areas and identify those that the Committee may want to examine. The FRRCC also should consider whether the level of time and energy invested by the current Committee was appropriate. Mr. Elworth added that it would be useful for the FRRCC to have similar conversations with other EPA groups (e.g., Office of Air and Radiation, Office of Pesticide Programs, Office of Solid Waste and Emergency Response). There are several possible Committee

configurations that could be used in the future, and members should consider what worked and what did not work in the current FRRCC.

Dr. Berger asked if the Committee could request a teleconference in 4 to 6 months to hear what EPA is considering for action items in response to the report. At that point, the Agency will have had sufficient time to review the report and plan the Agency reaction. Ms. Roberta Parry (EPA) responded that the Agency's response will be impacted by budgetary constraints. Mr. Elworth indicated that he would posit the teleconference suggestion to Ms. Nancy Stoner (EPA Acting Assistant Administrator for Water) for consideration.

Dr. Sanders commented that the FRRCC is beginning to consider that EPA should function similar to the USDA. There is a historical cultural difference between the two (i.e., the USDA model garners more grassroots input and advisory interactions, while EPA was established under a different model) and one possible future focus for the FRRCC could be consideration of the USDA model and the possibility of incorporating and modifying some USDA model elements into the way that EPA operates.

Dr. Burns concurred and added that Committee recommendations for the USDA are sent individually to the Secretary of Agriculture for consideration and response. This model allows for incremental, genuine progress. He continued that the fundamental difference between EPA and USDA is in the command structure. The USDA functions like the military with a clear chain of command. Ms. Noble commented that the state technology committee structure is strong and EPA should be represented in every state. Ongoing dialogue at the state level helps maintain participant interest.

Mr. McDaniel questioned how a metric for the current recommendations can be applied to the future of the Committee. He suggested that each EPA region create an advisory group to tackle the recommendations. The FRRCC can request feedback from these groups periodically to observe follow-through of the recommendations. Mr. Elworth wondered if the best tactic is to have FRRCC members meet with regional agricultural administrators to describe the Committee's findings and recommendations or if regional agricultural advisors and regional administrators should attend an FRRCC teleconference.

Mr. Clark commented that when the FRRCC report is made available to the public, individuals will observe opportunities to make improvements. He queried how these expectations should be managed. Mr. Botts said that he had been in conversations with an individual who had been in litigation with EPA and if the recommendations contained in the FRRCC report had been in place 3 years ago, this litigation would not have occurred. He indicated that when this report is officially released, it should be implemented by individuals in regional and sub-regional areas, and not solely at the Administrator's level. Conversations about the recommendations must occur at the local levels to achieve local actions. Mr. McDonald agreed and added that time is required to effectively converse at the local level, gain trust, and increase knowledge. He thought that there is merit in re-chartering the FRRCC because the achieved product is a good one and there are further issues that need to be addressed.

Dr. McFarland thought that the current time is optimal to transition key lessons into projects and standard operating procedures (SOPs). People must be engaged and resources allocated to education, materials, and demonstrations. Dr. Balling suggested that EPA create and compile SOPs regarding the FRRCC recommendations. Mr. Elworth commented that many of these conversations should occur on the regional level and although EPA functions differently on non-point source water issues than on point-source or air issues, that does not preclude the ability to conduct productive discourses on these issues. Dr. McFarland clarified that general practice guidelines based on the recommendations are sufficient; SOPs may not be necessary.

Mr. Petty stated that results are the desired goal. He pointed out that environmental changes in response to modified policies and regulations usually require an extended amount of time. It is encouraging to see EPA progress, and the longevity of the FRRCC will be determined by the commitment of the Committee members. The present members have demonstrated such a commitment.

Mr. McDonald supported the idea of presenting the FRRCC findings and recommendations to the regional administrators. He suggested that Committee members meet with individuals in each region, including agricultural advisors. He contended that FRRCC members should go out to the regions in a proactive fashion because they will present the recommendations with passion and enthusiasm. Dr. Balling concurred and thought that this concept affords the FRRCC the ability to exhibit the type of proactive behavior that is desired of the regions. Mr. Elworth agreed to assist the Committee by providing regional contacts.

Mr. Botts asked when the final FRRCC report will be published. Ms. Kaiser explained that she would send copies of the finalized report to each FRRCC member via e-mail and that the report will be posted on the EPA FRRCC Website as soon as possible.

Mr. McNinch reminded the Committee members that in politically charged environments, it is necessary to give consideration to whom and how a presentation of the FRRCC information will occur. Mr. Elworth responded that politics are ever-present, but individuals from different political backgrounds have met with Administrator Jackson previously.

Dr. Balling reiterated the Committee's consensus on desiring closure and advancement of the FRRCC recommendations. He indicated interest in re-chartering the Committee. He suggested that members consider further ideas on what the FRRCC can examine in the future and send these to Ms. Kaiser via e-mail. Mr. Elworth affirmed these general sentiments.

With regard to future topics for the FRRCC to consider, Mr. McDonald suggested focusing on "hot issues" of the day. He thought it would be prudent to examine the issues of agricultural dust or pesticide permits, listen to agricultural community members, and comment back to the Agency on these issues. Mr. Elworth supported the idea of engaging with local communities earlier in the process and suggested an additional possible focus on reactive nitrogen.

Dr. Balling commented that it is not necessarily the job of the FRRCC to determine what should be examined; the Committee must ask what EPA needs advice on and examine that issue. Dr. Burns stated that the Committee should focus on any task that is necessary, but maintain the flexibility to respond to additional issues that arise.

Ms. Kaiser adjourned the meeting at 12:07 p.m. EST.

Full Committee Action Items

- ✧ On Monday, December 12, 2011, the FRRCC will present its recommendations to EPA Administrator Lisa Jackson.
- ✧ The recommendations of the Resources, Partnerships, and Science Workgroups will be presented by Mr. Boggs, Mr. McDonald, and Dr. McFarland, respectively, followed by concluding remarks from Dr. Sanders.
- ✧ Following the meeting with EPA Administrator Lisa Jackson on Monday, December 12, 2011, the FRRCC will present its recommendations to USDA officials.

- ✧ FRRCC members will identify topics for future consideration by the Committee and send them to Ms. Kaiser.
- ✧ Mr. Elworth will provide EPA regional contacts to the FRRCC members.
- ✧ Mr. Elworth will posit the suggestion of holding an FRRCC teleconference in 4 to 6 months on the actions being contemplated by EPA to Ms. Nancy Stoner for consideration.

**Farm, Ranch, and Rural Communities Federal Advisory Committee (FRRCC)
December 12, 2011 Meeting Participants**



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