

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

**October 26-27, 2011  
The Sheraton National Hotel  
Arlington, VA**

**EXECUTIVE SUMMARY**

**WEDNESDAY, OCTOBER 26, 2011**

**Call to Order and Welcome**

*Dr. Steven Balling, Committee Chair*

*Abby Dilley, FRRCC Facilitator*

*Lawrence Elworth, Agricultural Counselor to the Administrator, EPA*

*Cynthia Jones-Jackson, Office of Federal Advisory Committee Management and Outreach (OFACMO),  
EPA*

*Alicia Kaiser, Designated Federal Officer (DFO)*

Ms. Alicia Kaiser (FRRCC DFO) called the meeting to order at 8:40 a.m. and welcomed Committee members.

Dr. Steven Balling (Del Monte Foods), Chair of the FRRCC, also welcomed the Committee members and other participants to the meeting. He commented that since the inception of the FRRCC, a substantial amount of work has been accomplished that demonstrates a tremendous effort by the Committee members. He stated that the goal of the meeting was to continue the progress made by the Workgroups in developing recommendations on water quality issues for the Agency. The intended meeting outcome was to develop clear recommendations for EPA from each of the three Workgroups (Science, Resources and Partnerships), in a near-complete format. An Executive Summary of the recommendations of the three Workgroups also would be discussed and further planned.

Mr. Lawrence Elworth (EPA) welcomed the Committee and expressed his appreciation for the level of work the Committee members have afforded. Ms. Cynthia Jones-Jackson (EPA) greeted the FRRCC and said that she would be able to answer any questions that arise regarding moving forward with submitting the Committee's recommendations to EPA Administrator Lisa Jackson.

Ms. Abby Dilley (FRRCC Facilitator) explained that the meeting agenda was intentionally flexible to accommodate the overall meeting objective and allow participants to become familiar with the Workgroup recommendations. On the first day of the meeting, the Committee should prepare work plans for producing and presenting the final recommendations, as well as develop a clear understanding of the specific details of the recommendations. On the second day of the meeting, the Committee will continue honing the Workgroup recommendations, and also will consider the Executive Summary. Workgroup members will work to compile and compress their recommendations into a shorter form to be included in the Executive Summary.

**Updates From EPA Agricultural Counselor**

*Lawrence Elworth, Agricultural Counselor to the Administrator, EPA*

Mr. Elworth began by commenting that non-committee EPA regional participants are in attendance to serve as resources to the Workgroups.

Mr. Elworth updated the FRRCC on relevant decisions, issues, and activities that had occurred since the last meeting. First, a memorandum from the Acting Assistant Administrator for Water, Nancy Stoner, was distributed. Mr. Elworth explained that the document indicates EPA's view on the role of interaction between the Office of Water (OW) and the states, regarding the development of nutrient management plans at the state level.

Also distributed to meeting participants was a letter from the Region 3 Regional Administrator, Shawn Garvin. This letter discussed the issue of allocation in the Chesapeake Bay and the flexibility available to states. Mr. Elworth emphasized that this letter need not necessarily alter what the Workgroups are producing.

Last week, Administrator Jackson communicated in a letter to Senators Amy Klobuchar and Debbie Stabenow that EPA does not intend to alter the existing National Ambient Air Quality Standards (NAAQS) for PM<sub>10</sub>.

Mr. Elworth said that last week, EPA proposed to extend the Spill Prevention, Control and Countermeasure (SPCC) rule deadline for compliance to May 2013. This is due to unprecedented flooding in agricultural lands and concerns about the availability of professional engineers to develop substantive plans to prepare for future oil spills. There also is a need for increased outreach and education to agricultural communities to foster and help in regulation compliance.

EPA recently proposed a rule concerning concentrated animal feeding operations (CAFOs). In summary, this rule solicits a wide range of comments on alternatives to implement Clean Water Act (CWA) responsibilities. Specifically, the rule requests comment on areas of water quality concern, as well as biosecurity, privacy, and others.

Mr. Elworth concluded his update by mentioning that on October 31, 2011, EPA issued a final National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP) for point source discharges from the application of pesticides to waters of the United States. This action was in response to a 2009 decision by the U.S. Sixth Circuit Court of Appeals (*National Cotton Council, et al. v. EPA*) in which the court vacated EPA's 2006 Final Rule on Aquatic Pesticides and found that point source discharges of biological pesticides, and chemical pesticides that leave a residue, into waters of the United States were pollutants under CWA. There are circumstances in which the states are writing permits (e.g., Massachusetts), and efforts are continuing in the U.S. Congress to pass legislation obviating the need for a permit.

### **Charge to Workgroups**

Ms. Dillely stated that the three Workgroups (Science, Resources and Partnerships) will convene to discuss their current recommendations. These recommendations should be considered and discussed and then presented to the full Committee. Ms. Dillely clarified that Workgroup reports will include all of the recommendations as well as the content of the Workgroup conversations. For the Executive Summary, however, Workgroup recommendations should be distilled to one or two actionable sentences.

Mr. Elworth added that the FRRCC will have the opportunity to meet with senior EPA leadership to present the recommendations; this requires that the recommendations be clear and concise.

### **Plenary: Present and Discuss Draft Workgroup Reports and Recommendations**

#### ***Science Workgroup***

Dr. Balling, representing the Science Workgroup, stated that the Workgroup members broke into three groups along the functional areas (i.e., modeling/standards, economics and communications). Dr. Janis McFarland (Syngenta Crop Protection), representing the Modeling/Standards Sub-Workgroup, stated that

they have a 20-page draft document with recommendations. After reviewing EPA efforts over the past decade in this area, the Sub-Workgroup determined that much work has been accomplished and they applaud these efforts; however, many people have not observed the guidance documents on mechanistic modeling and numeric nutrient criteria, and may not be aware of their existence. Many of these documents have been peer reviewed and the Sub-Workgroup supports their recommendations (e.g., regarding suspended and bedded sediments [SABS]). In fact, many of these recommended practices are being implemented, but no documentation has been maintained.

Dr. McFarland indicated that models should be calibrated and data inputted so watershed sizes can be ascertained. This will assist in identifying and quantifying agricultural best practices (BPs). It will be necessary to determine how such a recommendation can be made more actionable. Further recommendations include a weight-of-evidence approach to processing criteria and an adaptive management tool, both of which require research and funding. Dr. McFarland clarified that when discussing turbidity and SABS with stakeholders, there has not been substantial EPA guidance on these issues. One recommendation is to have EPA develop guidance documents that will help states move beyond the 2006 established framework.

Mr. Elworth questioned if the guidance will include the ability to incorporate new science. Mr. Daniel Botts (Florida Fruit and Vegetable Association) affirmed that this should occur in a scientific forum and not in the litigation stream, where it currently is debated. Instead of moving from lawsuit to lawsuit, a process of scientific review, evaluation and incorporation needs to be developed. Dr. McFarland concurred and asserted that science will always be evolving and how EPA updates its research and provides this information to the states is important.

Dr. McFarland added that science concerns on land should be tied to partners in different watersheds via education. Some recommendations are related to this concept of EPA's role in training and providing scientific information. She and Mr. Elworth questioned how EPA prioritizes models and input when hundreds of stakeholders are providing information. Dr. Balling invited the EPA regional staff members at the meeting to join in the dialogue of later discussions.

Mr. Lee McDaniel (Harford Soil Conservation District) commented that the science should be acceptable to everyone. To conserve resources, instead of having separate research efforts, the National Resources Conservation Service (NRCS) Conservation Effects Assessment Project (CEAP) report, states and universities should work in partnerships and agree on one set of regulation numbers and research parameters. This approach would increase public confidence and ensure that needed research is conducted and not just the research that is most beneficial to environmentalists or agriculture proponents.

Dr. Jennie Hughes Popp (University of Arkansas) and Dr. Larry Sanders (Oklahoma State University) reported that the Economics Sub-Workgroup appreciated the input they received from EPA and the U.S. Department of Agriculture (USDA) staff. One recommendation from this Sub-Workgroup is the consistent use of prepared EPA guidelines to help people interpret and compare scientific results. The group recommends adding a component to these documents that discusses the analytical review process. It is recommended that EPA foster effective collaborations that include the private sector and stakeholders.

Mr. Elworth questioned if the Sub-Workgroup intended a review process that goes beyond the rule-making by the Office of Management and Budget (OMB) to include federal agencies with a stake in the decision. He commented that additional outside reviews can involve significant time and resources. Dr. Popp agreed that time is critical and the review cannot slow down the process, but contended that analyses often are completed 3 to 5 years following implementation of a procedure and often identify concerns that could have helped improve the process. The Sub-Workgroup recommended a review process that is outside the OMB review, and that can occur simultaneously.

Dr. Balling spoke on behalf of the Communications Sub-Workgroup and posited that scientists are not generally good public communicators. The Sub-Workgroup thought that communications of water quality issues need to occur concisely and with the support of community leaders. To avoid undermining the Agency, intra- and interagency communications should be coordinated. The Sub-Workgroup also recommended that involvement of farming and ranching communities needs to occur early in relevant discussions and decision-making communications. Mr. Steven McNinch (Western Plains Energy) concurred and exemplified this necessity with the communications surrounding PM<sub>10</sub> regulations.

Ms. Martha Noble (National Sustainable Agriculture Coalition) commented that scientist involvement with farmers is beneficial because farmers can demonstrate the needs in their specific regions, identify their own necessary outcomes in nutrient reduction, and combine this with impact and yields.

Dr. Ann Sorenson (American Farmland Trust) shared that the Resources Workgroup divided the recommendations into short- and long-term, and questioned if other Workgroups would find this approach useful. Dr. Balling said the Science Workgroup is not at that point yet, however, the recommendations may develop that way.

### ***Partnerships Workgroup***

Mr. Tom McDonald (JBS Five Rivers Cattle Feeding) spoke on behalf of the Partnerships Workgroup and mentioned that agriculture has a long history of working in partnerships (e.g., land-grant university systems-[LGU] systems, USDA Extension Service, and farmers helping neighboring farmers). Therefore, it is natural for agriculture to work in partnership with EPA and other groups on water quality issues.

He stated that the Partnerships Workgroup identified several roles EPA could play in partnerships, including leading activities, collaborating as an equal with other groups, and facilitating “behind the scenes.” For facilitation to occur, the following conditions must be met:

- (1) Problem identification. The root cause of issues must be ascertained.
- (2) Solution identification. Credible data are needed and the agricultural community must be involved in collecting and analyzing these data early on.
- (3) Solution implementation. The solution must be implemented through partnerships and there are successful past examples that would be informative.
- (4) Mutual trust attainment. All involved parties must trust the data that are being used and everyone must believe that there is a problem to be solved.

High-level discussions and action plans have their role, but ultimately the farmers must believe there is a problem and that the problem is theirs and not someone else’s to resolve for the actions to be successful in addressing the problem. Beyond mutual trust, local representation is needed so that EPA can operate with state and national groups, but still obtain the buy-in of farmers. Mr. Omar Garza (Texas Mexico Border Coalition) indicated that these discussions occurred 20 years ago and still will occur 20 years from now unless buy-in is achieved at the local level. Such buy-in can only happen through trust between the agricultural community and EPA. He quoted Mr. McDaniel as saying, “EPA has to win the hearts and minds of the agricultural community.”

The recommendations for EPA from the Partnerships Workgroup include:

- (1) Working with USDA to convene, facilitate and provide resources for multi-entity, multi-disciplinary partnerships to develop and advance collective support for a set of tools, protocols and metrics for measuring, documenting and verifying water quality benefits from agriculture.

- (2) Enabling partnerships to evaluate and advance more effective approaches to deliver improvements to Best Management Practices (BMPs) and advance more effective use of federal and state resources invested in developing BMPs.
- (3) Supporting the establishment of prioritized watershed-based groups to develop an implementation plan using BMPs, incentives and other actions essential for addressing water quality issues.
- (4) Working with NRCS to develop and implement a certainty concept and/or policy.

Mr. McDaniel commented that EPA likely considers partnerships to be state-to-state associations, but the Partnerships Workgroup is actually referring to more local partnerships on a smaller increment level. This should be clarified in the recommendations.

Mr. Garza stated that the Partnerships and Science Workgroups are both considering certainty mechanisms and collaborations. He contended that the recommendation documents produced by the FRRCC should include the key issue of local input and a locally led mechanism, which will make or break all of the recommendations.

Dr. McFarland questioned the concept of EPA “winning the hearts and minds of the agricultural community.” She said that EPA may not need to do this, but instead communicate what the science means and then teachers and education groups will funnel the information to the agricultural community. Mr. McDonald concurred and added that EPA does not necessarily need direct contact with farmers, but the Agency does need contact with people who are trusted by and work directly with the farmers. Dr. Balling agreed and posited that EPA may not be able to win the hearts of the farming community, but the Agency must gain farmers’ cooperation if EPA is to accomplish its goals. Mr. McDonald explained that cooperation and trust will depend on the source of the message. Transparency with regard to data and research is critical to increasing trust and acceptance of the facts. Dr. Balling remarked that early partnerships and communication with the agricultural community are important. He recently visited a farmer who queried, “How do I know that a change I make on my land is going to have an impact on the Chesapeake Bay?” This confirms that the agricultural community does not have a fundamental understanding of the science and has not “bought in” to the proposed solutions.

Mr. Dennis Treacy (Smithfield Foods) asked if EPA has examined, beyond specific examples, the reasons that there is a lack of trust between the agricultural community and EPA and vice versa. What are the common themes? Mr. McDaniel responded that the FRRCC Partnership Committee or a similar committee is not intended to help EPA build the needed trust; the Agency needs a working group that it can “call on” for specific advice as it moves forward. Mr. McDonald concurred. Mr. Treacy agreed that it would be a positive exercise to understand why there is a lack of trust between EPA and the agricultural community. Ms. Dilley added that part of such an exercise would be to determine a metric for success. Dr. Sanders mentioned that in the history of agriculture in the United States, local people were brought into the administration of federal agencies. That has persisted in conservation districts and advisory committees with farm programs; the USDA and agricultural communities routinely function in this fashion. Perhaps EPA should consider different operational approaches.

Dr. Sanders pointed out that EPA, as a regulatory agency, has a vested interest in the outcomes and thus facilitation of partnerships and communications by EPA may be inappropriate. Mr. McDonald responded that the Partnerships Workgroup did not intend for EPA to be a facilitator, but instead for the Agency to facilitate certain occurrences. For example, EPA would facilitate getting the funds, staff and resources collected for partnerships to occur. The term “coordinator” would be a better word than “facilitator.”

Dr. Richard Bonanno (University of Massachusetts) amended the earlier comment that EPA “must win the hearts and minds of farmers” by saying that EPA “must win the hearts and minds of the groups that farmers trust.” When EPA promulgated a letter for changing pesticides, there was no response from the agricultural community; however, when this information is provided to farmers through the presidents of

farmers' and growers' associations, responses are apparent. Forming partnerships with the groups that farmers trust is important.

Mr. David Petty (Iowa River Ranch) commented that EPA is attempting to identify and foster partnerships. He questioned where the concept of local partnerships begin and end. As an example, he mentioned that EPA assists the State of Iowa and if the Iowa Department of Natural Resources (DNR) functions properly, then the needs of agricultural community producers are cared for appropriately. When the Iowa DNR does not function effectively, EPA then is required to apply pressure and the partnerships can start to fail. He contended that EPA is not wholly responsible for partnership problems, but there is an opportunity for improvement. The average producer, however, does not believe that he/she is responsible for the problem, and so the State of Iowa is working to bring people from all of these sectors together so that they understand the source of the problem and agree on potential solutions. This cannot be accomplished by simply disseminating letters; it must be done by cattlemen's associations propagating the letters and information. Mr. Petty also commented that an educational video is being promulgated that asserts the need for clean water and actions the agricultural community can take to help accomplish this goal. The video is not presented from a regulatory standpoint, which is important.

Mr. Elworth said that there are numerous intermediaries available that farmers trust. EPA must rely on and push for good science, ensure that the intermediaries understand EPA's viewpoint on the science, provide scientific and decision-making transparencies, and allow adequate opportunity for people to comment.

Also important is the need for the agricultural community to recognize that EPA decisions are made in the context of many stakeholders who are not all agricultural community members, but who should have a voice in the proceedings. Although EPA cannot resolve political issues, the Agency can rely on a fair process that follows the law and allows people to have access to these processes, so they can understand the science and witness that it is valid.

Mr. Elworth pointed out that one persistent dilemma is that people, in general, support solving environmental problems; however, when scientific research and data are used to devise regulations and people are required to make changes to their practices, the science is questioned very quickly. It must be recognized early in the scientific process that the methods and data will come under scrutiny and therefore must be transparent and based on sound assumptions from the beginning. Another common but serious quandary is the lack of knowledge among professional societies on how EPA operates.

Dr. Bonanno commented that because some scientists do not disseminate their data to EPA, the Agency is not aware of the data. He thought it would be helpful to learn how EPA finds existing data (e.g., local or state sources, private sources), because this process is critical. Mr. Elworth thought land-grant universities could be effective in educating more people at the interface between the agricultural community and environmental regulations.

### ***Resources Workgroup***

Mr. George Boggs (Whatcom Conservation District), representing the Resources Workgroup, said that the group attempted to move away from ethereal science and get "underground." Resources must be distributed based on the magnitude of problems because EPA does not have all of the necessary resources to address every problem. He added that many EPA processes need to occur differently than they do at the present time, and EPA must be open to change.

The recommendations of the Resources Workgroup are:

- (1) EPA should create and maintain full-time Regional Agriculture Advisor positions in the 10 Regions that report directly to each Regional Administrator.

- (2) EPA should establish a Strategic Agriculture Initiative (SAI) Specialist program using the previous Integrated Pest Management (IPM) SAI model that focuses on remediating nutrient pollution.
- (3) EPA should expand its support of the EPA-LGU Liaison positions and work with the LGUs to provide salary and an adequate travel budget for the LGU Liaisons to work with each state within their region and enhance communication and cooperation between EPA and the LGU system.
- (4) EPA and state regulatory agencies should develop and support integrated training for their employees and other stakeholders on agricultural production practices so that they may be more effective in working with farmers.
- (5) EPA should go into watersheds before planning regulatory action to encourage local action, discuss possible solutions with agriculture and, where appropriate, convene state agencies, funders, NRCS District Conservationists, LGU Extension agents and commodity groups to better align resources to address the problem.
- (6) EPA should support states in shifting the focus from permits and the attendant planning requirements to establishing a reasonable level of stewardship for farmers (i.e., certainty agreements) and recognizing the circumstances under which they typically operate.
- (7) EPA should review existing total maximum daily loads (TMDLs) in watersheds where agriculture is a significant land use, identify the activities that generate pollution and determine which have the lower cost/benefit rating.
- (8) EPA should continue supporting emerging ecosystem services markets.
- (9) EPA should conduct more formal, lower level communications and interactions with partner regulatory agencies, commodity groups and agricultural leadership, and deliver easily understood messages for the intended audiences that are uniform and consistent across the Regions and within a Region, and timely so that the audience has an adequate opportunity to receive, understand and act.
- (10) EPA should make CWA Section 319 funds more accessible to groups that will use these funds to better define an appropriate level of stewardship by removing or significantly reducing the 40 percent cost-share requirement.
- (11) EPA should invest in developing a curriculum through partnerships with the LGUs and community colleges through the EPA Environmental Education program. The curriculum should address regulatory issues on the agricultural landscape for agriculture and natural resource students who are likely to become future farmers and regulators.
- (12) EPA should take advantage of current, relevant reports and studies regarding the problem of nutrient pollution from agriculture and its potential solutions. From this literature review and working with NRCS and LGUs, EPA should determine suites of conservation practices that are most effective and affordable, and target education and technical assistance on these practices to those landowners with critically undertreated acres.
- (13) EPA should reach out to private foundations to discuss the impacts of unresolved water quality problems on the sustainability of the food and agriculture system and determine if there is a way to more effectively align private-sector resources with the Agency's efforts.

Dr. Sanders commented that a highly promising concept that has been presented is that of the opportunity to support the idea of ecosystem services. Agriculture can provide solutions that will assist in

maintaining, restoring and enhancing environments. He thought that the ecosystem services concept should be present in the Executive Summary.

Dr. Balling identified two items that are consistent across the Workgroups: (1) communication and (2) the certainty concept. He recommended extracting these items from the discussions of the individual Workgroups and laboring on them as a whole Committee. He questioned if there is a contradiction between the certainty principle for growers and adaptive management or feedback loops. He cautioned that if EPA is going to use data to constantly improve and amend models, then what is certain? Growers will think that expectations are a constantly moving target. Mr. Elworth responded that as technology advances, adaptive management is the best way to integrate these technologies into programs and allow for certainty agreements. In a certainty agreement, words can be used such that if a practice is insufficient, a legitimate timeframe can be provided for the technology change to be implemented by farmers and growers.

Ms. Noble commented that funding for conservation programs in the 2012 Farm Bill has been reduced by \$2 billion, and this is before the Congressional "Super Committee" has made any adjustments. She elaborated that CWA Section 319 funds have been reduced, which agriculture has depended on in the past. Regarding resources, the Workgroups should give consideration to what is available now and how these limited resources can best be used to achieve forward movement. Dr. Balling concurred on the importance of this point.

Dr. McFarland asked about the funding for LGU EPA liaisons and if this funding is blocked in any way. Dr. Robert Burns (University of Tennessee) responded that not all Regions have an LGU EPA liaison. The liaison in Region 4 is funded 50 percent by land grants and 50 percent by EPA. In a recent meeting of Extension Administrators, they discussed how to maintain funding for these staff members because these liaisons are important.

Dr. McFarland expressed frustration at the resources necessary to handle litigations. She queried if EPA has found new insight on methods to minimize litigation because it pulls resources and funding from every EPA sector. Mr. Elworth concurred that the system currently is set up largely to handle environmental litigations; minimizing this would be extremely helpful. He emphasized that public opinion on issues, however, cannot be minimized.

Mr. Boggs stressed that all farmers and ranchers want good water quality. He explained that they simply need to be better engaged so that they can understand the nature of water quality problems and how they can help make a positive difference. If this can occur, it will appear less like EPA is just changing the rules perpetually, and they will better appreciate what EPA is working to achieve. A comprehensive program that works to educate the agricultural community on the science, include them in the policy discussions, and help them comply with regulations will decrease litigation and frustrations.

Dr. Lori Berger (California Specialty Crops Council) asked about the exact definition of adaptive management. In promoting a stewardship culture, she suggested that timelines be formed to fairly and efficiently incorporate new science and technology, and to dispel the feeling of a "bait and switch" EPA methodology.

Mr. Elworth commented that people can often consider communication to be an ancillary activity to be accomplished after the "real work" has been completed; however, communication is integral to science and policy from the inception of a concept to the point when it is implemented.

Mr. McDonald compared USDA cooperation with the agricultural community to that of EPA and said that EPA takes a heavily regulated approach to the agricultural community and needs to shift its thinking. Mr. Elworth responded that EPA has a role as a regulator and has responsibilities that the Agency is legally obligated to perform. Mr. McDonald offered the idea that EPA can alter how it partners with the agricultural community (e.g., obtain greater stakeholder input) to improve relations and results.



Dr. Balling stated that in the meat inspection business, the USDA relationship with meat producers is tough, similar to the EPA relationship with the agricultural community. The relationship dynamic hinges on whether an agency or program approaches a community with resources, technology and support, or with rules, as in the way that EPA approaches the agricultural community. Mr. Elworth concluded that in handling pesticides, the agricultural community adheres to product regulations and suggestions because they understand the dangers. This level of trust and understanding needs to extend to water quality protection.

## **Plenary: Discuss Revised Recommendations and Workgroup Reports**

### ***Partnerships Workgroup***

On behalf of the Partnerships Workgroup, Mr. McDonald summarized that the large themes from earlier discussions were captured and are intended to be carried forward to the Executive Summary. One such theme is increasing the power of partnerships. A second theme is the essential nature of partnerships in building and fostering trust that is critical to solving water quality issues. A third theme is that partnerships should be institutionalized as a practice to solve water quality issues. Before developing regulations, EPA should use partnerships to help create change. Recommendations include:

- (1) Working with USDA to support, enable and provide resources for a multi-entity, multi-disciplinary partnership to develop and advance collective support for a set of tools, protocols and a metric to measure, document and verify water quality benefits from agriculture. This will make it apparent when goals are being accomplished.
- (2) Office of Water administrators should be in partnerships to evaluate and advance more effective approaches to delivering and improving BMPs. There are conservation practices that extend beyond the traditional nutrient management.
- (3) Regions should support the establishment of prioritized watershed-based groups to develop an implementation plan using BMP incentives and other actions that are essential for addressing water quality issues. Although it is not possible for EPA to work at the farm level, EPA should have a relationship with people and groups that farmers trust to get local representation.

Mr. McDonald mentioned two recommendations that cut across the other Workgroups. He said that regarding certainty, EPA and NRCS should collaborate and implement a certainty concept. This will give producers an incentive to make changes to their practices because they are assured that the change will be the standard for a certain period of time. Mr. McDonald also mentioned that partnerships are an efficient and effective means of deploying resources, especially when resources are limited.

Mr. Boggs suggested that tribes should be included as potential partners in the Partnerships Workgroup recommendations. Mr. McDaniel concurred that partnerships should include tribes and also state agencies.

### **Public Comment**

Ms. Kaiser called for public comments and there were none.

## Plenary: Discuss Revised Recommendations and Workgroup Reports (continued)

### *Resources Workgroup*

Dr. Burns, speaking on behalf of the Resources Workgroup, said that the recommendations were divided into three sets, of which he will present two—“people, funds and processes” and “leveraging with other groups.” For “people, funds and processes,” the recommendation is to create and maintain full-time Regional Agricultural Advisor positions. This will elevate the prominence of agricultural issues and demonstrate a commitment to working with the agricultural community on these issues.

Responding to Mr. McDonald’s query, Ms. Kaiser informed that these positions do exist; however, they are not all filled. There are plans to fill the open positions, ~~and-but having-making~~ this as a recommendation ~~will-will not only~~ emphasize ~~theirs~~ importance ~~of these positions-but also help ensure financial support~~. She added that the decision as to whether the position is full time or part time is made by the Region.

Dr. McFarland questioned how work is prioritized for the Regional Agricultural Advisor positions. Various regional representatives present at this meeting responded to the question. In Region 2, it was mentioned that there is a cross-media focus (i.e., water, air) and the Agricultural Coordinator draws on expertise across the Region. For Region 6, there is an Agricultural Committee that meets and incorporates pesticide, air and water quality foci. In Region 9, the Agricultural Advisor reports directly to the Regional Administrator and works on all agricultural issues within the Region. There are two staff members in the program; however, other divisions have staff members with agriculture-related responsibilities. Region 4 has an Agricultural Advisor who reports to the Regional Administrator. There also is an Agricultural Workgroup that spans the different media. In the past year, water issues have been at the forefront and dominated the work. Region 10 has an Agricultural Team that addresses various media (water, air). Many issues arise and it can be difficult to find staff time to do the work and conduct appropriate outreach on these various issues.

Dr. Burns stated that the next recommendation for EPA is to establish an SAI Specialist program, modeled after the IPM SAI ~~model~~program, that focuses on remediating nutrient pollution. This will provide additional focus on the effective technology transfer to agricultural producers. Mr. McDonald questioned the wording of the recommendation, and Dr. Burns replaced the word “remediating” to “reducing and minimizing.” Mr. McDonald added that “reducing nutrient pollution” may be stronger.

Dr. McFarland questioned whether this could cover SABS because this impairs waterways due to sediment loading. Mr. Boggs responded that this recommendation was directed at nutrient pollution, but SABS can be included. Dr. Berger suggested putting a period after “IPM SAI model,” so the recommendation will deal with more than one issue. Mr. McDaniel stated that the focus should be on reducing impairments instead of reducing nutrient pollution.

Dr. Burns commented that another recommendation for EPA is to expand its support of the EPA LGU liaison positions in the Regions. He reiterated an earlier comment by Mr. Boggs that EPA should work with LGUs to provide salary and a travel budget for LGU liaisons to work with each state within a Region and enhance communication and cooperation between EPA and the LGU system.

Responding to Dr. Sanders query, Dr. Burns said that Regional Agricultural Advisors are EPA employees who work with a broad spectrum of staff within EPA’s structure, while LGU liaisons are hired by LGUs and their salary and budget are provided by both EPA and LGUs. He said that the liaisons are partners and communicators more than program handlers and facilitators. Mr. Botts contended that one person within each LGU will be necessary to provide the intended services. Dr. Burns agreed that one liaison for an entire region is unreasonable; however, improvements must begin somewhere, and this will help elevate agricultural issues within each Region. Mr. Botts thought the FRRCC should recommend what is needed for a best-case scenario and nothing less.

A liaison located in Region 4 commented that Extension Offices can act in an outreach capacity towards landowners and farmers in ways that EPA cannot. These Offices are valuable partners from an educational standpoint.

The next recommendation is for EPA and state regulatory agencies to develop and support integrated training for employees and other stakeholders on agricultural production practices to increase effectiveness in working with farmers. Dr. McFarland asked if regulatory agencies would develop the training or just support it. Dr. Burns responded that both models exist, and the recommendation would be kept flexible to accommodate either option.

Another recommendation is that EPA should go to watersheds early, before planning regulatory action, to encourage local action and discussions with agriculture and state agencies, NRCS, funding groups and conservation groups to avoid litigation.

Dr. Burns explained that the next recommendation regards certainty, referred to here as stewardship. The EPA support staff should shift its focus from permits to reasonable levels of stewardship. This will assist EPA in achieving the goal of clean water and produce less conflict.

Although the Workgroup members did not reach consensus on this recommendation, Dr. Burns stated that EPA should review existing TMDLs in watersheds where agriculture is a significant land use. Pollution generating activities can be identified and cost-benefit determinations can be made. Dr. McFarland thought that this recommendation could be bridged with a Science Workgroup recommendation.

Dr. Burns noted the following additional recommendations from the Resources Workgroup:

- (1) EPA should continue support for the emerging ecosystems services market (e.g., water quality trading programs).
- (2) EPA should conduct more formal, low-level communications and interactions with partner regulatory agencies, commodity groups and agriculture leadership, and deliver easily understood messages for the intended audiences. These messages should be uniform and consistent across and within Regions. This should occur before regulatory plans are in place and actions occur.
- (3) EPA should make CWA Section 319 funds more accessible to groups that would use these funds to better define appropriate levels of stewardship. This recommendation can be in conjunction with certainty and stewardship recommendations.
- (4) EPA should invest in developing an environmental curriculum through partnerships with LGU and community colleges. An EPA environmental education program could be helpful to educate future farmers and regulators. The University of Tennessee, Purdue University and ~~The~~ Ohio State University have environmental sciences programs such as the one envisioned. Mr. Ray Vester (E&M Farms Partnership) supported this recommendation, especially for community colleges where students may not be interested in a 4-year degree.
- (5) EPA should take advantage of current, relevant reports and studies regarding the problem of nutrient pollution from agriculture and its potential solutions. A literature review with NRCS and LGUs can help determine practices that are effective.

Ms. Noble commented that the Conservation Effects Assessment project through NRCS has many of these goals and begins with an extensive literature review. Dr. Burns added that this recommendation has two parts. The first is that information being present and EPA discovering this information are two different things. The second is that as regulations are produced, research information is needed and

obtaining that information is essential. EPA must search appropriately for solid information that is available via *Federal Register* notices and other means.

Mr. Boggs noted that studies are funded, completed and successful, but transfer of these data to the regulatory community is not efficient and does not always take place. A literature review that finds successful projects will need a means to share that information nationally. Dr. Balling said that there is increased pressure on industry to become more sustainable. Commodity groups and universities develop practices associated with sustainability, and EPA and industry need to link with that activity. Mr. Vester commented that a Sustainability Task Force is involved with the rice industry and supports EPA setting the water quality standards.

Dr. Burns stated that the next recommendation is for EPA to reach out to private foundations to discuss the impacts of unsolved water quality programs on the sustainability of food and agricultural systems. This will more effectively align the private sector with the Agency's efforts. Dr. Burns clarified that this will leverage the resources of other groups.

Dr. Burns indicated that there are a number of additional recommendations on which the Resources Workgroup has not yet reached consensus; these may not be included in the Executive Summary: (1) EPA should work with industry, LGUs and tribes to achieve a framework of environmental stewardship; (2) EPA should target funds to compile with those of other federal agencies used to conduct large-scale collaborative efforts to remediate nutrient pollution; (3) EPA should work with farm groups and other groups that could establish a regional agricultural stewardship awards program (barriers exist with this recommendation regarding what the Agency is allowed to do); (4) through partnerships with LGU Extensions and others, EPA could provide more user-friendly materials that raise awareness of the potential negative impacts that agricultural activities may have on future crop yields and help increase understanding about specific legal requirements, the solutions or resources available to avoid negative impacts, as well as the complex business and cross-media impacts that implementation of conservation practices can achieve; and (5) EPA should better coordinate available resources.

### ***Science Workgroup***

Representing the Science Workgroup, Dr. McFarland said that the original 17 Workgroup recommendations had been reduced to four bullet points. These will be further refined by the Workgroup. One recommendation is that nutrient and SABS criteria should be developed further using a weight-of-evidence approach. These criteria should reflect a science-based demonstration that one or more of these factors is causing an adverse biological effect on the designated use for the water body.

The second recommendation is for EPA to use adaptive management as a primary management tool for the mitigation of nutrient and SABS' off-site movement to water sources from agricultural operations. This recommendation cuts across the recommendations of other Workgroups. Inherent to this recommendation is the use of CEAP studies to identify and quantify the effectiveness of BMPs and emerging technologies being employed on farms and ranches to reduce agricultural nutrient and SABS loads. CEAP studies should be linked to EPA's CWA Section 303(d) listed watersheds and those watersheds should be targeted in USDA conservation programs. EPA also should provide guidance to USDA and LGUs on EPA priorities for additional research on BMPs, new technologies and new varieties with improved nutrient use efficiency.

Dr. Sanders presented the third Science Workgroup recommendation: EPA needs to adopt consistent use of the *EPA Guidelines for Preparing Economic Analyses*. Collaborations should be fostered across disciplines, agencies and the private sector during the development of the economics assessment. Informal conversations with other agencies have indicated that they often have knowledge and data that would be important to EPA but do not convey this information. The economic assessment also should be subjected to an independent, transparent review.

The fourth recommendation, presented by Ms. Noble, is for EPA to develop a coordinated public engagement plan at the regional level. Outreach to key leaders is important, as well as establishing relationships between practices, impacts and water quality goals. BMPs should be demonstrated at the farm level to facilitate an understanding of the interaction between action and impact on water quality. The concept is to establish agricultural community engagement so a framework is prepared before EPA produces new regulations.

From the second recommendation, Dr. Balling confirmed that adaptive management is not common throughout the country. Dr. McFarland added that aspects of adaptive management are imbedded in the 2006 SABS framework. A wise approach is to determine if a water body designated use is impaired, and uncertainties therein are documented during the process. A weight-of-evidence approach accounts for other aspects of water that can confound results and outlines a science-based tiered process.

Mr. Boggs commented that CWA Section 303(d) listed watersheds may not be a foolproof determining factor for targeting conservation efforts because there are additional factors to consider other than silting. The list could miss areas where investment should be made; therefore, land use and other metrics should be examined before watersheds are listed. Dr. Balling conceded this point and said that this will be addressed. Mr. Elworth noted that every CWA Section 303(d) listing is not a watershed, some are stream listings, but agreed that the list is not comprehensive.

Mr. Petty said that, in some areas, there is a concerted effort to get a watershed or stream listed on the CWA Section 303(d) list because this leads to an area receiving monetary resources.

Mr. Petty questioned the credible data that will be utilized to achieve stakeholder and agricultural community “buy in.” EPA and industry need to agree and more than one data source is necessary. Mr. McNinch replied that this is what a weight-of-evidence approach means.

Regarding the CWA Section 303(d) discussion, Ms. Noble expressed concern that USDA can be hostile towards such terms. The FRRCC should capture the exact terms of impairment that are meant. Dr. Bonanno indicated that agriculture contributes to impairment (contamination is implied in impairment). There needs to be an understanding that with the presence of agriculture, there always will be a certain level of discharge in the waterways. This must be accepted or the decision should be made that there will be no more agriculture. Dr. Bonanno continued that CAFOs are a confounding issue and are a part of agriculture that should be considered under a different level of scrutiny. The certainty principle is important because farmers need a way to continue farming.

### ***General Discussion***

Ms. Dilley directed the FRRCC to consider the format for the Executive Summary Workgroup reports. Mr. Elworth supported the style of the Science Workgroup’s format because it is straightforward and includes appropriate details. This is an ideal style for presentation to the EPA Administrator.

Dr. Balling mentioned that the Science Workgroup spent most of the allotted time consolidating the recommendations and less time on end-accomplishment specifics. He questioned how the Workgroup will keep the recommendation list from growing. Mr. Elworth explained that he does not want to interfere with the level of detail and the scope of discussions that take place.

Dr. Burns commented that the Resources Workgroup members attempted to make their bullet-point recommendations shorter and more concise with the goal of two-sentence bullet points. He indicated that these bullet points could be used in the Executive Summary, while the supporting and more explanatory information could be part of the Resources Workgroup report. Mr. Elworth suggested that much time should not be spent on the individual reports because the information that already is contained in the Workgroup reports is what is needed. The Workgroups should collaborate to construct recommendations

into a format suitable for the Executive Summary. Ms. Dilley affirmed that an abbreviated version of each Workgroup Report will go into the Executive Summary.

Ms. Dilley suggested the FRRCC discuss cross-cutting themes, such as certainty and communications. Dr. Burns stressed that because these themes are cross-cutting, they are more powerful and must not be lost because they do not “belong” to one individual Workgroup.

Mr. Elworth said that regarding certainty, there has been draft legislation in several states that explicitly mentions certainty or discusses the concept. A basic issue is that these are state programs because the Federal Government does not have authority under the CWA to regulate nonpoint source pollution. EPA reviews programs, such as TMDLs, and approves them if EPA has reasonable assurance that the program will lead to changes in water quality. Another issue is that of farmers implementing practices to address water quality resource concerns on their operations. The certainty concept also has been discussed in several meetings and is garnering support.

Mr. Garza commented that some Workgroup presentations use the term “certainty,” some use “regulatory certainty,” and some use “agricultural certainty.” Mr. Elworth responded that people describe certainty in different ways. Agricultural certainty means certainty in agricultural situations specifically. Regulatory certainty is the rationale that people desire; however, he emphasized that he does not use this terminology because it is important to remain clear that EPA does not have regulatory authority over nonpoint source pollution.

Dr. Balling commented that the concept of communication fits into all of the Workgroups, while the concept of certainty is a separate entity about management and policy. He thought that certainty could be a separate recommendation from the other Workgroup recommendations.

Ms. Noble stated that her member organizations are skeptical about this approach because a model of current conservation compliance is being examined. People become nervous when EPA claims, “it’s certainty because we have a plan.” Mr. Elworth conceded that it is a fair point to make. People are concerned about conservation practices and when they are implemented, as well as whether EPA has a good way of ensuring that they are practiced and maintained. Certainty can be used as an opportunity to establish EPA positions and ideologies or to get interested farmers to achieve steps towards conservation quickly. Some farmers who would implement conservation practices do not want that taken away from them due to uncertainty and fear.

Ms. Noble commented that conservation operations currently are being cut from many programs. Mr. Botts said that consistency of application (science and BMPs) is needed so that people using BMPs have an understanding that they are making a difference. Farmers need to make BMPs a regular part of their jobs, not as a cost-share or incentive. In addition, farmers who have been carrying the cost of BMPs and doing them continually in the past can be hurt, because incentive programs only help farmers who are taking up the practice now. It is disconcerting for farmers when a program that has been established for years suddenly changes; that is a certainty problem.

Mr. Boggs stated that a permitted facility with discharge has much certainty because BMPs are expressed to them explicitly. If people could be proactive and maintain a certain level of stewardship, then the agricultural community would not have to wait for new permits to be released.

Ms. Dilley questioned if a new Workgroup should be formed that clearly delineates these certainty concept ideas and forms a recommendation based on them. Mr. McDaniel queried the appropriate time allotment for a certainty recommendation. Mr. Elworth affirmed that while a certainty concept is not yet “mainstream,” people have been considering it and it has value. For this reason, the FRRCC should certainly feel free to form a recommendation on the concept.

Ms. Noble mentioned that adaptive management is an important issue to consider in the development of recommendations on a certainty concept. Adaptive management is not the opposite of certainty, but it does imply that certainty is maintained only up to a certain point. Certainty is not maintained perpetually and this needs to be addressed. Mr. Elworth responded that this issue is consistent with certainty programs and that they are not at cross purposes. Adaptive management is integral to a certainty concept and such programs should not contradict each other.

Ms. Dilley stated that the Resources Workgroup will examine and develop a recommendation on the concept of certainty.

Dr. Sorenson thought that the power in a recommendation stemming from all Workgroups independently should not be lost. Recommendations that cross-cut all of the Workgroups should be highlighted in the Executive Summary and it should be noted that they were developed independently by the Workgroups.

Mr. Elworth asked when the cross-cutting recommendations would be developed because another FRRCC meeting has not been scheduled. Mr. Botts suggested that the FRRCC members who develop the Executive Summary could detail the cross-cutting recommendations. The Executive Summary will be distributed to FRRCC members electronically and individuals can offer changes and suggestions before it is presented to the EPA Administrator. Ms. Jones-Jackson proposed the idea of a teleconference to assist in the development of the Executive Summary and cross-cutting recommendations, in conjunction with electronic communications.

Responding to Dr. Burns' and Mr. Ford's questions, Mr. Elworth explained that each recommendation does not need to begin with "EPA should ..." because this will be made apparent in the report. Additionally, the report will begin with an Executive Summary, and that will be followed with a more detailed explanation of the FRRCC recommendations in the form of three chapters, one for each Workgroup (i.e., Science, Resources and Partnerships).

Ms. Kaiser adjourned the meeting at 5:57 p.m. EDT.

## **THURSDAY, OCTOBER 27, 2011**

Ms. Kaiser called the meeting to order at 8:39 a.m. EDT.

### **Welcome and Charge to the Workgroups**

Ms. Stephanie McCoy (OFACMO) explained travel reimbursement procedures and asked the FRRCC members to complete the meeting evaluation form.

Dr. Balling welcomed the FRRCC members to the second day of the meeting. He explained that it was the last official work day on this process and breakout sessions should focus on continuing to refine expectations and recommendations. The current version of the Executive Summary was disseminated and should be reviewed by the FRRCC members.

Mr. Elworth clarified that Workgroups should use the format of the Science Workgroup for their recommendations. He emphasized that some statements concerning partnerships and communications (i.e., credibility, transparency, trust and access to the regulatory process) should not be lost because they are common to all Workgroups.

Mr. Elworth indicated that a meeting with the EPA Administrator and Deputy Administrator, and OW to present the Executive Summary and Committee's recommendations should be scheduled by December or January.

Mr. McDaniel asked if FRRCC members can discuss the recommendations and the meeting with organizations outside of the FRRCC. Mr. Elworth responded that individuals can discuss their impression of the Committee and their involvement, but they cannot communicate their thoughts and opinions as findings and recommendations of the FRRCC. Results of the Committee can be presented, including the Executive Summary, but members are cautioned to clarify that they do not represent the FRRCC.

Dr. Sanders questioned who on the FRRCC will be present during the presentation meeting with EPA Administrator Jackson. Mr. Elworth replied that this is not only an opportunity to brief the Administrator on what the FRRCC has accomplished, but also to offer the Committee's input on whether a new charge should be addressed by the FRRCC. When work on this charge is completed, the FRRCC should decide if continuity should be preserved by taking on a new issue, and this should be communicated to Administrator Jackson.

Mr. Petty asked about the type of response that should be expected from the EPA Administrator. Mr. Elworth explained that Administrator Jackson will not implement the recommendations; they will be implemented by the programs. In about 8 to 9 months, the FRRCC can schedule a meeting with EPA staff to examine what changes have occurred.

Ms. Dilley charged the Workgroups with the task of incorporating the previous day's feedback into the recommendations and thinking about the report format. She cautioned that the Executive Summary should not contain 25 bullet points of recommendations; instead, it should identify several actionable items underscored with several bullet points. Although the current Executive Summary version is a draft, it should be reviewed by the Workgroups to ensure that the correct points are being emphasized.

Mr. Elworth pointed out that only one laptop was available for all of the Workgroups. Therefore, the Workgroup members must consolidate and encapsulate their recommendations on that laptop to present them to the FRRCC. In an effort to reduce costs, more laptops and projectors could not be made available.

Mr. Botts commented that the current recommendations envelope many areas. Even though water pollution is under EPA and OW authority, many other ideas that have been discussed come under the jurisdiction of other state agencies. He questioned if the FRRCC work can be sent to the Chief of NRCS and other partners so that everyone has the opportunity to gain an understanding of what the FRRCC is attempting to accomplish. Mr. Elworth replied that he may be able to include some USDA and OW officials at the EPA Administrator briefing. Other individuals that should be present are from the Office of Policy, the National Center of Environmental Economics and universities. He warned against a large gathering, however, because it can cause individual listening comprehension to decline.

## **Plenary: Updates From Drafting Groups/Review and Discuss New Recommendations Language**

### ***Resources Workgroup***

Mr. Boggs, speaking on behalf of the Resources Workgroup, commented that every recommendation could not be incorporated into the Executive Summary and so the Workgroup labored intensely to provide appropriate detail and distill the recommendations into three bullet points that encompass a "take home message." He explained that these recommendations are the same as the previous day's but have been reformatted into concise bullet points with underlining and boldfaced type.

The recommendation for the strategic agricultural specialist has been restructured to read, "reducing agricultural water quality impacts," which incorporates discussions from yesterday. For LGU liaisons, instead of recommending one per state, the Workgroup recommends that "an adequate number of LGU liaisons to work with each state within each region" should be committed. The challenge is to determine



the amount of resources that can be obtained from the LGU system for this recommendation. The previous recommendations that required further assessment now have been captured.

Dr. Burns added that the Resources Workgroup is reasonably satisfied with the overall report and now has the task of distilling its bullet points into a two-sentence summary for the Executive Summary.

Dr. McFarland asked if the Workgroup discussed the method for making regional contacts when EPA develops this plan. How will growers be reached? Dr. Burns confirmed that this had been discussed and is mentioned under the “Leveraging Resources with Others” point. The Workgroup report elaborates about making a planned effort to better connect with the agricultural community at the local level. The recommendation suggests a fundamental change in EPA operations that requires proactive work at the local level.

Dr. Burns commented that other changes made to the recommendations include stewardship for certainty agreements, in which EPA should encourage and support state certainty programs, and a full TMDL recommendation that includes implementation. The “Coordinating Available Resources” item is listed as an observation and not a recommendation because the Workgroup does not know where duplicate efforts and gaps occur, and so the item is not yet actionable by EPA.

Dr. McFarland queried if the Workgroup discussed sunset clauses or other ways to ensure that certainty programs have timeframes. Mr. Boggs replied that they did not. He commented that Ms. Noble’s point should be addressed (i.e., level of stewardship with certainty). Major barriers include the lack of farmers’ understanding concerning these problems, their implications and their solutions. Adaptive monitoring is a promising place to begin a certain level of stewardship because it has a feedback loop.

Dr. Balling suggested that the Executive Summary could contain an overarching statement that there are problems to which the farmers are contributing and there are processes that can solve them.

Concerning the stewardship recommendation, Mr. Elworth asked a question about the meaning of “enforcement as a last resort.” Mr. Boggs responded that in the current paradigm, discharges must be examined and people put under permit to plan and implement a process. There are, however, not enough resources and time to do such. Voluntary flexibility in an incentive-based program where people are moving towards stewardship, would be a more effective process at getting immediate change. This is a positive change because it does not lead agricultural community communications with a penalty book, but instead leads with information and awareness. A regulatory backstop, however, is necessary as a last resort. Mr. Elworth understood the point, but mentioned that compliance assistance is an enforcement action that the Committee might not wish as a last resort and that in the case of criminal violations, the recommendation could be construed as suggesting that EPA not take appropriate actions.

### ***Science Workgroup***

Dr. Popp spoke on behalf of the Science Workgroup and said that changes from the previous recommendations were based on FRRCC discussions. The first change was to give an explanation of what encompasses a “weight-of-evidence approach.” The second change was to remove the reference to Section 303(d) listed watersheds and amend it with the identification of vulnerable lands.

Mr. Boggs indicated that a Section 303(d) listing should be one criterion among many for targeting areas in need. There is a limitation on the manner in which streams currently are identified and aquifer vulnerability should be brought to bear. Dr. McFarland stated that one EPA action could be to link to databases that would expand the precision with which vulnerable watersheds are identified. Mr. Boggs suggested a recent National Oceanic and Atmospheric Administration (NOAA) analysis in which areas contributing to nutrient loading were identified. Dr. Sorenson commented that examining a recently published U.S. Geological Survey (USGS) report could reap benefit because it displays ample information from agriculture on a watershed basis.

Dr. Popp stated that another change to the recommendations included rewording the public engagement plan bullet point to be bi-directional (i.e., reaching from EPA to stakeholders as well as stakeholders to EPA).

### ***Partnerships Workgroup***

Ms. Suzy Friedman (Environmental Defense Fund) spoke on behalf of the Partnerships Workgroup and indicated that there are three main recommendations that hone in on the justifications for why EPA needs a partnership approach. The first recommendation is for the methodology and tools to be available and coordinated for measuring and documenting impacts. This should be at the farm-scale level and drive innovation of new methodologies for documenting and verifying water quality. The second recommendation is to develop, disseminate and implement management practices, focusing on CWA Section 319 funding and incentives. The final recommendation is for state partnerships to implement state nutrient management programs.

Ms. Peggy Beltrone (Exergy Integrated Systems) commented that Harvard University requires the winner of the Harvard Innovations in Business prize to spend the award money on traveling to communities to spread information on the award-winning programs. Mr. Elworth responded that this implies outreach. He added that if there was a prize for monitoring nutrients within tiles that can be adapted for use by farmers, it would be beneficial.

Ms. Friedman said that the second recommendation encapsulates the idea that EPA [Regional Aregulatory](#) administrators and Regional Agriculture Advisors need to be more locally involved. In fact, it is difficult to find any information on the role of agriculture advisors on the EPA website. A simple online location to find the Regional Agriculture Advisors would be helpful. Mr. Elworth replied that the advisors' roles can vary by Region, and some of these positions currently are unfilled; therefore, he thought this recommendation was constructive. Ms. Friedman indicated that the Workgroup intended for regular meetings to be held where information is shared concerning EPA proceedings related to agriculture, Regions, stakeholders and national groups. Regional Agriculture Advisor positions could help advance trust and communication, as well as play a role in developing partnerships.

Mr. Elworth commented that Regional Agriculture Advisors conduct many meetings, but the importance of meeting with the Regional Administrator should be reinforced. The Regional Administrator should be involved in priority setting, and meeting with agriculture producers and stakeholders will ensure that their needs are considered in the prioritization process. Using a newsletter to communicate with the agriculture community is a means that can garner unenthusiastic response. The Region 10 Regional Agriculture Advisor, Karma Anderson, noted that communication via a newsletter is difficult to accomplish because of time constraints. She acknowledged that such a newsletter could help build relationships and increase visibility, and would be easier if production were web-based rather than hard copy.

A Region 7 representative, Damon Frizzell, stated that his work with the Regional Administrator is focused on annual organization meetings in which they attempt to dispel rumors and educate about updates on new regulations and developing partnerships. He said that within EPA it is imperative to coordinate with members from various programs to ensure that all information is shared among all of the programs. Education is important because there is a limited number of EPA staff members who have formal agricultural education. He agreed that newsletters are difficult to compile and publish in a quality fashion on a timely, periodic basis.

### **Plenary: Discuss Next Steps and Completion and Submission of Report**

Mr. Elworth asked the Workgroups if they were comfortable with compiling the current recommendation drafts into the Executive Summary. Ms. Friedman answered that the Partnerships Workgroup needed some more time to complete its report; however, the Workgroup members thought the shorter

recommendations document was adequate. Mr. Elworth emphasized that it is not necessary to do a wholesale revision of the Workgroup reports; only minor changes to maintain consistency are necessary.

Ms. Dilley clarified that the Workgroup reports should be consistent with the recommendations listed in the Executive Summary. This is essential because the individual Workgroup reports will be appendices to the Executive Summary and should support the recommendations.

Mr. Botts questioned the timeline for producing the final report and Executive Summary, and meeting with EPA Administrator Jackson. Mr. Elworth replied that the Administrator meeting should be held before December 17 if possible. Ms. Dilley suggested that Workgroup reports be completed within 1 month (i.e., by November 24). One member of each Workgroup should update their recommendations on the most recent Executive Summary draft. The completed Executive Summary and Workgroup report appendices will be disseminated to all of the FRRCC members before it is deemed finalized and complete. This will give each member a final opportunity to make modifications before Administrator Jackson examines it.

Mr. Elworth agreed to check on Administrator Jackson's schedule by Friday, October 28, 2011, to select an optimal date and time for the presentation meeting. Other senior officials and ~~USDA and other~~ program individuals from EPA and USDA can be invited as well. Mr. McNinch suggested that Regional Administrators also be invited. Mr. Elworth concurred and remarked that the meeting should be scheduled around Administrator Jackson's schedule, and then Regional Administrators and other appropriate individuals can be invited to attend if they are available.

Mr. Garza expressed interest in ensuring that minorities, such as Hispanic populations, are included in the Executive Summary report. Socially disadvantaged individuals also should be mentioned. Mr. Elworth concurred and added that locations in the report where they can be included should be brought to the attention of the FRRCC. Mr. Vester assured Mr. Garza that the Resources Workgroup worked under the basic premise of starting actions and recommendations at the local level. The local level includes education for "green" jobs at community colleges for people, often minorities, who cannot go away to attend college. Mr. Garza emphasized that statements on this overarching issue should be included in the Executive Summary, not just in the Workgroup reports in the appendices.

Mr. Elworth added that for the EPA grants programs, there is an Office that is responsible for ensuring equitable grant access for tribal, Hispanic and African-American universities. He recognized that the reports encompass more than grants, but discussions with USDA on how EPA can work with them, and individual universities, to ensure programs address this issue is a positive notion.

Dr. Sanders said that the Science Workgroup did not ignore this issue. The recommendations suggest the adoption of more broad economic analyses in which there is a section that discusses environmental justice. This can be moved from the individual Workgroup report and referenced in the Executive Summary. Dr. Sorenson agreed with this revision and added that minorities are a growing segment of the population that is traditionally underserved.

Mr. Elworth mentioned that there are many small farm group meetings where presentations are given and information is shared. EPA needs to examine building the capacity to take advantage of those resources, instead of just knowing that they exist.

Ms. Noble questioned if there was a place in the Executive Summary where it is expressed that EPA has moved forward beyond past litigations concerning discrimination. The FRRCC should use words that are adamant about outreach and partnerships. This will signal to farmers, USDA and the public that EPA understands the past difficulties some individuals have experienced in accessing resources. Mr. Garza commented that there are frameworks for relief on some litigation cases, and it is becoming apparent that lawsuits are not necessary for people to obtain the resources they need. Mr. Archilus Hart (North

Carolina Department of Agriculture) concurred and thought that the recommendations are in place to provide inclusion for everyone.

### **Public Comment**

Ms. Kaiser called for public comments and there were none.

### **Final Remarks**

Mr. Boggs affirmed that his Workgroup was comfortable with its recommendations and he was confident that the Workgroup designees would appropriately convey them in the Executive Summary. Dr. Balling clarified that if any FRRCC member is dissatisfied with report statements, these concerns will be expressed in the appropriate Workgroup report because consensus is not necessary, but it is important to represent everyone's thoughts.

Dr. Balling commended the FRRCC members for working diligently to develop recommendations and modify them as necessary to produce a positive, thoughtful product. He thanked the Committee members for their commitment and hard work, and expressed hope that the recommendations will have a positive impact on the water quality issues faced by the agricultural community and EPA. Mr. Elworth expressed his gratitude for the solid work accomplished by the FRRCC; he was confident that Administrator Jackson will appreciate it as well. This work will have a serious impact, and the FRRCC members did a commendable job at accomplishing the necessary tasks.

Ms. Kaiser adjourned the meeting at 12:25 p.m. EDT.

### **Full Committee Action Items/Timeline**

- ✧ On Friday, October 28, 2011, Mr. Elworth will check EPA Administrator Jackson's schedule to determine a day and time for the meeting at which the FRRCC recommendations will be presented to EPA senior management and others. Ms. Kaiser will notify the members of this date.
- ✧ Ms. Friedman, Dr. Sanders and Dr. Sorenson will examine the recent Executive Summary draft and make any necessary substantive comments on partnership and communications issues.
- ✧ Workgroup designees will examine the recent Executive Summary draft and incorporate any changes necessary to the Workgroup recommendations.
- ✧ Workgroups will ensure that the recommendations in the Executive Summary draft are consistent with the recommendations in their reports, which will be included ~~as in the~~ appendices.
- ✧ When disseminated, FRRCC members will read the final draft of the Executive Summary and offer suggestions for any final alterations.

**Farm, Ranch, and Rural Communities Federal Advisory Committee (FRRCC)  
October 26-27, 2011 Meeting Participants**



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