



April 25, 2019

Kevin Norton
Acting Associate Chief
Natural Resource Conservation Service
Room 5105-A
1400 Independence Avenue Southwest
Washington, D.C. 20250

Submitted Electronically via Federal eRulemaking Portal (<http://www.regulations.gov>)

Re: Docket No. NRCS-2019-0003-0001. Review of USDA Natural Resources Conservation Service National Conservation Practice Standards

Dear Mr. Norton,

On behalf of the American Seed Trade Association, thank you for the opportunity to provide comments on implementation of the Agriculture Improvement Act of 2018.

Founded in 1883, the American Seed Trade Association (ASTA), located in Alexandria, Virginia, is one of the oldest trade organizations in the United States. Its membership consists of over 700 companies involved in seed production and distribution, plant breeding, and related industries in North America. ASTA members research, develop, produce and distribute all varieties of seeds – including grasses, forages, flowers, vegetables, row crops, and cereals. ASTA member seed products support agricultural producers of food products and farm commodities in the United States and around the world.

The seed industry plays a unique role in conservation programs. Whether farmers are enrolling acres in the Conservation Reserve Program, signing up for the Environmental Quality Incentives Program to promote wildlife habitat or other environmental benefits, or strengthening conservation efforts on working lands by implementing management activities through the Conservation Stewardship Program, all of these have at least one thing in common: a need for quality, professionally produced seed.

As USDA implements new rules and regulations governing Title II programs, it is vital that the need for high quality, professionally produced, effective seed is not forgotten. ASTA member companies have been supplying farmers with conservation seed for Title II programs for decades. These companies have a wealth of knowledge, experience, and expertise when it comes to quality conservation seed that is both appropriate and cost-effective. In addition, ASTA member companies supply farmers with seeds and precise seed treatments which improve yield while protecting farm workers, animals, and the environment.

We thank USDA and NRCS for the opportunity to comment on NRCS practice standards and the updates mandated as part of the 2018 Farm Bill. Throughout this process, ASTA's primary area of focus has been on seed mix recommendations, which includes the inconsistencies in species recommendations as well as the recommended seeding rates. The current formulation of said recommendations has resulted in an unnecessary escalation in pricing for seed mixes for some of the more specialized mixes in the Conservation Reserve Program.

Congress made note of this particular issue in the accompanying report text to the 2018 Farm Bill. In the report, the Managers noted: *"Furthermore, the Managers are concerned that the complexity and expenses associated with seed mixes under CRP have led to frustration on the part of landowners, a*

first-the seed®

1701 Duke Street • Suite 275 • Alexandria, VA 22314 • Phone: (703) 837-8140 • Fax: (703) 837-9365

waste of taxpayer dollars, and in some cases inferior cover on the ground if the mix fails to take root. The Managers hope that USDA will consider the hardiness and suitability of seed mixtures when recommending multiple species blends, and consider seed mixtures that contain fewer, hardier species and provide adequate cover for wildlife and pollinators on sites where cover is difficult to establish or maintain.”

Over the past few decades, many seed mixes recommended for CRP programs at the state level have become extremely complex, in some cases comprising of 30 to 40 individual species. While the complexity of the mixes has grown, the seeding rates for these mixes have reduced dramatically. Overly diverse mixes are expensive for landowners and taxpayers, and when combined with reduced seeding rates, they can lead to land management issues such as increased erosion and invasive weeds.

An example can be found in NRCS Practice Standard 327 for Upland Wildlife Habitat Management. The specifications for this practice standard indicated that its purpose is:

- Reduce sheet, rill, and wind erosion and sedimentation.
- Reduce ground and surface water quality degradation by nutrients and surface water quality degradation by sediment.
- Reduce emissions of particulate matter (PM), PM precursors, and greenhouse gases
- Enhance wildlife, pollinator and beneficial organism habitat
- Improve soil health

However, many states focus on the fourth bullet point on promoting new habitat at the expense of the other five goals of this particular practice standard.

While ASTA is supportive of increased wildlife habitat in conservation programs and programmatic incentives for enrollment, these incentives for such habitat should be on a case-by-case basis and not applied to every site enrolled in the program. In that vein, we support separating mix specifications and program requirements for wildlife habitat. However, wildlife habitat programs will be strengthened with additional emphasis on multiple conservation benefits. Other goals such as soil health and water quality should be given equal weight in wildlife plantings. The practice standard also states, *“Where pollinator and wildlife habitat are primary purposes, consider less dense seeding rates as long as soil loss is within tolerable soil loss limits.”*

Less dense seeding rates have led to inadequate permanent vegetative cover and poor overall program success. Soil erosion and noxious weed invasion on these sites have been publicly documented to the overall detriment of the programs. Given the diverse goals of wildlife habitat programs and non-wildlife programs, we are supportive of separate standards for wildlife mixes as long as the need for adequate cover is taken into consideration. Historically the NRCS Plant Material Centers played a major role in developing NRCS guidelines. We support a greater role for the PMC’s in practice standard development.

Therefore, we propose the following for inclusion in all NRCS practice standards regarding conservation vegetative cover:

- Seeding rates for conservation cover should be determined so that all relevant resource concerns are addressed
- No more than 20 species should be used for conservation contracts of 15 years or less
- Seeding rate tools in specific states should have minimum seeding rates reflected in minimum pounds/acre and minimum seeds/sq. ft. which follow historical NRCS Plant Materials Center guidelines for adequate ground cover.

- All regionally adapted NRCS plant releases will be acceptable for use in all NRCS conservation seedings.
- Practice standards should include a balance of native grasses and forbs. NRCS should allow for flexibility in determining the appropriate ratio for individual practice standards.
- Seeding rates of native grasses in mixtures should be sufficient to ensure soil erosion and noxious weed invasion are adequately prevented.
- Artificial barriers to seed production and trade such as requiring all local ecotype seed or limiting where seed lots are produced (within a state, portion of a state, or a county) should be eliminated from NRCS requirements. Instead, NRCS should use science-based methods that relate to specific germplasm or traits that would be important to the success of the conservation plantings. Seed mix recommendations can include native and regionally-adapted introduced species when and where appropriate.

Above all, it is imperative that seed mix recommendations for USDA Title II programs are formulated in a transparent and consistent manner. While we understand the reasoning behind allowing each state to set its technical standards for seed mixes, it can be difficult when those standards vary widely from state to state. Seeds do not recognize state and county lines, and it is important that future mix recommendations take into account the recommendations of neighboring states. Furthermore, these mixes are often formulated without taking into account input from outside stakeholders such as seed companies, agricultural retailers, or farmers.

ASTA continues to recommend that USDA highly encourage each state to form a Seed Subcommittee under the State Technical Committees. Section 501.24 of the NRCS State Technical Committee Policy allows for the formation of specialized subcommittees to analyze and refine specific issues. This would allow all interested parties a seat at the table to discuss and debate the appropriate seeds recommended for each program, and could address the concerns of Congress. Doing so would doubly benefit NRCS by adding some much-needed transparency to the USDA conservation process.

It is equally important that programmatic requirements are consistent not only between states, but within states and at the county and local levels. This has been a particular issue for producers enrolled in programs using cover crops, as the rules around cover crops – from required species to planting rates to termination guidelines – can vary greatly within a state. This increases difficulty for enrolled producers and seed suppliers, and discourages producers from choosing these beneficial conservation practices. The 2017 Ag Census shows the overall cover crop acres grew from 10 million in 2012 to 15 million in 2017. However, there is still a great deal of refinement needed for cover cropping to truly capture the benefits of this conservation practice. ASTA recommends NRCS establish mechanisms for enrolling producers in longer-term cover cropping programs, as opposed to one-off yearly plantings. This will allow the cover crop industry to better evaluate the needs of farmers in projecting what the next cover crop season, including species demand, might look like.

In addition, ASTA asks NRCS to reconsider CP 595, Integrated Pest Management enhancement E595116Z2 – Reducing routine neonicotinoid seed treatments on corn and soybean crops. This enhancement is intended to reduce risk of pesticides in surface water and reduce the potential for delivery of chemicals into water bodies, but ASTA is concerned that the unintended consequence may be that applicators enroll in this enhancement but adopt other, less-precise pest control use practices with greater risk of water body impairment.

EPA and the States conduct rigorous registration reviews of neonicotinoid seed treatments. These reviews address the potential risks of seed treatment uses in aquatic environments and dictate precise usage patterns that mitigate those risks. In the case of properly applied neonicotinoid seed treatments, the risks to surface waters and non-target organisms have been shown to be very low. In fact, ASTA (2019) and CropLife Foundation (2013) have reported that pesticide seed treatments can reduce soil surface exposure by up to 90% compared to in-furrow applications and up to 99% compared to full-field application. Neonicotinoid seed treatments have also been shown to play a key preventative role in a grower's IPM strategy, reduce insecticidal resistance to pesticides, and more. ASTA recommends that NRCS consult with USDA's Office of Pest Management Policy on the benefits of neonicotinoid seed treatments and remove enhancement E595116Z2.

We are glad that Title II programs follow guidelines established by the Federal Seed Act for seed labeling. Ensuring that conservation lands are planted with high quality, professionally produced seed should be emphasized strongly by NRCS moving forward. ASTA recommends updating NRCS and FSA practice standards to mandate that in order to receive cost share for purchased seed mixes, enrolled producers must be able to prove that their seed was professionally produced and meets the requirements for germination, purity, and presence of weed seed following guidelines established through the Federal Seed Act. NRCS and FSA should engage in additional education for enrolled producers about the importance of professionally produced, high quality seed for successful conservation stands.

Finally, it is important that in all circumstances, the updated Practice Standards allow for flexibility for enrolled producers. Conservation practices are not one size fits all programs. NRCS should empower state and local offices to exercise flexibility for enrolled producers when needed, including allowing minor tweaks to approved plantings.

ASTA and our member companies have a long-standing partnership with USDA's Title II conservation programs. We greatly appreciate this opportunity to provide comments on updates to NRCS practice standards, and we look forward to working with the Department as these programmatic updates are implemented on the ground. Please do not hesitate to reach out if you have any questions about these comments or any other seed-related issues.

Sincerely,



Andrew W. LaVigne
President & CEO
American Seed Trade Association