

# NEWSletter

## Northeastern Weed Science Society Summer/Fall 2020

### Comments from the President



**Art Gover**

Quick recap, provided to you a few weeks back:

The 2021 NEPPSC will be virtual, still conducted January 4-7. President-elect and Program Chair Caren Schmidt and the program committee have done a tremendous amount of work to reinvent the NEPPSC as a virtual event. Without needing a venue, the role of President transitions. I think for this group, the transition is to “stay out of the way”. So, my report gets to be highlighting the efforts of the rest of the Society.

The new title submission site for the 2021 NEPPSC, [weedscimeetingabstracts.com](http://weedscimeetingabstracts.com), will be open September 1. This is the second time I will tell you – you need to create a new user-ID and password as your credentials from [wssaabstracts.com](http://wssaabstracts.com) did not migrate.

Please note Jacob Barney’s report detailing the First Annual NEWS Student Writing Contest, sponsored by the Endowment Committee.

### **Important Information**

**October 2, 2020:** Title submission deadline

**January 3, 2021:** Abstract submission deadline

**January 3, 2021:** Slide upload deadline

**Jan 4-7, 2021:** Virtual NEPPSC meeting

Lane Heimer, your Editor, will share updated title submission instructions and instructions for authors.

Matt Cutulle, Research and Education Chair is re-visioning that role to place more emphasis on the Society webpage, and delegate the role of securing CEU credits to liaisons for each state.

Uri Menalled and Maria Gannett, as well as being key members of the Program Committee, have continued the efforts of their predecessors to establish an esprit de corps amongst the students from all the societies in the NEPPSC, and have been engaging the collective creativity to develop student programming for the V-NEPPSC.

With 2021 switching to virtual format, the arrangements to meet at the Wyndham Gettysburg for 2021 are going to be relayed to 2022. This is a positive element, as it made discussions with the hotel much less fraught than they could have been. In 2023, we will meet jointly with WSSA in Arlington, VA. We will feature a NEPPSC-specific day in this meeting. Venue for 2024 is not on the radar yet, however, I am hopeful that Northeast Branch of the American Phytopathological Society will join us beginning that meeting. I had some very encouraging correspondence with NE-APS’s

current leadership this spring to meet jointly. We missed the window to jointly plan for 2021, in 2022 they co-host with their national society, and 2023 we meet with WSSA. Hence, 2024. NE-APS was part of the inaugural NEPPSC in 2016, and I am looking forward to convening with them again.

New information I can share with you is proposed changes to the NEWSS Manual of Operating Procedures (MOP). Dan Kunkel, as Past President gets to shepherd changes through Board members to get it into voting shape. He's fought through considerable inertia (me) to get the revisions polished for a vote in October. An additional element I plan to propose is changing the tenure of the Executive Board members. As our Society decreased in size the last few decades, the pool of candidates for the Presidential track has shrunk, and with the requirement (with which I heartily agree) of previous Board experience, our pool is shrinking, and we're approaching a bit of a pinch-point where members would have little respite between Board service and stepping into the Presidential role. Hence, I will propose to the Board that we reduce the term for committee chairs from three years to two, and reduce the indenture of Treasurer from five years to four (while retaining the "elect" year and "mentor" for the new "elect"). This will begin to increase the size of the pool, and give members in the "service track" a chance to be off the board a bit before stepping into the Vice President role. I hope we can use the October Board meeting to discuss and refine, and the January meeting to vote and implement for 2021.

As we move, soon to be hurtle, towards our 2021 Big Adventure, please do not hesitate to share your input, concerns, questions, with the Board and me.

## **President-Elect's Report**



**Caren Schmidt**

While I am personally very disappointed that we must transition the 2021 NEPPSC meeting to a virtual format because it is one of my favorite events of the year, the program committee and myself, as Program Chair, are ready and eager for the challenge!

Thank you very much to all of you that took the contingency plan survey. We had high participation and believe that the results well represent the memberships' wishes. We are taking the survey results and doing our very best to accommodate your requests. One item was clear, the large majority still wanted to participate in a virtual meeting. The easy out would have been just to postpone, but we want to honor the needs of the societies.

I will admit that the program committee had an amazing program established outside of the submitted papers before the decision to go virtual was made. We will be postponing some of those planned sessions until we are in person again as they are better suited for in-person interaction. In the meantime, just like everything else during Covid, we are pivoting.

The program committee is meeting weekly throughout August and intend to have a virtual plan in place by the end of August that we can roll out to the societies. Our intention is to open the title submissions on Sept 1 and we will provide deadlines and modifications at that time. Our current goal is to maintain the General

Session, the student paper competition, the topical breakout sessions, a modified “poster” session, the Business Meetings and a networking/social gathering. We do not plan to have concurrent sessions, so you can attend more of the topical breakouts, if desired. Silver lining?

We are evaluating technology platforms and the cost associated with the meeting will be to offset the technology costs. The program committee asks for you to keep an open mind with the virtual program design. We are working to make it as interactive, engaging and meaningful as possible for all participants.

Incidentally, we have a new title submission page, [weedscimeetingabstracts.com](http://weedscimeetingabstracts.com). You will need to set up a new username and password, as your previous login information is no longer valid.

Lastly, we intend to transfer our 2021 contract at the Wyndham Gettysburg to the 2022 NEPSSC meeting. Please let us be able to meet in person again...someday! I hope you all stay safe and healthy! And stay tuned for more virtual meeting details.

## **Vice President’s Report**



**Jacob Barney**

As you are now aware, we will be meeting virtually in January. I am on the Program Committee and we are working hard to create a program that makes the best of the circumstances, maintains important elements that define a NEWSS meeting, and introduce some novel concepts that take advantage of the virtual format. We will be postponing our program theme of “Science Communication” until 2022 with the hopes of an in-person meeting then. We already have some exciting and dynamic symposia planned!

I don’t have much else to report as we are currently in the process of developing the proposal. We will share those details as soon as we have them. We certainly welcome input and feedback, but know we are doing all we can to have an engaging, exciting, and productive annual meeting.

## Treasurer's Report



Kurt Vollmer

<b><i>2020 Financial Report as of July 29, 2020</i></b>	
Savings Balance	\$31,867.83
Checking Balance	\$83,242.29
Endowment Fund	\$37,015.83
<b>Total Net Assets</b>	<b>\$152,125.95</b>

Remember it's never too late to donate to the Education Fund!

<https://www.newss.org/about/education-fund-donation>

**The mailing address for NEWSS has changed.  
Please address all correspondence to:**

**Kurt Vollmer, NEWSS Treasurer  
P.O. Box 169  
Queenstown, MD 21658**

## NEWSS Executive Committee 2020

### Officers

**Art Gover** PRESIDENT  
Penn State University  
Ph. (814) 863-9904  
[aeg2@psu.edu](mailto:aeg2@psu.edu)

**Caren Schmidt** PRESIDENT-ELECT  
BASF  
Ph. (517) 282-8935  
[caren.schmidt@basf.com](mailto:caren.schmidt@basf.com)

**Jacob Barney** VICE PRESIDENT  
Virginia Tech  
Ph. (540) 231-6323  
[jnbarney@vt.edu](mailto:jnbarney@vt.edu)

**Kurt Vollmer** TREASURER  
University of Maryland  
Ph. (302) 856-7303  
[kvollmer@umd.edu](mailto:kvollmer@umd.edu)

**Larissa Smith** TREASURER-ELECT  
Syngenta  
Ph. (607) 220-8795  
[Larissa.smith@syngenta.com](mailto:Larissa.smith@syngenta.com)

**Dan Kunkel** PAST-PRESIDENT  
IR-4 – Rutgers University  
Ph. (732) 932-9575 x 4616  
[daniel.kunkel@rutgers.edu](mailto:daniel.kunkel@rutgers.edu)

## Committee Chairs and Representatives 2020

**Hilary Sandler** CAST REPRESENTATIVE  
University of Massachusetts  
Ph. (508) 295-2212  
[hsandler@umass.edu](mailto:hsandler@umass.edu)

**Michael Flessner** EDITOR  
Virginia Tech  
Ph. (540) 315-2954  
[flessner@vt.edu](mailto:flessner@vt.edu)

**Theresa Reinhardt Piskáčková** GRAD STUDENT REP  
North Carolina State University  
Ph. (618) 580-6466  
[tareinha@ncsu.edu](mailto:tareinha@ncsu.edu)

**Thierry Besançon** MEMBERSHIP CHAIR  
Rutgers University  
Ph. (609) 726-1590  
[thierry.besancon@rutgers.edu](mailto:thierry.besancon@rutgers.edu)

**Katelyn Venner** PUBLIC RELATIONS REP  
BASF  
Ph. (919) 547-2916  
[katelyn.venner@basf.com](mailto:katelyn.venner@basf.com)

**Matthew Cutulle** RESEARCH & EDUCATION  
Clemson University  
Ph. (843) 402-5399  
[mcutull@clemson.edu](mailto:mcutull@clemson.edu)

**Wesley Everman** SUSTAINING MEMBERSHIP  
North Carolina State University  
Ph. (919) 518-0488  
[wes\\_everman@ncsu.edu](mailto:wes_everman@ncsu.edu)

**Rakesh Chandran** WSSA REPRESENTATIVE  
West Virginia University  
Ph. (304) 376-4514  
[rschandran@mail.wvu.edu](mailto:rschandran@mail.wvu.edu)

**Lee Van Wychen** SCIENCE POLICY DIRECTOR  
Weed Science Society of America  
Ph. (207) 746-4686  
[Lee.VanWychen@wssa.net](mailto:Lee.VanWychen@wssa.net)

**Executive Committee, Chairs and  
Representatives**

Art Gover	President
Caren Schmidt	President-Elect
Jacob Barney	Vice-President
Dan Kunkel	Past President
Kurt Vollmer	Treasurer
Larissa Smith	Treasurer-Elect
Thierry Besançon	Membership Chair
Lane Heimer	Editor
Katelyn Venner	Public Relations Rep.
Wesley Everman	Sustaining Membership
Matthew Cutulle	Research & Education
Uri Menalled	Graduate Student Rep.
Rakesh Chandran	WSSA Representative
Hilary Sandler	CAST Representative
Lee Van Wychen	Science Policy Director

**Committee Members  
Chairs and Chair-Elects**

**2021 NEWSS Program Committee**

Caren Schmidt – President-Elect  
Jacob Barney – Vice President  
Uri Menalled – Graduate Student Rep.

**Student Oral Papers:**

Carroll Moseley – Chair, 2<sup>nd</sup> Past President

**Student Poster Section:**

Anthony Witcher – Chair

**Poster Session:**

Katelyn Venner – Chair

**Agronomic Crops:**

John Wallace – Chair  
Lovreet Shergill – Chair-elect

**Turfgrass, Ornamentals, and Non-Crop:**

Anthony Witcher – Chair  
Matt Elmore – Chair-Elect

**Fruit, Vegetables, and Herb Crops:**

Thierry Besançon – Chair  
Kurt Vollmer – Chair-elect

**Program Committees for the 2021  
NEWSS Meeting**

**Site Selection Committee for 2022**

Caren Schmidt	Vice-President
Art Gover	President-Elect
Kurt Vollmer	Treasurer

**Awards Committee**

Dan Kunkel	Chair, Past President
Carroll Moseley	2 <sup>nd</sup> Past President
Randy Prostack	3 <sup>rd</sup> Past President
Shawn Askew	4 <sup>th</sup> Past President
Rakesh Chandran	5 <sup>th</sup> Past President

**Nomination Committee**

Carolyn Lowry	Chair, Appointed
Lynne Sosnoskie	Appointed
Sandeep Rana	Nominated from floor
Matt Elmore	Nominated from floor
John Kaminski	Nominated from floor

**Resolutions Committee**

Jerry Baron	Chair
Mark VanGessel	Appointed
Jeff Derr	Appointed

**Collegiate Weed Contest Committee**

Caren Schmidt	President-Elect
Art Gover	President
François Tardif	2020 Host
Harold Wright	2020 Host
Katelyn Venner	Host in 2018
Stacey Pickard	Host in 2017
Jacob Barney	Host in 2016
Dwight Lingenfelter	Host in 2014
Uri Menalled	Grad Student Rep.
Wes Everman	Sustaining Membership

### Archives Committee

Dan Kunkel Chair, Past President

### Photo Award Committee

Hilary Sandler Chair  
Erin Hitchner Volunteer  
Rakesh Chandran Volunteer  
Art Gover Volunteer  
Shawn Askew Volunteer

### Student Paper Awards Committee

Dan Kunkel Past President  
Carroll Moseley Chair, 2<sup>nd</sup> Past President  
Randy Prostack 3<sup>rd</sup> Past President  
Shawn Askew 4<sup>th</sup> Past President  
Rakesh Chandran 5<sup>th</sup> Past President

### Poster Award Committee

Anthony Witcher Chair  
Katelyn Venner Volunteer  
Matt Cutulle Volunteer  
Sandeep Rana Volunteer  
Vijay Singh Volunteer

### Weed Science Field Days Committee

Quintin Johnson Appointed by Pres-Elect

### Past President's Committee

Dan Kunkel Liason with Exec. Board

### Herbicide Resistant Plant Committee

Mark VanGessel Chair  
Dan Kunkel  
Dave Mayonado

### Endowment Committee

Jacob Barney Chair, Vice President  
Dan Kunkel Past President  
Carroll Moseley 2<sup>nd</sup> Past President  
Kurt Vollmer Treasurer  
Larissa Smith Treasurer-Elect  
Thierry Besançon Membership Chair  
Randy Prostack 3<sup>rd</sup> Past-President  
Renee Keese Appointed by President  
Rakesh Chandran Volunteer  
Mark VanGessel Volunteer  
Jeff Derr Volunteer  
Hilary Sandler Volunteer  
Caren Schmidt Ex-Officio  
Art Gover Ex Officio

## NEWSS Board 2020



Top (left to right): Uri Menalled, Thierry Besançon, Wes Everman, Kate Venner, Larissa Smith, Hilary Sandler, Lane Heimer

Bottom (left to right): Caren Schmidt, Kurt Vollmer, Art Gover, Dan Kunkel, Jacob Barney

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The NEWSSletter is compiled by Katelyn Venner, Public Relations Representative. Please contact her at [katelyn.venner@basf.com](mailto:katelyn.venner@basf.com) with any corrections, suggestions, or items to be included in the next newsletter (Fall 2020). If you would like copies of any photos from the meeting, please let Katelyn know via email.

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## Editor's Report



Lane Heimer

The 2020 NEPPSC and NEWSS Proceedings by Former Editor Michael Flessner are finalized and available here:

<https://www.newss.org/publications/>

For the 2021 Meeting, we will be using the **New** WSSA Abstract site for submission of titles and abstracts.

**NOTE:** The starting date for title and abstract submissions is delayed from August 1, 2020 to September 1, 2020 with the title submission deadline being delayed to October 2, 2020.

Instructions on title and abstract formatting will be posted on the NEWSS website along with instructions for submission through the new 2021 WSSA Abstracts website.

### ***SUBMITTING TITLES AND ABSTRACTS***

The **New** WSSA Abstract website is :

<http://www.weedscimeetingabstracts.com/>

***~ The First thing you will have to do is create a new account ID and profile.***

Your information from the replaced website was not transferred.

The website is easy to use and will guide you through the process. To submit your title, use *Titles* on the top bar, then *Create New*, and choose the 2021 NEPPCS from the list of conferences.

New to the submission site this year: A brief bio

of the speaker is required, and an email of a co-submitter may be included giving them submission editing authorization.

### ***Mark your calendars for the 2021 NEPPSC***

#### ***Meeting Deadlines***

***Titles are due by October 2, 2020***

***Abstracts are due by January 3, 2021***

***Slides are due by January 3, 2021***

## Graduate Student Update



Uri Menalled

Hello my fellow grads,

How's life in the covid world? I know that my research projects and classes are different this year and I imagine that yours are too. But I hope that you have the opportunity to make the most of these crazy times and stay healthy.

I couldn't help but reflect on our responsibility to promote food security this summer. With unemployment records come tightened grocery budgets; social unrest shows that political disenfranchisement is undeniable; and fires in the West and floods in the South indicate that climate change is the new normal. As young weed scientists, we are in a unique position to improve crop yields, food access, and



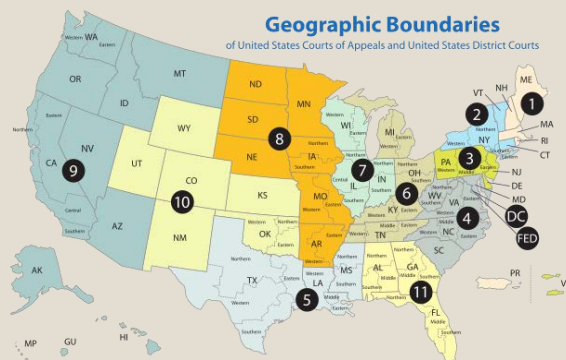
farm system climate resilience. While I wish I could see you all in person, I'm excited to share ideas and research during the upcoming virtual 2021 meeting. Don't forget to submit your titles and abstracts!

## Director of Science Policy Report



Lee Van Wychen

## Dicamba, Enlist Duo & the Ninth Circuit Court of Appeals



The Ninth Circuit Court of Appeals, headquartered in San Francisco, is the largest of the 13 Federal Circuit Courts with 29 Appellate judges. It has been the forum for two petitions challenging the EPA's registration decisions for XtendiMax, Engenia, and FeXapan in one case and Enlist Duo in another. Petitioners in both cases were the National Family Farm Coalition (NFFC), Center for Food Safety (CFS), Center for Biological Diversity (CBD) and Pesticide Action

Network North America (PANNA). The Natural Resources Defense Council (NRDC) was also a petitioner in the Enlist Duo case. EPA was the respondent in both cases and the respondent-intervenor was Monsanto in the dicamba case and Dow Agrosciences in the Enlist Duo case. The petitioners argued that EPA's registration decisions for these herbicides violated certain provisions in both the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Endangered Species Act (ESA).

## **Dicamba. Case No. 19-70115. The court opinion and summary is available [HERE](#).**

On June 3, a three judge panel (i.e. "the panel") unanimously agreed EPA violated various provisions within FIFRA and thus, vacated the registrations of XtendiMax, Engenia, and FeXapan. Because the panel's vacatur was based on its holding under FIFRA, the panel did NOT reach the question whether the registration decision also violated the ESA.

From the court opinion summary:

*"The panel held that the EPA substantially understated three risks that it acknowledged.*

- *First, the EPA substantially understated the amount of dicamba-tolerant (DT) seed acreage that had been planted in 2018, and, correspondingly, the amount of dicamba herbicide that had been sprayed on post-emergent crops.*
- *Second, the EPA purported to be agnostic as to whether formal complaints of dicamba damage under-reported or over-reported the actual damage, when record evidence clearly showed that dicamba damage was substantially underreported.*
- *Third, the EPA refused to estimate the amount of dicamba damage, characterizing such damage as "potential" and "alleged," when record evidence showed that dicamba had caused substantial and undisputed damage.*

*The panel also held that the EPA entirely failed to acknowledge three other risks.*

- *First, the EPA failed to acknowledge record evidence showing the high likelihood that restrictions on over-the-top (OTT) dicamba application imposed by the 2018 label would not be followed.*
- *Second, the EPA failed to acknowledge the substantial risk that the registrations would have anticompetitive economic effects in the soybean and cotton industries.*
- *Third, the EPA failed to acknowledge the risk that OTT dicamba use would tear the social fabric of farming communities.”*

Following the court’s ruling, Bayer, BASF and Corteva filed separate petitions asking for an "en banc" review of the case. An en banc review in the Ninth Circuit Court of Appeals would consist of the chief judge plus 10 circuit judges drawn randomly from the 29 appellate judges. Since most en banc reviews can take a year or more if granted, it is likely that EPA will already have made a decision this fall on whether to re-register the OTT dicamba herbicides for soybean and cotton for the 2021 growing season. Members of the weed science societies remain focused on getting EPA the best available data so that they can make a science-based decision this fall.

**Enlist Duo. Case No. 17-70810. The court opinion and summary is available [HERE](#).**

On July 22, a three judge panel (i.e. “the panel”) ruled in favor of EPA by rejecting three of the four arguments from the petitioners that the Enlist Duo registration violated FIFRA. The one provision of FIFRA where the panel agreed with the petitioners was that EPA failed to assess harm to monarch butterflies when milkweed was controlled in target fields (Note- this is where Enlist Duo was meant to be used, in the target field, and not from the impacts on monarchs from off-target movement. More on this below).

The panel also ruled on the question of whether EPA violated any provisions of the ESA in registering Enlist Duo, unlike the dicamba case. Two of the three judges rejected the petitioner’s arguments that EPA violated the ESA. The lone dissenting judge held that EPA violated the ESA by failing to use the best scientific data to assess whether Enlist Duo would adversely affect threatened or endangered species.

The end result of all this is that the registration of Enlist Duo stands and that EPA has to “address the evidence that monarch butterflies may be harmed by the destruction of milkweed on target fields.” The panel did note that EPA’s error in failing to consider harm to monarch butterflies caused by killing target milkweed was not “serious”.

From the court opinion summary in regards to FIFRA violations:

- *First, the panel agreed with petitioners that EPA failed to properly assess harm to monarch butterflies from increased 2,4-D use on milkweed in target fields. The panel held that given the record evidence suggesting monarch butterflies may be adversely affected by 2,4-D on target fields, EPA was required, under FIFRA, to determine whether any effect was “adverse” before determining whether any effect on the environment was, on the whole, “unreasonable.” The panel concluded that EPA’s failure to do so meant that its decision was lacking in substantial evidence on the issue.*
- *Second, the panel rejected the argument that EPA failed to consider that Enlist Duo would increase the use of glyphosate over time. The panel held that substantial evidence supported EPA’s conclusion that neither the initial 2014 registration of Enlist Duo – nor the subsequent approvals for new use – will increase the overall use of glyphosate.*

- *Third, the panel rejected petitioners' contention that EPA failed to properly consider 2,4-D's volatility – i.e., its tendency to evaporate into a gas and drift to non-target plants. The panel held that EPA reasonably relied on studies to support its conclusion that the volatility of 2,4-D choline salt will not cause on unreasonable adverse effects on the environment. Accordingly, substantial evidence supported EPA's findings.*
- *Fourth, the panel rejected NFFS petitioners' contention that EPA should have accounted for the potential synergistic effect of mixing Enlist Duo with a different chemical called glufosinate. The panel held that this concern was speculative.*

*The panel next addressed, and rejected, the petitioners' ESA claims. The ESA and its implementing regulations delineate a process – known as Section 7 consultation – for determining the biological impacts of a proposed action. The process starts with a determination whether the proposed action will have “no effect” or if it “may effect” listed species or critical habitat. If an action will have no effect, no consultation with the expert agencies is needed.*

- *First, the panel rejected NFFC petitioners' challenge to EPA's “no effect” findings for plants and animals. The panel held that the EPA did what the ESA required it to do: assess risks to determine whether the exposure of protected species and critical habitat to potentially harmful chemicals would have any possible effect. The panel concluded that EPA's ultimate “no effect” findings, and adoption of mitigation measures, were not arbitrary, capricious, or contrary to law.*
- *Second, the panel rejected NFFC petitioners' argument that EPA's*

*rationale for limiting the “action area” to the treated field was not sound. The panel accorded deference to the EPA in the way it chose to define the action area.*

- *Third, the panel rejected NFFC petitioners' argument that EPA violated its duty to insure no “adverse modification” of “critical habitat” by relying on its 2016 risk assessment.*

As to the impact on the monarch butterfly population, EPA did perform a risk assessment that considered Enlist Duo's effects to non-target plants, which includes plants important to monarchs. EPA found no concerns for terrestrial invertebrates (including monarchs) because Enlist Duo would only affect treated fields—not non-target plants—as long as it was used under the conditions prescribed by the label.

But the NRDC argued EPA should have considered how the destruction of milkweed on **target fields** would affect monarch butterflies. EPA acknowledged that it did not assess those risks because it was not required to do so. **Farmers will control milkweed on their crop fields through the use of herbicides or other means such as cultivation, with or without Enlist Duo.**

However, the panel noted *“Despite the intuitive appeal of EPA's argument, we must reject it. EPA did not assert this rationale as a reason for declining to assess the destruction of milkweed on target fields, so neither can we. Moreover, even had EPA asserted such a rationale, it would likely be premised on legal error. That milkweed would likely be targeted in the same ways even absent Enlist Duo's registration suggests that registering Enlist Duo may not be “unreasonable” under FIFRA. But it says nothing about whether an effect would be “adverse.” Given the record evidence suggesting monarch butterflies may be adversely affected by 2,4-D on target fields, EPA was required, under FIFRA, to determine whether any effect was “adverse” before determining whether any effect on the environment was, on the whole,*

*“unreasonable.” EPA’s failure to do so means that its decision was lacking in substantial evidence on this issue.”*

Again, the panel noted that EPA’s error in failing to consider harm to monarch butterflies caused by killing target milkweed was not “serious.” The panel remanded so that EPA can address the evidence concerning harm to monarch butterflies and whether the registration of Enlist Duo will lead to an unreasonable adverse effect on the environment.

### **Weed Science Provisions in FY2021 House Ag Appropriations Bill**

The House passed its FY2021 agriculture appropriations bill in July as part of a four bill “minibus” package. The Senate has not yet started on their FY2021 appropriations bills. The House Ag Appropriations bill includes a number of good weed science provisions in addition to increases in funding for the IR-4 Program and the AFRI competitive grants program. Funding for the IR-4 program has been stuck at \$11.9 million for over a decade. We’ve been working to highlight the great work the program does and its value to the economy, so it was great to see the House Ag Appropriations Committee propose funding of \$15 million for FY2021. Funding for the ag experiment stations (Hatch Act), university extension (Smith-Lever) and the Crop Protection & Pest Management (CPPM) program remain the same as FY2020 funding.

**Weed Science Research.** The House Ag Appropriations Committee *“supports the establishment of a National Program Leader dedicated to Weed Science Research and Management in the USDA National Institute of Food and Agriculture (NIFA)”*.

**Areawide Integrated Pest Management (AIPM) in NIFA.** There are many strengths to effective AIPM projects, such as [TEAM Leafy Spurge](#) and [TAME Melaleuca](#), but funding has only been available through USDA-ARS. We’ve been trying to get AIPM funding established in NIFA for several years. The House Ag Appropriations Committee *“supports the development and implementation of areawide integrated pest*

*management (AIPM) projects and directs NIFA to establish within CPPM an organizational framework and funding plan to implement AIPM projects that are to be planned in coordination with ARS, APHIS, and other federal agencies and implemented by cross-institutional teams, including farmers, ranchers, and land managers, at the local level.”*

**Tropical and Subtropical Weed Research.** The House Ag Appropriations Committee *“directs ARS to coordinate with NIFA, the Forest Service, APHIS, and the USDA Climate Hubs to provide to the Committees on Appropriations of both Houses of Congress not later than 180 days after the enactment of this Act a report on research relevant to and efforts to assist Hawaii, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands ... in land and forest resource management ... and biology and control of invasive insects, plant diseases, and weedy plant species, and the development of integrated pest management strategies to control them”*.

**Cogongrass.** Of the 88 terrestrial weeds listed on the [Federal Noxious weed list](#), cogongrass is arguably one of the most widespread. The House Ag Appropriations Committee *“continues to provide \$3,000,000 for APHIS to partner with state departments of agriculture and forestry commissions in states considered to be the epicenter of infestations, to assist with control and treatment of cogongrass in order to slow the advancing front of this invasive plant-pest species and its impact on forest productivity, wildlife habitat, and private landowners.”*

### **Parag Chitnis is NIFA Acting Director**



Dr. Parag Chitnis is serving as Acting Director of USDA-NIFA upon the departure of Dr. Scott Angle in July who became Vice President of Agriculture and Natural Resources at the University of Florida in Gainesville. Dr. Chitnis was named Associate Director for Programs earlier this year and leads implementation of NIFA’s approximately \$1.7

billion research programs. Prior to joining NIFA, he was a research administrator at the National Science Foundation (NSF) – Division of Molecular and Cellular Biosciences, a professor in the Department of Biochemistry, Biophysics, and Molecular Biology at Iowa State University, and an assistant professor in the Division of Biology at Kansas State University. Chitnis has a B.S. in botany/plant breeding from the Konkan Agricultural University in India, an M.S. in genetics/biochemistry from the Indian Agricultural Research Institute, and Ph.D. in biology from UCLA.

### **2020 State Noxious Weed Seed Requirements List Updated**

The Seed Regulatory and Testing Division of the USDA Agricultural Marketing Service (AMS), which enforces interstate commerce provisions of the Federal Seed Act, recently updated the state noxious weed seed list. It is available online at <https://www.ams.usda.gov/rules-regulations/fsa> in two formats (PDF & Excel). The document contains information about state labeling requirements and prohibitions of noxious weed seeds, and shows the scientific names and common names according to the law and regulations of the state in which the seed is considered noxious.

### **Unsolicited Seed Packets from China**

My inbox during the last week of July lit up with many emails and questions about people receiving packets of seeds from China that they had not ordered. The USDA Animal and Plant Health Inspection Service (APHIS) is working with the Department of Homeland Security's Customs and Border Protection, other federal agencies, and State departments of agriculture to investigate and collect as many seed packages as possible to determine whether they present a threat to U.S. agriculture or the environment. APHIS asks anyone who receives an unsolicited package of seeds to go to the [APHIS webpage](#) to review the question and answer [document](#) and support their collection efforts.

As of August 3, USDA had no evidence suggesting this is something other than a “brushing scam” – a marketing tactic used by sellers to send people unsolicited items and then post false customer reviews to boost sales. However, weed seeds have been identified in some of the packages, along with a mix of ornamental, fruit, vegetable and herb seeds. Weed seeds identified included sericea lespedeza, *Brassica spp.*, *Datura spp.*, *Ipomoea spp.* and *Sisymbrium spp.* There were also some amaranth species identified, but apparently not weedy ones.

USDA is committed to preventing the unlawful entry of prohibited seeds and protecting U.S. agriculture from invasive pests and noxious weeds. Visit the [APHIS' website](#) to learn more about USDA's efforts to stop agricultural smuggling and promote trade compliance.

### **EPA Office of Pesticide Programs Staff Changes**



Rick Keigwin (left), EPA's Director of the Office of Pesticide Programs (OPP), will be moving up to the Office of Chemical Safety and Pollution Prevention (OCSPP) to serve as the Acting Deputy Assistant Administrator for Management starting June 22. The EPA's OCSPP oversees both OPP and the Office of Pollution Prevention and Toxics (OPPT). Rick has been with EPA since 1989 and brings a wealth of experience and expertise from his very successful tenure leading OPP, and from previous OPP positions such as the Deputy Office Director for Programs, Director of the Pesticide Re-evaluation Division, Director of the Biological and Economic Analysis Division, and various leadership roles in the Registration Division.



Ed Messina (left), will assume the role of Acting OPP Office Director starting June 22. Ed has been with the EPA since 2006 where he has served in several roles in EPA's Office of Enforcement and Compliance Assurance (OECA) before moving to OCSPP in 2018 to serve as Deputy Director of OPP.

### **USDA Updates Biotech Regulations**

On May 18, USDA-APHIS published a final rule intended to modernize USDA's biotechnology regulations under the Plant Protection Act. The new rule marks the first comprehensive revision of USDA biotech regulations since they were established in 1986 under the "Coordinated Framework for Regulation of Biotechnology." The final rule amends the regulations regarding the movement (importation, interstate movement, and environmental release) of certain genetically engineered (GE) organisms in response to advances in genetic engineering and APHIS's understanding of the plant pest risk posed by GE organisms. APHIS states that the new rule provides "a clear, predictable, and efficient regulatory pathway for innovators, facilitating the development of genetically engineered organisms that are unlikely to pose plant pest risks."

The new rule, known as the "SECURE" rule (Sustainable, Ecological, Consistent, Uniform, Responsible, Efficient) differs from the previous regulatory framework by focusing on an organism's properties and not on the method used to produce it. APHIS states that this approach enables it to regulate organisms developed using genetic engineering for plant pest risk with greater precision than the previous approach. This method will reduce regulatory burden for developers of organisms that are unlikely to pose plant pest risks and will continue to provide oversight of organisms developed using genetic engineering that pose a plant pest risk.

The new regulatory process for organisms

developed using genetic engineering consists of the following steps:

- **Exemptions:** Determine whether the plant meets the criteria for an exemption with the option for requesting confirmation of the plant's exempt status. This step will be implemented starting **August 16, 2020**.
- **Regulatory status review (RSR):** Request a RSR to determine if a plant developed using genetic engineering poses a plant pest risk. This step will be implemented for certain crops on April 5, 2021, and will be fully implemented on **October 1, 2021**.
- **Permitting:** Apply for a permit for a regulated organism that does not undergo or pass the RSR. An RSR request may also be submitted for most plants moved under permit. This step will be implemented on **April 5, 2021**.

The final rule is a welcome change for most biotechnology stakeholders. The Biotechnology Industry Organization (BIO) praised the final rule, welcoming the diminished barriers to innovation as sensible and efficient. However, the Center for Food Safety condemned the final rule, noting that under it, "the overwhelming majority of GE plant trials would not have to be reported to USDA, or have their risks analyzed before being allowed to go to market."

One issue the National and Regional Weed Science Societies asked APHIS to address in their proposed rule last year was the issue of asynchronous approval of a herbicide-tolerant crop by APHIS and the concomitant approval by EPA of the herbicide for use on that crop. An example of this occurred when APHIS approved dicamba-tolerant soybeans in 2015, but the concomitant herbicides were not registered by EPA until 2017. However, APHIS cannot legally delay approval of a biotech crop if it does not pose a plant pest risk, nor can EPA "speed up" a registration of a herbicide (especially if they don't have the entire data submission package). Thus, the recommendation was for registrants to better time their applications so that the herbicide-tolerant crop and its

corresponding herbicide are approved during the same crop year.

### **NEPA Rule Updates Should Improve Weed Management on Federal Lands**

The Council on Environmental Quality (CEQ) announced a final rule July 15 to comprehensively update and [modernize National Environmental Policy Act \(NEPA\) regulations](#) for the first time in more than 40 years. CEQ is a division of the Executive Office of the President that coordinates federal environmental efforts in the U.S. and works closely with agencies and other White House offices on the development of environmental and energy policies and initiatives.

NEPA regulations control how the federal government processes environmental permits, but the law has often been used to block and delay federal projects and actions. More often than not, NEPA has been a roadblock to invasive species management. A classic example of this is with post-fire cheatgrass management in Wyoming. They have had several fires that burn on federal, state, and private land that is all interconnected. The state and private land owners were able to get in and treat cheatgrass within four months after the fire mitigating the potential invasion of cheatgrass onto adjoining lands. Meanwhile, it took the U.S. Forest Service four years to complete an environmental impact statement (EIS) for cheatgrass treatments, which by that time had allowed cheatgrass to invade an additional 2,000 acres and more than double its vegetation cover from before the fire.

The modernized NEPA regulations will accelerate the environmental review and permitting processes for management of our Federal lands and waters. The rule will establish a two-year limit for completion of environmental impact statements (EISs) and a one-year limit for completion of environmental assessments (EAs), and would also impose page limits.

The modernized NEPA regulations will also expand public involvement and improve coordination with States, Tribes, and Localities by requiring agencies to provide more information to and solicit input from the public

earlier in the process to ensure and facilitate informed decision making by Federal agencies. The changes will also reduce duplication by facilitating use of documents already prepared by State, Tribal, and local agencies to be used by Federal agencies to comply with NEPA.

### **Toolkit Launched to Help Battle Invasive Grasses**

Western Governors' Association (WGA) hosted a [webinar](#) on July 23 to launch a new *Toolkit for Invasive Annual Grass Management in the West*. While the webinar and toolkit are focused on western weeds, there are some excellent examples of collaboration among a wide range of public and private stakeholders and federal and state agencies to effectively go after large-scale weed infestations, thus providing a blueprint for other land managers around the country.

The [toolkit](#) is comprised of three elements: 1) A roadmap for invasive grass management in the West, with new best management practices for the identification and protection of relatively intact "core" areas; 2) Case studies highlighting the application of these practices in Idaho and Wyoming; and 3) A new geospatial data layer to help state and local officials manage invasive annual grasses at home, while also offering opportunities to identify new cross-boundary collaborative projects.

### **Great American Outdoors Act Expected to Become Law**

The Great American Outdoors Act will establish the National Parks and Public Land Legacy Restoration Fund to support deferred maintenance projects on federal lands. The National Park Service accounts for 84 million acres of land at 400 different sites. But as of 2019, there was \$11.9 billion in deferred maintenance and repairs needed. The bill will direct up to \$6.65 billion to priority repairs and up to \$3 billion for other agencies like the Fish and Wildlife Service, Forest Service, and Bureau of Land Management. While there are no direct provisions in the bill for invasive species

management, the restoration fund will help alleviate fiscal pressures at the Department of the Interior so that invasive species funding is not redirected to maintenance projects.

The second part of the bill will permanently fund the Land and Water Conservation Fund at \$900 million per year. This was definitely the more controversial part of the bill and most of the Congressmen who voted against the bill did so because of this provision. The Senate passed the bill 73 to 25 and the House passed it 310 to 107 and President Trump is expected to sign it into law on August 4. None of the funding in the bill would come from taxpayer dollars. Instead, programs would be funded by royalties from energy developments on federal lands and waters. For fiscal years 2021 through 2025, 50 percent of all energy development revenues due to the U.S. would be deposited into the National Parks and Public Land Legacy Fund, up to \$1.9 billion each year.

#### **Harmful Algal Blooms Webinar Targets Capitol Hill and Federal Agency Staff**

On June 8, Dr. Ken Wagner, Director of Water Resource Services, presented a webinar titled “Slowing the Spread of Harmful Algal Blooms.” Dr. Wagner has a distinguished career of service in water supply protection and lake management including leadership roles with the North American Lake Management Society (NALMS). His presentation summarized the science behind available management techniques – science that has been in large part driven by federal research funding. However, increasing HAB outbreaks in the United States, and globally, highlight the urgent need for continued federal research support and national-level coordination to address both short-term risks and long-term solutions for HABs.

The webinar was part of the National Coalition for Food and Agricultural Research’s (NCFAR) Lunch~N~Learn Capitol Hill Seminar Series that serves as a forum and a unified voice in support of sustaining and increasing public investment at the national level in food and agricultural research, extension and education.

WSSA is a sponsor of the seminar series. I’d also like to thank Dr. Mark Heilman, APMS President, for his leadership in helping organize and coordinate the event as well as serving as the moderator. The webinar was well received and had 200 registrants. [Click here for the recorded webinar.](#)

#### **Richardson Presents Webinar on Successful Aquatic Plant Management Strategies During National Invasive Species Awareness Week**

“Slow the spread” is an unexpected catchphrase from this spring due to the global coronavirus pandemic and was the theme of [National Invasive Species Awareness Week \(NISAW\)](#) that occurred May 16 – 23, 2020. Dr. Rob Richardson, APMS Past President and chair of WSSA’s Noxious and Invasive Weeds Committee, presented the May 21 webinar titled “Successful Aquatic Plant Management Strategies Across the United States.” The webinar was well attended with over 200 registered for the event. Richardson noted that it’s critical we use integrated approaches with a combination of biological controls, cultural practices, herbicides, mechanical tools, nutrient management and prevention efforts to help stop the spread of invasive aquatic weeds. [Click here for the recorded webinar.](#)





