

Farm Bill 2014

Sustainability Not a Big Winner

Big steps for big ag as organic achieves small advances

By Aimee Simpson

After nearly two years of debate, missed deadlines, and Congressional dysfunction, President Obama signed into law on February 7, 2014, the *Agricultural Act of 2014*, known as the Farm Bill. Passage of the bill was met with mixed reviews on all fronts. While national headlines focused on the issues of supplemental nutrition assistance program (SNAP, or food stamps) cuts, subsidies, and crop insurance, the near 1,000-page law also addressed critical issues relating to health and the environment.

Steps Forward

Clean Water Pesticide Permits: The clear winner for health and environmental advocates is in the defeat of a House bill provision that called for pesticide applicators to be exempt from *Clean Water Act* (CWA) permitting protections. Proponents of the provision argued it was necessary to prevent duplicative regulation, more specifically that the *Federal Insecticide Fungicide and Rodenticide Act* (FIFRA) already regulates the spraying of pesticides directly into surface waters. In fact, the attention to localized use patterns of pesticides that result in direct deposition into waterways with the CWA's National Pollutant Discharge Elimination System (NPDES) permits, are important to improved protection and reversing the findings of pesticides in water tested nationwide.

Organic Program Support: No doubt persuaded by the ever-expanding market share of organic products and their staggering market value, which U.S. Department of Agriculture estimates at \$28 billion in 2012, the organic label and its associated growers, handlers, and consumers came out ahead in a few key ways with the passage of the Farm Bill.

- **Crop Insurance that Reflects True Organic Market Value.** Under the Farm Bill, organic producers will be able to insure crops at prices consistent with their retail value. Past provisions limited crop insurance amounts to non-organic counterparts. The change will ensure organic farmers are not disproportionately affected in case of a crop failure or other problems.
- **Cost-Share Program Continued for Farmers Transitioning to Organic Agriculture.** Because obtaining organic certification can



be expensive for small producers at the outset, the *Organic Foods Production Act* (OFPA) established a cost-share program. The cost-share program assists small farmers and handlers in offsetting a portion of the costs of annual certification. The House Farm Bill removed this provision, but the final bill signed into law includes renewal of this key program.

- **Support for Organic-Focused Research, Technological Upgrades, and Market Monitoring.** Since organic farmers face challenges very different than those of their chemical-intensive farmer counterparts, increased funding in the bill for the Organic Agriculture Research and Extension Initiative (OREI) is critical to finding organic solutions in organic farm systems. In organic farming, this means identifying preventive approaches to insect and weed management, and production efficiency. Additionally, the bill funds the Organic Production Market and Data Initiative (ODI), which collects information vital to maintaining stable markets, creating risk management tools, and increasing exports.

Steps Backward

Children Exposed to Sulfuryl Fluoride: The heaviest blow to public health and safety came in the form of a conference committee amendment reversing an EPA decision to ban food uses of sulfuryl fluoride based on sound scientific evidence demonstrating excessive aggregate exposure to fluoride and years of public health advocacy efforts to enforce *The Food Quality Protection Act* (FQPA) standards. (See in-depth story on sulfuryl fluoride on page 21.) Though children and adults continue to face excessive exposure to fluoride through aggregate pesticide residues found in water, food sprayed with sulfuryl fluoride during storage, and other sources, industry lobbyists managed to exempt “nonpesticidal sources of fluoride” from aggregate exposure assessments.

The Democratic Process: With the passage of the sulfuryl fluoride amendment, not only were safety standards dealt a severe blow, but so too was the democratic process. Going into the conference committee, only the House version of the Farm Bill included a study provision and delay on sulfuryl fluoride with no mention of an exemption from pesticide aggregate exposure assessment standards. While Beyond Pesticides objected

to this stalling tactic through a letter to committee members back in October 2013, little if any information reached the public concerning the dramatic changes taking place to this House provision behind conference committee doors.

True Protections for Pollinators: Falling far short of what pro-pollinator groups had hoped would bring much needed scientific attention, funding, and federal regulatory focus on the pollinator-decline issue threatening food supplies everywhere, the final Farm Bill left most of these provisions in the cut pile on the conference committee floor. Instead of establishing a pollinator task force and research lab facility, the Farm Bill only requires interagency collaboration to produce guidance on enhancing pollinator health and long-term viability. Conservation programs that commit to pollinator habitat also receive new preferences. These minor nods to the severe problem facing pollinators are lacking in any true incentives for change (be it in the form of stick or carrot) or meaningful protections. In response to this disturbing loss, the pollinator provision’s sponsor, Rep. Alcee Hastings (D-Fla.), was reported saying, “If we don’t have pollinators, we don’t have any food.” (Note: The 2015 USDA budget, under the agency’s strategic goal of assisting rural communities, includes \$25 million for a “public-private innovation institute” to focus on “pollination and pollinator health.”)

Monitoring of Imported Pesticide-Laced Seeds: A seemingly mundane provision that made its way into the Farm Bill significantly alters EPA’s ability to track the importation of genetically-engineered (GE) seeds and any incorporated pesticides they contain. A Farm Bill provision amends FIFRA to no longer require the responsible reporting official, the Secretary of Treasury, to notify EPA when imports of GE seeds containing pesticides arrive in the country, as long as the pesticide is registered. Removal of this reporting requirement will make it even harder to ensure EPA enforcement, should illegal seeds find their way into commerce.

Non-Agribusiness Farmers and Taxpayers. Even with gains for

Here We Go Again

At Beyond Pesticides, we are always hopeful that legislators will see the light and stop attempting to roll back the few protections in place against the dangerous use of pesticides. Unfortunately, even after three failed attempts and barely a month after the Farm Bill was signed into law, legislators have renewed their effort concerning CWA permits and filed yet another bill with the same purpose. We encourage readers to let Congress know that this bill will eliminate an important CWA permitting program to control direct application of pesticides to surface waters. See Beyond Pesticides Threatened Waters webpage: www.beyondpesticides.org/water.



organic programs and the elimination of direct cash payment subsidies, very little of the staggering \$956 billion in Farm Bill spending to occur over the 2014 to 2023 period will find its way into the pockets of family farmers --especially organic farmers. Understanding that \$756 billion of that number goes toward SNAP benefits, large portions of the remaining sum will fall into the hands of agribusiness and chemical industry giants in the form of crop insurance subsidies. And the richest farmers still stand to gain the most when calling on crop insurance payouts as proposed income limits were rejected. Add in the fact that proposals to track where taxpayer dollars are going under these crop insurance payouts were also defeated, and the bill is one expensive, lopsided, secretive measure where most family farmers lose out.



Organic Enforcement and Public Access to Enforcement Information: Organic does not mean much if the standards behind the label are not enforced. Of course, strong enforcement relies on strong laws and regulations. Unfortunately, the *Organic Foods Production Act* (OFPA) suffers from some glaring holes in its enforcement framework, a fact amplified by the enforcement fiasco surrounding Aurora Dairy, the nation's largest organic milk producer, a few years back. Both House and Senate versions of the Farm Bill included revisions to OFPA's enforcement provisions and attempted to "fix" some of the glaring holes by calling for more clearly outlined enforcement procedures, assigning investigatory authority to USDA's Secretary, imposing stronger reporting investigatory cooperation requirements, and expanding potentially unlawful acts. Neither of the provisions were very successful in achieving any of the proposed and needed fixes. The result is improved enforcement provision that provides the Secretary with more explicit investigatory authority, and tightens recordkeeping and surrender mandates. The big negative even within these small fixes is that the Farm Bill also includes a confidentiality provision that eliminates any likelihood of the public being able to access information on potential violations.

Protections for Forests Against Runoff and Pesticides: Under a

provision titled, "Silvicultural Activities," legislators cemented what most environmentalists would argue was a wayward Supreme Court ruling issued earlier last year concerning CWA's control over runoff from logging operations. According to the U.S. Forest Service, "Silviculture" refers to the "art and science of controlling the establishment, growth, composition, health and quality of forests and woodlands to meet the diverse needs and values of landowners and society on a sustainable basis." In truth, this term really refers to logging and other timber-related industries that rely heavily on

clearcutting techniques to fell and remove entire forests. As if the adverse environmental impacts of this practice on forest ecosystems and water sources were not enough, logging industries often hose down felled areas with pesticides to control unwanted plants and pests in their removal and replanting efforts. For years, environmentalists have fought to require CWA permits for the significant runoff stemming from these operations. While the CWA specifically exempts agricultural runoff, it does not exempt runoff from timber operations—at least until the Supreme Court decided otherwise. Not an unforeseen loss, but still a loss for forest ecosystems everywhere, it remains to be seen if applications of pesticides in and near surface waters during silviculture activities are included in this exemption.

Conclusion

Overall, the steps forward in the Farm Bill are meaningful, while the steps backwards are serious flaws in the protection of health and the environment. Industries that benefit from large payouts, now in the form of crop insurance subsidies, and limited or reduced restrictions on toxic chemical use do not put us on a sustainable path forward. At a period in history when everyone agrees that pollinators are threatened like never before, the silence in the Farm Bill is deafening. The Farm Bill outcomes suggest the critical importance of local and marketplace action, where those who seek a sustainable future with clean air, water, and safe food increase the demand for environmental and marketplace decisions that effect the change that is needed.