

## Title X – Horticulture

### *(1) Farmers' Market and Local Food Promotion Program*

The House bill amends section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 to authorize local food promotion and assist in the development of local food business enterprises. Program purposes are amended to include the increase of domestic consumption and consumer access to locally and regionally produced agricultural products. The purposes are further amended to include local and regional food business enterprises that process, distribute, aggregate, and store locally or regionally produced food products. Eligible entities receiving a grant from this program must provide a 25 percent match and may not use the grant towards a building or structure. The section authorizes \$30,000,000 of Commodity Credit Corporation funds for fiscal years 2014 through 2018 and \$10,000,000 in appropriated funds for fiscal years 2014 through 2018. It requires 50 percent of the funds made available to carry out the program in a fiscal year be used towards domestic farmers' markets, roadside stands, community-supported agriculture programs, agritourism activities and other direct producer-to-consumer market opportunities and the other 50 percent to be used towards local and regional food business enterprises. The section further limits administrative expenses to not more than 3 percent. (Section 10003)

The Senate amendment amends section 6 of the Farmer-to-Consumer Direct marketing Act of 1976 is amended to authorize local food promotion and local food capacity development. The program purposes are amended to include the increase of domestic consumption and consumer access to locally and regionally produced agricultural products. This purpose is authorized to be accomplished by developing, improving, expanding and providing outreach, training and technical assistance. Program purposes are further amended to include local and regional food enterprises that are not direct producer-to-consumer markets but process, distribute, aggregate, store and market locally or regionally produced food products. The section authorizes \$20,000,000 of Commodity Credit Corporation funds for fiscal years 2014 through 2018 and \$20,000,000 of appropriated funds for fiscal years 2014 through 2018. It limits administrative expenses to not more than 10 percent. The section further authorizes priorities for grant applications that benefit underserved communities, develop market opportunities for small and mid-sized farm and ranch operations and include a strategic plan to maximize the use of fund to build capacity for local and regional food systems in a community. (Section 10003)

The Conference substitute adopts the House provision with amendment. The amendment includes the Senate language on the purposes of the program as well as food enterprises that are not direct-to-consumer markets. The amendment sets the limitation of administrative expenses at 4 percent. It further includes the Senate language on giving priority to applications that include projects that benefit underserved communities. (Section 10003)

The Managers do not intend for this language to restrict resources for other key uses such as cold storage or equipment including mobile processing units or shelf stable packing activities.

### *(2) Organic Agriculture*

The House bill reauthorizes the organic production and market data initiative authorization of appropriations for fiscal years 2014 through 2018, amends the Organic Foods

Production Act to authorize the Secretary to modernize database and technology systems of the National Organic Program (NOP) and authorizes appropriations of \$11,000,000 for fiscal years 2014 through 2018 for the same. The House bill also repeals the National Organic Certification Cost-Share Program. In addition, section 501 of the Federal Agriculture Improvement and Reform Act of 1996 is amended to exempt certified organic products from promotion order assessments regardless of whether a person also handles conventional products and authorize an organic commodity promotion order and section 513(1) of the Commodity Promotion, Research, and Information Act of 1996 is amended to add organic products as a class to the definition of “agricultural commodity”. (Section 10004)

The Senate amendment reauthorizes the organic production and market data initiative authorization of appropriations for fiscal years 2014 through 2018, and authorizes \$5,000,000 in mandatory monies to remain available until expended and an annual report to Congress regarding implementation of the program and additional data needs as well as a description of how data collection agencies are coordinating with data user agencies to ensure data collected can be used by data users, including RMA to offer price elections for all organic crops. The amendment also authorizes the Secretary to modernize database and technology systems of the NOP, provides an authorization of appropriations of \$15,000,000 for fiscal years 2014 through 2018 as well as \$5,000,000 in mandatory monies towards modernization. Section 11034(b)(1)(A) of Senate Amendment requires 50 percent of the funds to go to organic certification. In addition, section 501 of the Federal Agriculture Improvement and Reform Act of 1996 is amended to exempt certified organic products from promotion order assessments regardless of whether a person also handles conventional products and authorize an organic commodity promotion order and section 513(1) of the Commodity Promotion, Research, and Information Act of 1996 is amended to add organic products as a class to the definition of “agricultural commodity”. (Section 10005)

The Conference substitute adopts the House provision with an amendment. The amendment authorizes an Organic Production and Market Data Initiative annual report to Congress, including a description how data collection and user agencies are coordinating to ensure data can be utilized, and reauthorizes \$5,000,000 of Commodity Credit Corporation funds for this initiative and the authorization of appropriations through fiscal year 2018. The amendment authorizes annual appropriations of \$15,000,000 for fiscal years 2014 through 2018 for the National Organic Program and \$5,000,000 of Commodity Credit Corporation funds for modernization and technology upgrades. The National Organic Certification Cost Share Program is reauthorized with \$11,500,000 of Commodity Credit Corporation funds for each fiscal year 2014 through 2018, to remain available until expended. The amendment also authorizes an exemption of certified organic products from promotion order assessments and an organic commodity promotion order. (Section 10004)

In the Conference substitute, research and promotion programs or “checkoffs” occupy a unique place within the broad range of programs overseen by USDA’s Agricultural Marketing Service (AMS). One distinctive attribute of these programs is their structure, under which the message of the promotional campaign undertaken is effectively controlled by the Federal Government itself. *Johanns v. Livestock Marketing Ass’n*, 544 U.S. 550 (2005).

The organic checkoff program as agreed to by the Managers would differ from existing checkoffs, which are specific to a particular commodity. For the first time, a checkoff program is not solely commodity-specific, but could be established on the basis of a specific set of production and processing practices.

The Commodity Promotion, Research and Information Act of 1996, under which this provision is established, prohibits any advertising that may be disparaging to another commodity. As with any time a new checkoff is formed, a new potential for disparagement of all types of products arises. As with all checkoff programs, the Managers remain concerned about the potential for disparagement of other commodities, production and processing methods for the same commodity, competitors, processes, and products under this new authority.

Should an organic checkoff program be developed and approved, the Managers strongly encourage USDA AMS to review and revise, as appropriate, the November 4, 2010, "Guidelines for AMS Oversight of Commodity Research and Promotion Programs" to ensure these guidelines address potential disparagement in both commodity and process based checkoff programs.

### *(3) Organic Enforcement*

The House bill authorizes recordkeeping requirements and investigative powers to the Secretary as well as suspension and revocation of an organic certification of a producer, handler or the accreditation of a certifying agent. (Section 10005)

The Senate amendment authorizes recordkeeping requirements and investigative powers to the Secretary as well as the stop sale of an agricultural product and revocation of an organic certification of a producer, handler or the accreditation of a certifying agent. (Section 10005)

The Conference substitute adopts the House provision with an amendment. The amendment authorizes investigative powers to the Secretary and recordkeeping requirements for persons who sell, label or represent agricultural products as produced or handled using organic methods. Refusal to provide accurate information is made unlawful and a violation of the Organic Foods Production Act. Information shall be made public in a manner that ensures confidentiality. (Section 10005)

### *(4) Food Safety Education Initiatives*

The House bill amends Section 10105 of the Food, Conservation and Energy Act of 2008 to authorize the education of farm workers and education regarding additional food safety practices and contamination. It reauthorizes appropriations for fiscal years through 2018. (Section 10006)

The Senate amendment reauthorizes appropriations for fiscal years through 2018. (Section 10006)

The Conference substitute adopts the Senate provision. (Section 10006)

### *(5) Specialty Crop Block Grants*

The House bill reauthorizes section 101 of the Specialty Crops Competitiveness Act of 2004 through fiscal year 2018. The section provides that the amount of grants to the States be based on value production and acreage. It further amends eligibility requirements to include an application that contains an assurance that any grant funds for equipment or capital-related research costs will be supplemented by State funds at not less than 50 percent during the fiscal year and completely replaced by State funds after the fiscal year is over. The House section requires the Secretary to issue guidance for the purpose of making grants for projects involving food safety, plant pests and disease, research and crop-specific projects. It makes certain administrative requirements including an authorization of multistate projects. Of the funds of the

Commodity Credit Corporation, \$72,500,000 for fiscal years 2014 through 2017 and \$85,000,000 for fiscal year 2018 is authorized. (Section 10007)

The Senate amendment is similar to the House language. However, it requires the Secretary to issue guidance for the purpose of making grants for projects involving food safety, plant pests and disease and crop-specific projects. Of the funds of the Commodity Credit Corporation, \$70,000,000 for fiscal year 2014 and each fiscal year thereafter is authorized. (Section 10008)

The Conference substitute adopts the House provision with amendment. The amendment eliminates the House language on the State supplement for equipment or capital-related research costs. The amendment further established the mandatory funding level for fiscal year 2018 and each of the fiscal years thereafter. (Section 10010)

The Managers recognize the difficulty in coordinating and funding multi-state projects within the block grant program, and the Managers expect the USDA to issue guidance and work with states in making grants available for such projects. These multi-state projects may include food safety, research, plant pest and disease, and crop specific projects. These projects have the ability to link growers across state lines and promote much needed collaborative research. The Managers also encourage the Department to work with states to allow for funding for priority research objectives that are supported by the states and that comply with the purposes of the Specialty Crops Competitiveness Act.

The Managers believe that many specialty crop growers benefit from the programs dedicated to the production and marketing of specialty crops and products derived from them. Throughout this legislation, the Managers have sought to bolster support for the specialty crop sector, but recognize that some specialty crop products continue to have production and marketing concerns outside of the policies specifically addressed in this legislation. One such specialty crop product is olive oil. In addition to the challenges associated with the production of an agriculture commodity, olive growers and olive oil processors face additional concerns related to trade and product standards of identity. With reference to international trade, tariff disparities pose a significant barrier to our export potential.

Regarding standards, the International Olive Council, an intergovernmental organization under the auspices of the United Nations, has traditionally set standards for olive oil throughout the world. USDA standards for olive oil closely match those of the IOC, even though the United States is not an IOC member.

However, testing standards continue to be an area of dispute due to differences in naturally occurring compounds, rapid chemical decomposition in olive oil, challenges related to sensory testing, and disagreement over what constitutes adulteration. Because of the difficulty in establishing an enforceable national standard of identity, there is potential for consumer confusion in cases where blending of oils and lesser quality oils into extra virgin olive oil is alleged to have occurred. In fact, Connecticut, New York, and Oregon have recently enacted olive oil grade standards to address consumer concerns.

A recent U.S. International Trade Commission report, "Olive Oil: Conditions of Competition between U.S. and Major Foreign Supplier Industries (Investigation No. 332-537)," issued September 12, 2013, at the behest of the U.S. House of Representatives Committee on Ways and Means documents some of these concerns.

The Commission's staff interviewed U.S. olive oil importers, European olive oil producers and exporters, U.S. olive growers and processors, government officials and others involved in the world olive oil industry. In the U.S. the total value of domestic and imported

olive oil exceeds \$1 billion and at the retail level the value is in excess of \$5 billion. The report provided evidence of different olive oil standards in the U.S. and in foreign markets, which adds to the confusion.

Highlights from the report point indicate that:

Current international standards for extra virgin olive oil allow a wide range of oil qualities to be marketed as extra virgin. In addition, the standards are widely unenforced. Mandatory testing with penalties for noncompliance exists only in Canada and the European Union. However, testing in the EU is only mandatory for a very small share of production (0.1 percent). Broad and unforced standards lead to adulterated and mislabeled products, weakening the competitiveness of high-quality producers, such as those in the United States, who try to differentiate their product based on quality.

Olive oil consumption has risen due to a recent focus on the benefits of a healthy diet, and as a result, the olive oil industry has great potential for our nation's farmers. However, barriers remain for domestic production. Many consumers also make purchasing decisions based on price. The Managers acknowledge that additional testing procedures could have an effect on olive oil importers and consumers.

The Managers urge the U.S. Department of Agriculture, U.S. Trade Representative and the U.S. Food and Drug Administration to study the U.S. International Trade Commission report and take action to remove the obstacles that are preventing the U.S. olive oil industry from reaching its potential. The Managers encourage USDA to collaborate with industry officials to determine if a marketing order for olive oil would effectively address concerns, benefit the U.S. consumer, and protect domestic growers and importers.

The Managers expect the Secretary to enforce the regulations contained in 7 CFR Part 46.44, Good Delivery Standards for Lettuce. The Managers are particularly concerned about contracts and invoices that use disclaimers to exempt product from the condition standards for damages due to bruising and discoloration following bruising. The Managers expect the Secretary to investigate any contracts or invoices that violate standards and leave perishable product receivers no recourse for damages beyond the Good Delivery Standards for Lettuce.

Another important issue to the specialty crop industry is the challenges surrounding a federal standard of identity for honey.

The conference substitute requires the Secretary to consult with honey industry stakeholders, including the American Honey Producers Association, the American Beekeeping Federation, the National Honey Packers and Dealers Association, the Sioux Honey Association, and the Western States Honey Packers and Dealers Association, on a report describing the contents of a new federal standard of identity for honey. The honey industry is currently faced with a number of major challenges, including the dilution of honey with increased quantities of other substances as well as the addition or substitution of substances in order to mask dilution. The subsection requires that this report be submitted to the Commissioner of the Food and Drug Administration (FDA) within 180 days of enactment.

A citizens' petition was filed with the FDA in March 2006, which represents the honey industry's previous effort to develop a federal honey standard of identity. Since 2006, a number of states have enacted differing honey standards raising concerns about inconsistencies, the flow of commerce within the honey industry, confusion in the market place and unanticipated legal

challenges. The honey industry is now undertaking efforts to develop a consensus federal standard of identity for consideration in the Secretary's report to the FDA.

*(6) Department of Agriculture Consultation Regarding Enforcement of Certain Labor Law Provisions*

The House bill Requires the Secretary of Agriculture to consult with the Secretary of Labor regarding the restraining of shipments of agriculture commodities or the confiscation of such commodities by the Department of Labor for actual or suspected labor law violations to consider the perishable nature of such commodities, impact on economic viability of farming operations and the competitiveness of specialty crops through the Specialty Crop Block Grant Program. (Section 10008)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment. The amendment requires the consultation between the Secretaries of Agriculture and Labor regarding the restraining of shipments or confiscation of agriculture commodities by the DoL for labor law violations as well as a report to Congress describing the number of instances that the DoL has contacted a purchaser of perishable agricultural commodities to notify them of an investigation or pending enforcement action against a producer from whom the purchaser bought such commodities. (Sec. 10011)

*(7) Bulk Shipment of Apples to Canada*

The House bill amends Section 4 of the Export Apple Act to allow apples shipped to Canada in bulk bins without complying with the Act. It requires the Secretary to issue regulations to carry out this provision. (Section 10010)

The Senate amendment provides that the Secretary of Agriculture has no authority to inspect apples in bulk bins prior to export in Canada. (Section 10011)

The Conference substitute adopts the House provision with amendment. The amendment clarifies that the section applies to apples shipped in any bulk container and is not limited to bulk bins. (Section 10009)

*(8) Consolidation of Plant Pest and Disease Management and Disaster Prevention Programs*

The House bill relocates legislative language authorizing the National Clean Plant Network to the Plant Protection Act, authorizes funds of the Commodity Credit Corporation, \$62,500,000 for fiscal years 2014 through 2017 and \$75,000,000 for fiscal year 2018, including \$5,000,000 of those funds for the Clean Plant Network, and provides technical assistance shall not be considered an allotment or fund transfer from the CCC for purposes of the limit on expenditures for technical assistance. (Section 10011)

The Senate amendment provides relocates legislative language authorizing the National Clean Plant Network, authorizes funds of the Commodity Credit Corporation, \$60,000,000 for fiscal years 2014 through 2017 and \$65,000,000 for fiscal year 2018, and provides technical assistance shall not be considered an allotment or fund transfer from the CCC for purposes of the limit on expenditures for technical assistance. (Section 10007)

The Conference substitute adopts the House provision with an amendment. The amendment relocates the authorization of the National Clean Plant Network, authorizes \$62,500,000 for fiscal years 2014 through 2017 and \$75,000,000 for fiscal year 2018 and each fiscal year thereafter of Commodity Credit Corporation funds for Plant Pest and Disease Management and Disaster Prevention, including \$5,000,000 of such funds for the National Clean

Plant Network, and limits indirect costs for cooperative agreements. The amendment also prohibits CCC funds used for technical assistance under this title to be considered an allotment or fund transfer from the CCC for the purpose of the limit on expenditures for technical assistance. (Sections 10007 and 10017)

The Managers have combined this program with the Pest and Disease program and increased baseline funding for both to ensure the continued availability of funding for the important work of the National Clean Plant Network. The Conference substitute sets a funding floor of \$5 million per year to the National Clean Plant Networks but further encourages the Secretary to provide from within the overall allocation under this section additional funds if deemed necessary. These funds may be provided to the Network without regard to the process for distributing funds to address the other provisions of Section 420 of the Plant Protection Act. The Managers recognize that Disease Management and Disaster Prevention Programs as previously authorized in the Food, Conservation, and Energy Act of 2008 includes imminent pressing and persistent threats from pests and disease, such as Citrus Greening, to agriculture production.

The Managers recognize the importance of the Federal government, specifically the USDA, developing and maintaining the highest technological capability of identifying plant pests and invasive species. Further, the Managers believe that the advanced technological capabilities acquired through development of plant pest and disease detection technologies should facilitate the development of a coordinated, interagency response plan for the federal government to effectively mitigate plant pests and disease. The Managers encourage USDA to take the appropriate steps to facilitate information and technology sharing with other appropriate agencies of the Federal government involved in managing invasive pests such as Department of the Interior, Environmental Protection Agency, U.S. Customs and Border Protection, U.S. Coast Guard and the U.S. Army Corps of Engineers.

*(9) Modification Cancellation, or Suspension on Basis of a Biological Opinion*

The House bill provides that except in the case of a voluntary request from a registrant under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a), a registration may be modified, canceled or suspended on the basis of the implementation of a Biological Opinion issued by the NMFS or the USFWS prior to the completion of the National Academy of Sciences study commissioned by the Administrator of the EPA or Jan. 1, 2015, whichever is earlier, only if the action is taken pursuant to section 6 of the Act and the Biological Opinion complies with the recommendations contained in the study. The study shall include at minimum: (1) a formal, independent, and external peer review, consistent with OMB policies of each Biological Opinion, (2) an assessment of economic impacts of measures or alternatives recommended in each Biological Opinion, (3) an examination of specific scientific and procedural questions and issues pertaining to economic feasibility contained in a June 23, 2011 letter sent to the Administrator and other Federal officials from Members of Congress. (Section 10012)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment. The amendment authorizes two reports to Congress that describe approaches and actions taken by the EPA, the US Fish and Wildlife Service, and the National Marine Fisheries Service to implement recommendations of the report, "Assessing Risks to Endangered and Threatened Species from Pesticides", to ensure public participation and transparency during such implementation and to

minimize delays in integrating applicable pesticide registration and registration review requirements and the species and habitat protection processes described in sections 7 and 10 of the Endangered Species Act (ESA). The final report to Congress shall include an evaluation to establish that approaches utilize the best available science, reasonable and prudent alternatives (RPA) are technologically and economically feasible, reasonable and prudent measures (RPM) are necessary and appropriate and the agencies ensure public participation and transparency in the development of RPA's and RPM's. The amendment also authorizes an update of a study to identify reasonable and prudent measures to implement the endangered species pesticides labeling program which would comply with the ESA and allow the continued production of food and fiber and the report to Congress regarding the results of the study. (Section 10013)

#### *Overall Purpose of Provision*

This provision addresses the activities of the Environmental Protection Agency (EPA) and the Fish and Wildlife Service and National Marine Fisheries Service (collectively, the Services) in addressing the integration of the consultation requirements of the Endangered Species Act (ESA) and the pesticides registration requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

A longstanding and well-documented inability to resolve fundamental scientific issues central to the integration of these statutory requirements led the EPA Administrator and the Secretaries of the United States Department of Agriculture (USDA), Department of Interior and Department of Commerce to ask the National Research Council (NRC) of the National Academy of Sciences (NAS) to provide guidance on certain scientific issues.

The final report from the NRC, *Assessing Risks to Endangered and Threatened Species from Pesticides*, was completed on April 30, 2013 (NAS Report). For the following five months EPA, the Services, and USDA worked together and produced an "interim" implementation plan (the "Interim Plan") that was shared with stakeholders in mid-November of 2013. However, the Managers believe that further work needs to be done to adequately address the concerns regarding the "Interim Plan."

It is the Managers intent through routine oversight to keep all involved government entities focused on promptly building the "Interim Plan" into a final set of processes and procedures that will maximize the efficient use of limited governmental resources, minimize delays in registration actions under Sections 3 and 33 of FIFRA, make it possible for EPA to comply with the FIFRA requirement that all registrations be reviewed every fifteen years, and ensure meaningful public participation. Additionally, the Managers through this provision reemphasize Congress's intention that all reasonable and prudent alternatives to address ESA concerns are economically and technologically feasible.

#### *Intent of Specific Subsections*

Subsection (a) requires that two reports be provided to the Committees on Agriculture and Natural Resources of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry and Environment and Public Works of the Senate jointly by the Administrator of the Environmental Protection Agency and the Secretaries of Commerce, Agriculture and the Interior, the first to be delivered 180 days after enactment of the legislation, and the second six months later. Both reports are to describe the actions taken and approaches underway to implement the NAS Report's recommendations and otherwise minimize delays in integrating FIFRA's pesticide registration and registration review requirements and the ESA's



species and habitat protection processes. The Managers expect that each report should include an explanation of how any remaining delays in this integration are expected to be overcome, and a schedule for doing so.

The provision references both Section 3 and 33 of FIFRA because both require timely EPA registration and registration review actions, including specific deadlines for action. It is the view of the Managers that the need for ESA compliance does not override these deadlines. It is important that the integration processes and procedures developed by EPA and the Services assure EPA can meet its statutory deadlines. Similarly, the Services should be exploring how habitat conservation plans as part of an Incidental Take Permit under Section 10 could be employed to simplify the consultation process under Section 7 when processing a permit application.

The provision underlines the importance of meaningful public participation and transparency. In addition to describing approaches and actions to ensure public participation and transparency, the Managers specifically expect the report to address experience with the process described in EPA's March 2013 paper, *Enhancing Stakeholder Input in the Pesticide Registration Review and ESA Consultation Processes and Development of Economically and Technologically Feasible Reasonable and Prudent Alternatives* and any modifications of that process that have been adopted or are anticipated.

The conference report requires that the second report to Congress address, in addition to an update of the matters discussed in the first report, a number of other matters. First, in identifying specific actions yet to be undertaken, the report should provide a schedule for the initiation and completion of each, which should be realistic and allow for public participation.

Second, the processes adopted both before and after completion of the two reports should recognize EPA's obligations to meet the requirements for timely action set forth in FIFRA Sections 3 and 33 and the resources available to the Services to address pesticide-related consultations.

Third, the report should comprehensively explain why the approaches and actions that have been or will be taken to address Congress's concerns in enacting this provision utilize the best available science, assure that reasonable and prudent alternatives presented in biological opinions are technologically and economically feasible and that reasonable and prudent measures are necessary and appropriate. Among other matters, this explanation should explain how the substantive and procedural concerns that resulted in the vacating of certain portions of the regulation appearing in Subpart D of Part 402 of the Code of Federal Regulations in *Washington Toxics Coalition v. USEPA*, 457 F.Supp. 2d 1158 (W.D. Wash. 2006), have been overcome; how the January 4, 2004 letter from the Director of the U.S. Fish and Wildlife Service and Assistant Administrator of the National Marine Fisheries Service to the Principal Deputy Assistant Administrator of the Office of Prevention, Pesticides and Toxic Substances of the Environmental Protection Agency has been updated and revised; and how the Alternative Consultation Agreement entered into in August, 2004 by the Acting Assistant Administrator of the Office of Prevention, Pesticides and Toxic Substances of the Environmental Protection Agency, the Director of the U.S. Fish and Wildlife Service, and the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration has been revised or whether it is scheduled to be revised.

Fourth, the report should include an update of the study and report on how ESA implementation is being undertaken while minimizing the impacts on persons engaged in the

production of agricultural food and fiber commodities and other affected pesticide users and applicators.

(10) *Use and Discharge of Authorized Pesticides*

The House bill amends section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act prohibiting the Administrator or a State from requiring a permit under the Federal Water Pollution Control Act for pesticide applications authorized under the Federal Insecticide, Fungicide and Rodenticide Act, except in certain instances and amends section 402 of the Federal Water Pollution Control Act prohibiting the Administrator or a State from requiring a permit under section 402 for the application into navigable waters of a pesticide applications authorized under the Federal Insecticide, Fungicide, and Rodenticide Act. Subsection (s)(2) provides exceptions for certain instances. (Section 10013)

The Senate amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

(11) *Seed not Pesticide or Device for Purposes of Importation*

The House bill amends the Federal Insecticide, Fungicide, and Rodenticide Act to eliminate the requirement to notify the Administrator for seeds, including treated seeds, of the arrival of pesticides and devices. (Section 10014)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment. The amendment prohibits the requirement of notification to the Administrator of the EPA of the arrival of a plant-incorporated protectant (PIP) contained in a seed. The Secretary, if requested, shall provide to the Administrator a list of seeds containing PIPs. The amendment does not limit the Secretary's other authorities regarding the movement of seeds. (Section 10008)

(12) *Stay on Regulations Related to Christmas Tree Promotion, Research and Information Order*

The House bill requires the Secretary, within 60 days of the enactment of this Act, to lift the administrative stay imposed by the rule establishing an industry-funded promotion, research and information program for fresh cut Christmas trees. (Section 10015)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision. (Section 10014)

(13) *Study on Proposed Order Pertaining to Sulfuryl Fluoride*

The House bill authorizes a report to Congress regarding the potential economic and public health effects that would result from finalization of the proposed order pertaining to sulfuryl fluoride. (Section 10016)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment. The amendment directs the Administrator of the EPA to exclude nonpesticidal sources of fluoride from aggregate exposure assessments required under section 408 of the FFDCFA when assessing tolerances associated with residues from the pesticide. (Section 10015)

(14) *Study on Local and Regional Food Production and Program Evaluation*

The House bill requires the Secretary to collect data on the production and marketing of locally or regionally produced agricultural food products, facilitate data sharing, and monitor programs designed to aid local and regional food systems. The bill further provides a sunset date of September 30, 2018 for the annual report. (Section 10017)

The Senate amendment is similar to the House bill but does not include the sunset date.

The Conference substitute adopts the Senate provision with an amendment. The amendment adds further requirements for the Secretary to collect data on regulatory compliance costs, monitor regulatory barriers, and evaluate local food systems. (Sec. 10016)

*(15) Annual Report*

The House bill authorizes a report and annual update to Congress regarding invasive species including a list of each invasive species that is in the U.S. as of the date of the report and information regarding each invasive species listed, including the means in which the species entered the U.S., cost estimates of the species to the public and private sectors and a description of any legal recourse available to people affected by the species. (Section 10018)

The Senate amendment has no comparable provision.

The Conference substitute adopts the Senate provision.

*(16) Effective Date*

The Senate amendment provides an effective date of this title as October 1, 2013. (Section 10013)

The House bill has no comparable provision.

The Conference substitute adopts the House provision.