



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

**MAR 30 2022**

THE ADMINISTRATOR

Mr. Tom McDonald  
Senior Vice President, Environmental Affairs  
and Sustainability  
Five Rivers Cattle Feeding, LLC  
4848 Thompson Parkway, Suite 410  
Johnstown, Colorado 80534

Dear Mr. McDonald:

I would like to convey my sincere gratitude to members of the Farm, Ranch and Rural Communities Advisory Committee for your work during the past two years and for the set of policy recommendations submitted to me in January. I also appreciated the opportunity to meet with the leadership of the FRRCC to review and discuss these recommendations. The committee continues to play an important role at the U.S. Environmental Protection Agency in ensuring that agriculture and rural communities can provide meaningful input into the agency's policies and programs.

Since our meeting in January, I have consulted with senior leaders across the EPA to explore how the FRRCC's policy recommendations are being considered and adopted. While this letter does not represent the totality of work underway, it offers a snapshot of several immediate actions we are taking to advance priorities identified by the committee.

### Food Loss and Waste

- The EPA is developing a National Food Loss and Waste Organics Strategy that aims to prevent the loss and waste of organic materials, where possible, and increase recycling of organic materials to support a circular economy for all, reduce greenhouse-gas emissions, and build stronger communities. The helpful recommendations of the FRRCC are being taken into account in the development of this strategy and, as the EPA plans how to implement the strategy, to make progress toward the national goal of reducing food loss and waste by 50 percent by 2030.
- The Bipartisan Infrastructure Law provides the EPA with historic new funding to improve solid waste management infrastructure and recycling in the U.S. More specifically, the BIL establishes two new grant programs, one on Solid Waste Infrastructure for Recycling and another focused on consumer education and outreach, which directs the EPA to develop a model recycling program toolkit for state, tribal and local governments. The EPA will also provide assistance to promote recycling principles

in public school curriculums. These programs and toolkits will address organics, including food, and will respond to several of the FRRCC's recommendations by supporting waste management capacity development and infrastructure development, providing guidance on waste management and providing educational materials associated with waste management.

- With regard to supporting states and localities in their development of proven policies that address food waste prevention and food recovery, the EPA facilitates a robust national network of states and municipalities that are focused on developing policies and programs to help communities prevent food waste. In addition, the EPA recently issued a \$1.5 million funding opportunity to support research on household food waste prevention. The EPA is also conducting and funding other research related to food waste, such as through the Small Business Innovation Research program and other in-house research, such as the November 2021 report, "Part 1 – From Farm to Kitchen: The Environmental Impacts of U.S. Food Waste."

### Pesticide Policy

- The EPA announced in January that it is taking meaningful action to further the agency's compliance with the Endangered Species Act when evaluating and registering new pesticide active ingredients. Before the EPA registers any new conventional active ingredient, the agency will evaluate its potential effects on federally threatened or endangered species and their designated critical habitats and will initiate ESA consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, as appropriate. The EPA's new policy will provide additional protections for listed species while improving the legal defensibility of new active ingredient registrations, which in turn will provide farmers with more certainty about access to these tools. The EPA is also developing a detailed work plan to outline many other improvements to further the agency's compliance with the ESA, including steps to implement protections for high-risk species more efficiently, provide growers with more flexible mitigation measures and increase stakeholder engagement.
- In an effort to improve communication and engagement with the farming community, EPA senior leaders will convene an informal grower dialogue on a quarterly basis to ensure the perspectives of farmers are understood and considered as part of ongoing pesticide regulatory decisions within the agency. This increased communication between growers and the EPA should lead to more collaborative solutions for protecting human health and the environment while maintaining a productive agricultural system.

### Ecosystem Service Markets

- The EPA is committed to a holistic approach to addressing excess nutrients in our waterways. We will be championing innovative financing and using the flexibility of the Clean Water Act regulatory framework to drive market-based approaches, including water-quality trading, third-party credit aggregation and banking and stronger public-private partnerships. Our activities will include:

- Promoting state use of the Clean Water State Revolving Fund for nonpoint sources, including expanded use of innovative approaches like pay-for-performance models;
- Finalizing a policy statement on flexibilities for implementing market-based approaches within the National Pollutant Discharge Elimination System permit program; and
- Initiating a rulemaking to explicitly state that NPDES permits may include conditions allowing market-based approaches, including trading, to meet applicable effluent limits.

### Waters of the United States

- The EPA and U.S. Army announced December 7, 2021, a proposed rule to re-establish the pre-2015 definition of “waters of the United States” which had been in place for decades, updated to reflect consideration of Supreme Court decisions. This action advances the agencies’ goal of establishing a durable definition of WOTUS that protects public health, the environment and downstream communities while supporting economic opportunity, agriculture and other industries that depend on clean water.
- The EPA has proposed to retain the longstanding exclusion for Prior Converted Cropland, and exemptions for normal farming, silviculture and ranching activities found within the Clean Water Act would not be affected.
- The agency appreciates the FRRCC’s feedback on WOTUS, including farmers’ and ranchers’ need for clear definitions that are easily understood and implementable. The committee’s recommendations were received during the 60-day public comment period and are under consideration as part of the rulemaking process.

Finally, I am pleased to report that the EPA has rechartered the Farm, Ranch and Rural Communities Advisory Committee for another two years and will soon be soliciting new members. I look forward to continuing to engage with the committee as the agency addresses complex environmental issues facing agriculture and rural communities.

In the meantime, please accept my very best wishes.

Sincerely yours,



Michael S. Regan