

# ICCA and ARA

September 12, 2023

ICCA NA Board Meeting

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Since I'm new, what would you like to discuss?



# How do you see the relationship between ICCA and ARA?

- Retailers Employ CCA Agronomists
- CCA Agronomists Add Creditability to Retailers
- CCA Agronomic Recommendations Add Margin to Product Sales
- Value Added Retailers Provide Value for Certification
- CCA are the Translators of Science to Profitable Production
- ARA Touts Value of CCA's at all Washington Agencies
- Retailer and CCAs Continue to Value Continuous Education
- CCA's and Retailers are the Educators of Sustainability Profitable Practices



# Vision & Mission ARA

## Vision (who we are)

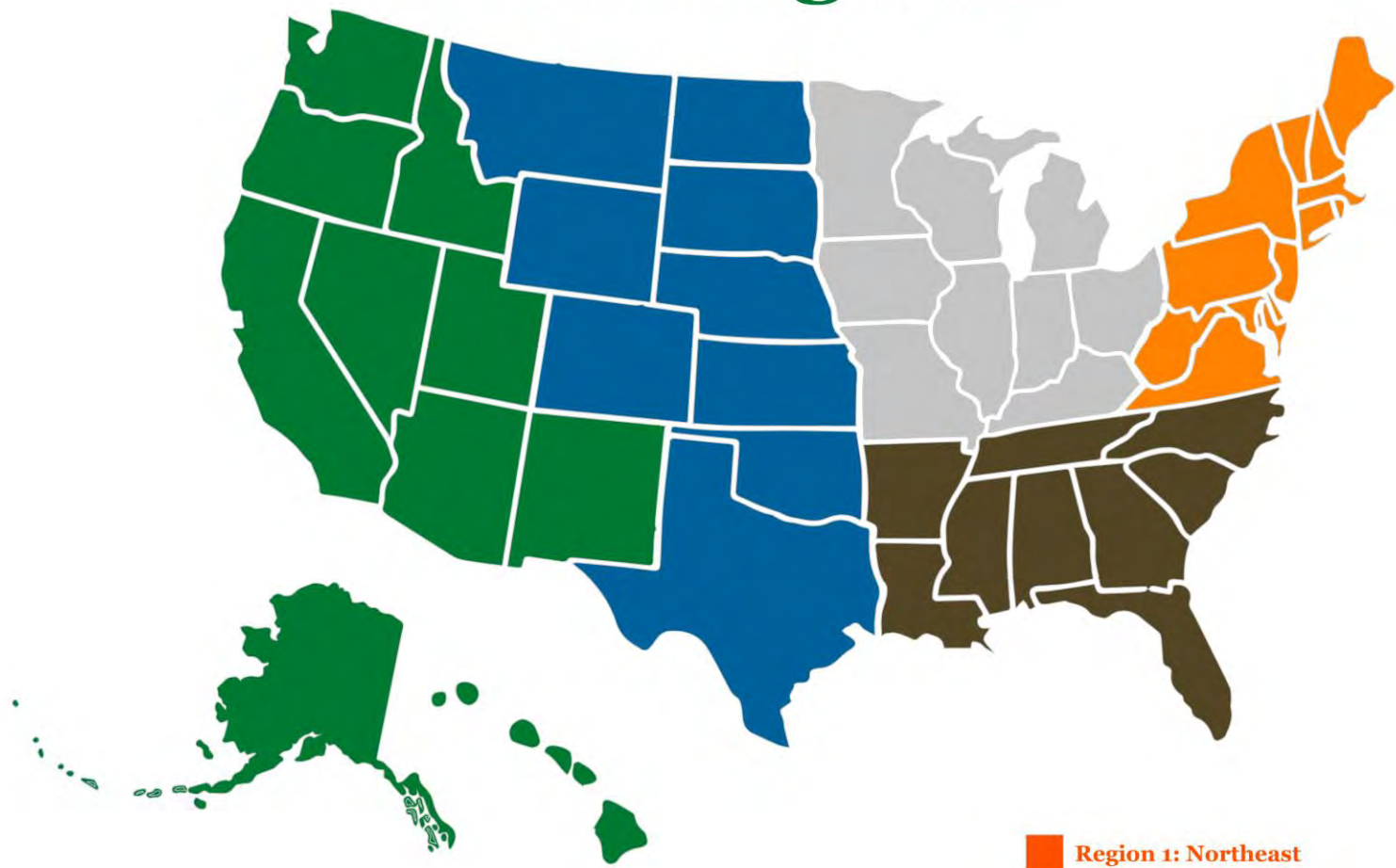
ARA is the recognized unified national voice and trusted resource for agricultural retailers and distributors.

## Mission (what we do)

ARA unites its members and their interests to advocate and educate on their behalf, provide services to improve their businesses, and preserve their freedom to operate and innovate, ensuring a safe and plentiful food supply for all.



# ARA Regions



-  **Region 1: Northeast**
-  **Region 2: Southeast**
-  **Region 3: Midwest**
-  **Region 4: Great Plains**
-  **Region 5: West**



# Strategic Goals



- Advocacy
  - ✦ Develop and Strengthen relationships with policymakers and allies driven by ARA member priorities.
  - ✦ Increase engagement in advocacy by employees of ARA member companies.
  - ✦ Identify and effectively engage policy issues that matter to ag retailers.
- Membership
  - ✦ Demonstrate the indispensable value of ARA membership to ag retailers and suppliers dedicated to a successful business.
- Stakeholders
  - ✦ Members, partners, allies, policymakers and other stakeholders trust ARA to be a reliable and timely source of information. Members are able to access information they need from ARA easily and quickly, and the information gets to the right place in member organizations.



# 2023 ARA PUBLIC POLICY PRIORITIES



**TRANSPORTATION  
&  
SUPPLY CHAIN**



**ECONOMIC  
GROWTH  
& TRADE**



**ALL-OF-THE-ABOVE  
ENERGY  
APPROACH**



**REAUTHORIZE  
FARM  
BILL**



**MODERN AG  
TECHNOLOGIES**



**AG  
LABOR  
REFORM**



[ARADC.ORG/ADVOCACY](https://aradc.org/advocacy)



EPA = Endangering Production Agriculture





# The EPA and US Army Corps finalized changes to the definition of the “Waters of the United States”

- On December 30, 2022, a final rule regarding the WOTUS was issued by the EPA and US Army Corps of Engineers; the agencies originally announced their intent to revise the definition on June 9, 2021
- **The new rule reverses Trump-era changes made to which waters are protected under the Clean Water Act and expand protections established prior to 2015**

## Changes to the WOTUS definition



- **Establishes a “durable definition” of “waters of the United States” using the latest research** to build on the pre-2015 WOTUS definition



- **Restores several clean water protections** for hundreds of thousands of waterways
  - Traditional navigable waters
  - Territorial seas
  - Interstate waters
  - Upstream water resources

“ We have put forward a rule that's clear, it's durable, and it balances that protecting of our water resources with the needs of all water users, whether it's farmers, ranchers, industry, watershed organizations,”

**RADHIKA FOX**

EPA Assistant Administrator for Water

## SCOTUS



- A federal judge blocked the rule in Texas and Idaho in March 2023
- The Supreme Court again altered the definition of WOTUS in May 2023 by ruling that in order for wetlands to be federally protected they must be **connected to a federally regulated body of water**



# H.J. Res 27/S.J Res 7: Congressional disapproval of WOTUS rule

## Bill sponsors



**Rep. Sam Graves**  
R-MO-6  
**Sen. Shelley Moore Capito**  
R-WV

## Background

- The Biden Administration announced a rule in December 2022 to redefine WOTUS
- On February 2, 2023, Rep. Graves and Sen. Moore Capito introduced a resolution through the Congressional Review Act to block the Biden Administration's WOTUS rule
- The rule officially took effect on March 20, 2023

## Key votes

House Vote	227	198
	Yes	No
Senate Vote	53	43
	Yes	No

## Key provisions

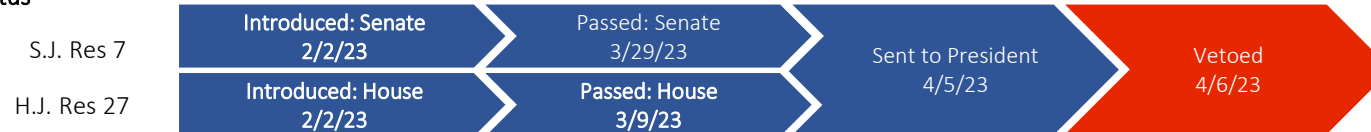


Nullifies the Department of Army, Corps of Engineers, Department of Defense, and Environmental Protection Agency rule on "Revised Definition of 'Waters of the United States'"

## Outlook

- The House and Senate passed the resolution in March 2023 with votes from Republicans and a few moderate Democrats in both chambers
- President Biden vetoed the resolution on April 6, 2023

## Status



# Sackett v. EPA decision limits government regulation of water pollution into certain wetlands

## BACKGROUND

- After purchasing a vacant 0.63-acre lot of land in Idaho approximately 300 feet from Priest Lake, the Sacketts began to develop the property; **the EPA informed the Sacketts that their property contained wetlands and their development violated the Clean Water Act** due to the discharge of pollutants into “waters of the United States”

## Sackett v. Environmental Protection Agency



Justice Samuel Alito

- **DECIDED:** By a vote of 5-4, the Court determined that **the Clean Water Act only extends to wetlands that have a “continuous surface connection” to a federally regulated body of water**

*“To assert jurisdiction over an adjacent wetland under the CWA, a party must establish... that the wetland has a continuous surface connection with that water, making it difficult to determine where the ‘water’ ends and the ‘wetland’ begins.”*



Alito



Roberts



Thomas



Gorsuch



Barrett



Sotomayor



Kagan



Kavanaugh



Jackson

## RULING IMPLICATIONS

- The Supreme Court unanimously ruled that **the land owned by the Sacketts was not subject to the Clean Water Act**
- The 5-4 decision to implement a new rule to determine whether a wetland falls under federal jurisdiction **replaces the broader “significant nexus” test** which was used in the now overturned US Court of Appeals 9th Circuit’s ruling
- Environmental advocates claim that the decision would **revoke protections on tens of millions of acres of wetlands** and could undermine flood control efforts and projects on the Mississippi River and the Chesapeake Bay



# EPA Office of Pesticide Programs: Key Topics

Pesticide  
Registrations

Bulletin Live  
Notices (Issues for  
farmer and ag  
retailer)

Corn Refuge Acres?

Existing Stocks  
Provisions

Label Reform

Application  
Exclusion Zone  
(AEZ) Revised  
Proposal

Federal and State  
Pesticide  
Preemption

NPDES Pesticide  
General Permit  
Recent Settlement

Endangered  
Species Act  
Working Group



# Pesticides: Agricultural Worker Protection Standard; Reconsideration of the Application Exclusion Zone Amendments

Posted by the **Environmental Protection Agency** on Mar 13, 2023

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✓ Document ID  
EPA-HQ-OPP-2022-0133-0002

☰ Comments Received  
2  
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## Document Details

Comment Due Date [?](#)  
May 12, 2023

Federal Register Number [?](#)  
2023-03619

CFR [?](#)  
40 CFR Part 170

Abstract [?](#)  
Federal Register for Monday, March 13, 2023 (88 FR 15346) (FRL-8528-03-OCSPP) EPA-HQ-OPP-2022-0133 RIN 2070-AK92 Pesticides; Agricultural Worker Protection Standard; Reconsideration of the Application Exclusion Zone Amendments

## Content

### Action

Proposed rule.

### Summary

The Environmental Protection Agency (EPA) is proposing to reinstate certain requirements that were amended in 2020 regarding the application exclusion zone (AEZ) requirements of the Agricultural Worker Protection Standard (WPS). EPA has reconsidered the amended AEZ requirements and has determined that several aspects of the AEZ provisions, such as those regarding the applicability of the AEZ and distance determination criteria, should be revised to reinstate previous requirements that are protective of public health and to limit exposure for those who may be near ongoing pesticide applications.

### Dates

Comments must be received on or before May 12, 2023.

### Addresses

Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2022-0133, through the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

### For Further Information Contact

Carolyn Schroeder, Pesticide Re-Evaluation Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-2376; email address: [schroeder.carolyn@epa.gov](mailto:schroeder.carolyn@epa.gov).

### Supplementary Information



**Summary Table Comparing the 2015 and 2020 WPS Application Exclusion Zone (AEZ) Provisions to the 2023 Proposed Rule:  
“Pesticides; Agricultural Worker Protection Standard; Reconsideration of the Application Exclusion Zone Amendments (RIN 2070-AK92)”**

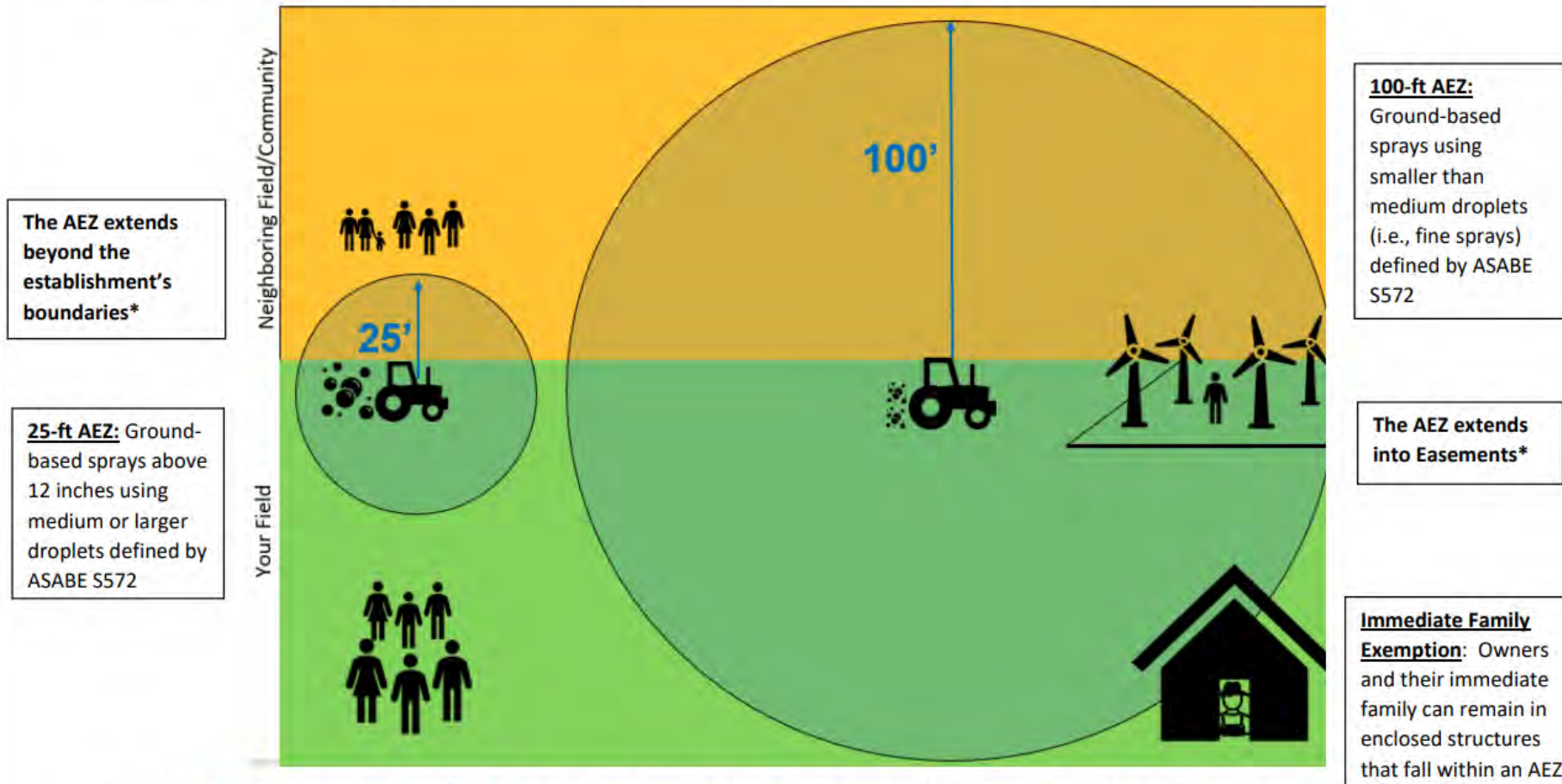
AEZ Provision	2015 WPS Final Rule	2020 AEZ Final Rule*	2023 Proposed Rule	As further described in...
<b>Applicability of the AEZ off the establishment</b>	AEZs provide additional protections for people outside the agricultural establishment’s boundaries	The 2015 AEZ protections for people outside the agricultural establishment’s boundaries were removed	Restores the 2015 requirements	Unit II.B.
<b>Applicability of the AEZ within Easements</b>	The requirements to suspend applications for people within an AEZ are applicable <i>in all situations</i> , including when individuals are <u>within an easement on the establishment</u> (e.g., an easement for utility workers to access telephone lines)	AEZ protections no longer included situations when individuals (e.g., utility workers) are <u>within an easement on the establishment</u>	Restores the 2015 requirements	Unit II.C.
<b>AEZ Distances</b>	<ol style="list-style-type: none"> <li>100 feet for ground-based, <u>fine spray</u> applications (i.e., smaller than medium droplet sizes)</li> <li>25 feet for ground-based sprays using <u>medium or larger droplet sizes</u> sprayed above 12 inches</li> </ol>	<ul style="list-style-type: none"> <li>Established a 25-foot AEZ for all ground-based applications sprayed above 12 inches, regardless of droplet sizes</li> <li>Removed the 100-foot AEZ for ground-based, fine spray applications.</li> </ul>	Restores the 2015 AEZ distances based on application method, droplet size, and height of application	Unit II.D.
<b>Defining “Medium” Droplet Sizes for AEZ Distance Determinations</b>	<ol style="list-style-type: none"> <li>100-foot AEZ using a droplet smaller than medium (<u>Volume Median Diameter (VMD) of less than 294 microns</u>) as a criterion for AEZ Distances</li> <li>25-foot AEZ using a droplet size of medium or larger (<u>VMD greater than 294 microns</u>) sprayed about 12 inches as a criterion for AEZ Distances</li> </ol>	Droplet classification and VMD were not used for determining the size of an AEZ; criterion based solely on application method and height	<ul style="list-style-type: none"> <li>Restores the 2015 “medium” droplet size criterion</li> <li>Eliminates VMD as a criterion</li> <li>Incorporates by reference the ASABE S572 defining droplet spectrum categories (i.e., better defines “medium” droplet size)</li> </ul>	Unit II.E.
<b>Immediate Family Exemption</b>	Not included (i.e., no exemption)	Permits owners and their immediate family to remain inside enclosed structures/houses within an AEZ	Retains the 2020 AEZ Rule’s immediate family exemption	Unit II.F.
<b>Clarification on Resuming Applications Suspended due to AEZ</b>	Applications must be suspended if someone is within an AEZ; no explanation of when applications can resume	Added a clarification that suspended applications can resume after individuals are no longer within the AEZ	Retains the 2020 AEZ clarification	Unit II.F.



<b>"Do Not Contact"</b>	Prohibition on applications from contacting people, either from direct contact or spray drift	No change	No change	Unit II.A.2.
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\*The 2020 AEZ rule was never implemented due to the court-ordered stay discussed in Unit II.A.4. of the proposed rule.

### Illustration of the Proposed AEZ Reconsiderations (RIN 2070-AK92)



\*See the [Application Exclusion Zone Guidance](#) on how to resume a pesticide application if someone falls within an AEZ in areas outside of the owner's legal control (e.g., outside of the establishment's boundaries or within easements).





## EPA Issues Emergency Fuel Waiver for E15 Sales

EPA takes action to provide consumers relief at the pump by helping ensure an adequate fuel supply

April 28, 2023

### Contact Information

EPA Press Office ([press@epa.gov](mailto:press@epa.gov))

**WASHINGTON** – The U.S. Environmental Protection Agency today is issuing an emergency fuel waiver to allow E15 gasoline — gasoline blended with 15% ethanol — to be sold during the summer driving season.

This action will provide Americans with relief at the pump from ongoing market supply issues created by Russia’s unprovoked war in Ukraine by increasing fuel supply and offering consumers more choices at the pump. The waiver will help protect Americans from fuel supply crises by reducing our reliance on imported fossil fuels, building U.S. energy independence, and supporting American agriculture and manufacturing. Current estimates indicate that on average, E15 is about 25 cents a gallon cheaper than E10.

“The Biden-Harris Administration is committed to protecting Americans from fuel supply challenges resulting from the ongoing war in Ukraine by ensuring consumers have more choices at the pump,” **said Administrator Michael S. Regan**. “Allowing E15 sales during the summer driving season will not only help increase fuel supply, but support American farmers, strengthen U.S. energy security, and provide relief to drivers across the country.”

The Clean Air Act allows the EPA Administrator, in consultation with DOE, to temporarily waive certain fuel requirements to address shortages. As a result of the ongoing war in Ukraine, Administrator Regan determined that extreme and unusual fuel supply circumstances exist and has granted a temporary waiver to help ensure that an adequate supply of gasoline is available. As required by law, EPA and DOE evaluated the situation and determined that granting the waiver was in the public interest.





## Critics claim EPA new emission standards will end gasoline vehicles

Story by By Tom Gantert | The Center Square • Apr 14



Critics claim EPA new emission standards will end gasoline vehicles  
© Provided by Washington Examiner

(The Center Square) - The U.S. Environmental Protection Agency on Thursday announced new proposed federal vehicle emissions standards critics claim will "effectively ban gasoline and diesel vehicles" while making the U.S. dependent on China.

The EPA proposal of light and heavy-duty vehicle greenhouse gas emission standards is for model years 2027-2032. The EPA projects that its proposal could reduce greenhouse gas emissions by 56% by 2032 and help increase electric vehicle light-duty sales by 67% by 2032.

Government Business Technology Fuel Noël Fletcher | Staff Reporter

April 12, 2023 4:50 PM, EDT

## Proposed EPA Standards Are Toughest Ever for Heavy Trucks

### EPA Is Requesting Comments, Data on Numerous Aspects of Its Proposals



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## LAWS & REGULATIONS

# California Approves Rule Phasing Out Big Diesel Trucks

The rule would tackle pollution from heavy trucks used to transport goods through ports.

By — [Sophie Austin](#)

May 1, 2023



A truck departs from a Port of Oakland shipping terminal on Nov. 10, 2021, in Oakland, Calif.  
Source: AP Photo/Noah Berger, File

SACRAMENTO, Calif. (AP) — New big rigs and buses that run on diesel would not be sold in California starting in 2036, according to new rules approved by state regulators

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April 25, 2023



**Kansas Has New Anti-ESG Law Amid Raft of Culture War Vetoes**

April 25, 2023



**Planned Senate Bill Would Counteract Mining**



# ARA Farm Bill Priorities



Crop Insurance

Conservation

Biostimulants

Federal and State Pesticide Preemption

NPDES Permits

Broadband Infrastructure

Research



Committed. Compliant. Safe.

*ResponsibleAg is an industry-led initiative committed to helping agribusinesses properly store and handle farm input supplies. The program helps members ensure they are compliant with environmental, health, safety and security regulations to keep employees, customers and our communities safe.*



1st Facility Certified



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# How to Host a Successful Congressional Visit at Your Facility

May 13 2021

Throughout the year, members of Congress return to their districts, therefore now is the time to start planning to host your elected official(s) for a tour of your facility.

We know that getting members of Congress to see our work firsthand impacts their work on Capitol Hill to ensure the voice of the ag retailer is heard loud and clear.

That is why ARA created the **Congressional Facility Visit Guide** with best practices and media samples to give you a step-by-step resource to hosting a successful visit that will pave the way for a lasting relationship with your elected officials.

The goal of inviting a member of Congress to tour your facility is to educate them and their staff about what your company is doing to support its employees, farmer customers, and the community.

Use this new ARA member resource to set your team up for a



How To Host A  
Successful  
Congressional  
Visit

Published May 2021

Blog



# Why ARA?



Leverage and magnify your Voice



Up-to-the-minute updates from Capitol Hill and regulatory agencies



Industry visibility



Be recognized for achievements



Cost effective extension of staff



Networking opportunities



Influence policy outcomes



Expand knowledge network



Professional development programs



Leadership opportunities



# Connect with the Agricultural Retailers Association (ARA)

- Contact us at [info@aradc.org](mailto:info@aradc.org).
- Go to [www.aradc.org](http://www.aradc.org) to learn more.
- Follow us on social media.

