



**AMERICAN AGRI-WOMEN  
2016 POSITION STATEMENTS**



**AMERICAN AGRI-WOMEN**  
**2016**  
**CLEAN WATER ACT OR “WOTUS”**

**POSITION ISSUE:** Environmental Protection Agency (EPA) and Army Corps of Engineers (Corps) Proposed Rule and Guidance on Identifying the Waters of the United States (WOTUS).

**AMERICAN AGRI-WOMEN REQUEST:** Congress to hold federal agencies accountable and to follow the law as written and intended by Congress and stop the overreach by the EPA.

**BACKGROUND OF ISSUE:** The Clean Water Act (CWA) of 1972 limits jurisdiction to “Navigable Waters” to the Federal Government and that the Federal Government is to work with the states to better manage our waters. The Supreme Court has, on two separate occasions, upheld this limit of jurisdiction on the Federal Government to “Navigable Waters”. EPA, environmental groups and their lobbyists failed to get legislation passed to change the Clean Water Act; therefore, they are attempting to gain the jurisdiction they want through the regulatory process and against the Court and Congress.

**TALKING POINTS:**

- WOTUS supersedes states’ rights related to land use and planning. It will also be costly and hurt economic growth. The rule doesn’t give resources for permitting, oversight and enforcement.
- Expands EPA and Army Corps jurisdiction to groundwater, ditches, culverts, pipes, erosional features, farm and stock ponds and prior converted cropland affecting many acres of private property. Giving the agencies essentially no limits under the CWA.
- Can also cause costly litigation tying up our courts and burdening our farmers, ranchers, timber industry, businesses and local government entities.
- The rule **fails** to clarify as it leaves many determinations to the agencies **“best professional judgement”** which could result in many subjective definitions.
- By proposing this rule and guidance the EPA and Army Corps have bypassed Congress to accomplish their agenda that they could not do through legislation. The federal agencies need to be held accountable to Congress. Congress has its duty to “check and balance” the Executive Branch.



## AMERICAN AGRI-WOMEN 2016 CLEAN POWER PLAN

**POSITION ISSUE:** The Clean Power Plan which requires states to reduce carbon dioxide (CO<sub>2</sub>) emissions from power plants and to increase the use of renewable sources creates costly regulations for existing power plants and will restrict the construction of new coal powered plants.

**AMERICAN AGRI-WOMEN REQUEST:** Congress ensure their intent of the Clean Air Act be followed by the regulatory agency, EPA, that oversees the Act and that EPA does not create burdensome regulations.

**BACKGROUND OF ISSUE:** August 3, 2015 EPA finalized the Clean Power Plan in order to limit the Greenhouse Gases Emissions specifically carbon dioxide (CO<sub>2</sub>) from power plants. February 9, 2016 the United States Supreme Court ordered a halt to the implementation of the plan, questioning the legality of the plan. An appeals court is set to hear the case in June 2016.

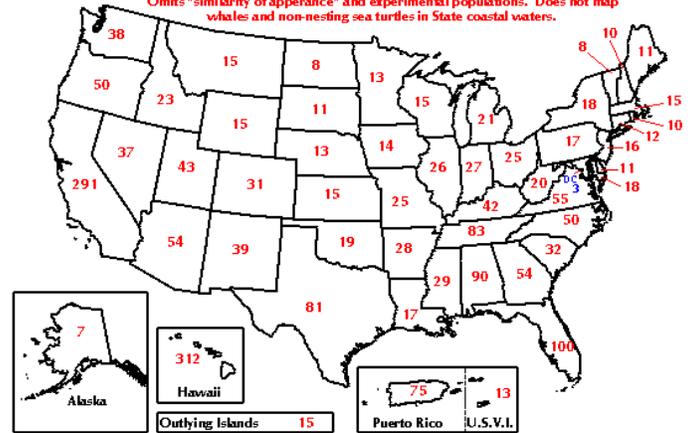
### TALKING POINTS:

- American Agri-Women support using and developing renewable and affordable forms of energy.
- American Agri-Women recommend policies that promote the abundant renewable natural resources in a healthy and productive environment.
- American Agri-Women support the use of peer-reviewed scientific data when developing guidance, rules and regulations that affect our best management practices and would not create a burden to those producing our food, fuel, and fiber.
- The final rule does not allow states that have already installed renewable sources before Jan 1, 2013 to use a credit toward the requirements nor can new gas-fired power plants be considered in determining compliance.
- John Dingell, the former Energy and Commerce Committee Chairman and who helped write the Clean Air Act, has stated that he never expected the Clean Air Act would be used to regulate carbon dioxide
- Carbon dioxide (CO<sub>2</sub>) is needed by plants for growth and is used in photosynthesis, where plants use light to convert CO<sub>2</sub> and water into carbohydrates and releases oxygen in the process. BASIC EARTH SCIENCE



## AMERICAN AGRI-WOMEN 2016 ENDANGERED SPECIES ACT

Listed Species Range By State/Territory as of Thu Feb 3 01:00:04 MST 2005  
Omits "similarity of appearance" and experimental populations. Does not map whales and non-nesting sea turtles in State coastal waters.



Total U.S. Species is 1264. Numbers are not additive, a species often occurs in multiple states.

### POSITION ISSUE:

While well-meaning in its original intent when enacted in 1973, the Endangered Species Act has become a tool of an Executive agency to determine land use. Agency determinations have resulted in economic losses to individuals and communities throughout the country while showing few successes of recovered and delisted species.

**AMERICAN AGRI-WOMEN REQUEST:** Members sign on to S. 855, the Endangered Species Management Self-Determination Act and its companion bill in the House.

**BACKGROUND OF ISSUE:** The punitive nature of the ESA is one of its greatest downfalls. Landowners, both public and private, can be fined up to \$100,000 or sentenced to one year in jail for harming one eagle, owl, wolf or other protected specie or even its habitat – whether the habitat is occupied or not.\* The fact that the habitat does not need to be occupied is the second greatest downfall of the act. Potential for the species to inhabit an area leads to a wide window of opportunity for subjectivity, capricious decisions and overreach.

### TALKING POINTS:

- Establishing States' rights - requires that the Governor of a State consent to a species listing in their state before any federal regulation could be implemented;
- Reasserting Congressional oversight - requires every species listing to be approved by Congress and automatically de-lists each species every five years without passage of a new Congressional resolution;
- Protecting property owners - creates a process for land owners to seek compensation from the federal government should they experience losses from ESA regulation;
- Requires sound science and transparency - requires USFWS to take into account state scientific data and requires all science data used by USFWS to be made publicly available;
- Works to end sue-and-settle tactics - prohibits government reimbursement of attorney's fees for radical environmental groups.

\*source: National Center for Policy Analysis.

Compare the 2005 Figures of 1,264 Above with 2016 Data:

U.S. Specie	Number Listed
Mammal	104
Birds	97
Reptiles	46
Amphibians	35
Fishes	163
Clams	88
Snails	50
Insects	78
Arachnids	12
Crustaceans	27
Corals	6
Conifers, Cycads	4
Ferns, Fern Allies	31
Lichens	2
Flowering Plants	861
<b>TOTAL U.S.</b>	<b>1604</b>

The U.S. Fish and Wildlife Service Lists All (U.S. and Foreign Threatened and Endangered Species at 2,342. (1441 Animals, 901 Plants)

Source: USFWS ECOS 5/13/16



## AMERICAN AGRI-WOMEN 2016 LAND USE

### POSITION

**ISSUE:** Mismanagement of federal lands in the westernmost 12 states, that represent more than half the land mass of the United States, has led to record forest fires and to the demise of many rural economies due to lost economic activity and tax base needed to support emergency services, education and physical infrastructure.

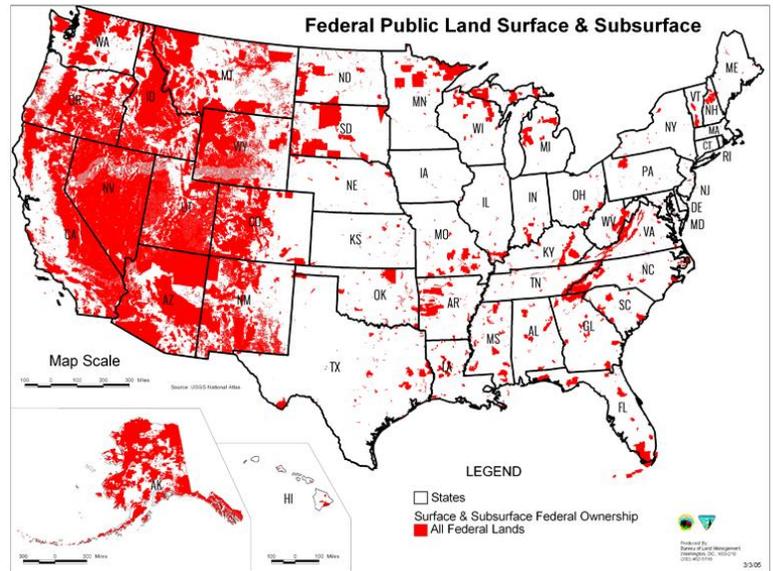
### AMERICAN AGRI-WOMEN REQUEST:

1. Congress support the Administration's increase in fire suppression funding for the purpose of timber harvest and other selective, active management to reduce the overall fuel load. (more funds toward proactive forest management, less funds for suppression.)
2. Congress not allow elements of the Bureau of Land Management (BLM) Planning 2.0 proposal to be implemented. Specifically require all local governments be notified and local land use plans be reviewed and applied in the management process, local stakeholders with direct experience in resource management (ex. ranchers, loggers, mine operators) be involved in planning, do not allow BLM to manage lands for "social changes."
3. Congress fully fund Payment in Lieu of Taxes (PILT).
4. Congress restore forest service research and development funding to FY15 levels for development of green building materials.
5. Congress explore transfer of federal public lands to willing states for local control that will provide better public access, better environmental health and better economic productivity.

**BACKGROUND OF ISSUE:** In March 2016, U.S. Forest Service Chief Thomas Tidwell said, *"Without management, the science is so clear; we're going to continue to lose the productivity of our forests."* (3/7/16 National Association of County Officials) Also in March, Bureau of Land Management Director Niel Kornze touted the development of solar power facilities on BLM land over the last seven years. The question of how utility taxes and other direct and indirect economic benefits reach local economies needs to be answered. **The American Lands Council estimates that the federal government loses 27 cents for every dollar it spends on land management, a loss to taxpayers of approximately \$2 billion a year. States, on the other hand, generate on average \$14.51 for every dollar they spend managing public lands.**

### TALKING POINTS:

- We support excluding existing national parks, congressionally-designated wilderness areas, Indian Reservations and military installations from the transfer of public lands to willing states.
- We support multiple use public lands. We urge management priorities for public lands that improve public access, environmental health, economic productivity, and efficiency of wildfire control while increasing local involvement and accountability and protecting use rights and local culture.





## AMERICAN AGRI-WOMEN 2016 E-VERIFY

**POSITION ISSUE:** Last year, the House Judiciary Committee marked up the mandatory E-Verify legislation. A group of nearly 60 Republicans sent a letter to Chairman Goodlatte and GOP Leadership indicating they could not support the bill without a fix for agriculture labor.

**AMERICAN AGRI-WOMEN REQUEST:** Congress to ensure a reliable, lawful agricultural worker program which supports a future agricultural visa program to bring workers in as needed and keep in place the skilled workforce that is already here. The E-Verify program needs to work in concert with this agricultural worker visa program to ensure a reliable, legal agricultural workforce.

**BACKGROUND OF ISSUE:** A comprehensive program, which provides a reliable, legal agricultural workforce, is getting harder and harder to achieve. E-Verify is a step in the right direction. We must be careful though, E-Verify without an Agricultural Visa program providing a legal workforce could ultimately cause American Farmers to potentially lose 40% of their entire labor force.

### TALKING POINTS:

- Agriculture opposes mandatory E-Verify legislation **WITHOUT A SOLUTION** that addresses our current agricultural workforce and creates a new guest-worker program to meet future needs.
- An enforcement-only or enforcement **WITHOUT REFORMING** our broader immigration system approach will have a devastating impact on rural economies across America.
- Based on a farm labor study conducted by the American Farm Bureau Federation (AFBF) in 2014, the impact of an enforcement-only approach to immigration that causes agriculture to lose access to its workforce would result in agricultural output falling by \$30 - \$60 billion.
- Agriculture wants **A SOLUTION** for our current workforce and a redesigned guest-worker visa program for future needs that will serve all U.S. producers, **NOT** an exemption from mandatory E-Verify.
- Without first addressing agriculture's labor crisis with a solution that meets agriculture's workforce needs, no amount of phase-in time is adequate for our industry.



**AMERICAN AGRI-WOMEN  
2016  
AGRICULTURE LABOR H-2A/H-2B**

**POSITION ISSUE:** In an effort to address the labor shortage, more and more growers are looking hard at the only agricultural visa programs in the country in hopes of supplementing their workforce with temporary agricultural employees from foreign countries.

**AMERICAN AGRI-WOMEN REQUEST:** Congress to insure a reliable, lawful agricultural worker program and supports a future agricultural visa program to bring workers in as needed and to keep in place the skilled workforce that is already here.

**BACKGROUND OF ISSUE:** The current Agricultural Visa Programs in place needs to be streamlined and less complicated. The processes involved are very slow and cumbersome, with too many restrictions/caps which are unrealistic.

**TALKING POINTS:**

- In order to apply for an H-2A visa, a worker must have a job offer from a US employer. It is illegal under US law for employers or recruiters to charge workers fees for job placement.
- Unlike the H-2B program, the H-2A program comes with additional employer requirements such as providing H-2A workers with transportation, housing and specific wage rules.
- Growers who use H-2A say it is cumbersome and needs more flexibility to get workers to the fields in a timely manner.
- The landscape industry is the largest user of the H-2B visa program, the only legal option for admitting seasonal workers from other countries to full temporary or seasonal non-agriculture jobs that have gone unfilled by American workers. Some of the types of work include landscape, tree trimming, plant installation, laying sod, building hardscape, digging trenches, and maintenance like pruning, edging, mowing, etc. in landscape setting are all H-2B.
- There is an arbitrary cap of 66,000 on how many visas can be issued each year. The cap is split into two halves; the first 33,000 visas are allocated for the first half of the federal fiscal year, which starts October 1; the second 33,000 are allocated for jobs beginning after April 1.
- Due to the many seasonal industries that rely on H-2B, the cap becomes a huge problem. When companies cannot get the seasonal workers needed, this ripples down through the industry supply chain, affecting growers and distributors as well.



## AMERICAN AGRI-WOMEN 2016 TAX SIMPLIFICATION

**POSITION ISSUE:** American Agri-Women opposes any effort to make tax laws more burdensome for farmers, ranchers and small businesses.

**AMERICAN AGRI-WOMEN REQUEST:** Congress to repeal the action taken in the 2015 Budget Bill that eliminates the provision for Tax Simplification found in Section 6231(a)(1)(B) of the Internal Revenue Code effective in 2018.

**BACKGROUND OF ISSUE:** During the 1970s, Congressional committees focused on partnerships, particularly limited partnerships, as the vehicle by which tax sheltering was taking place. The emerging draft legislation marked a “get tough” strategy with partnership taxation. That worried a group of Senators and Members of the House of Representatives enough for them to draft a “small partnership” exception to the tough rules being considered. It passed in 1982 along with major legislation cracking down on tax sheltering. The Committee reports made it clear that the intent was to create a simpler way for farmers and ranchers (and other small businesses) to file their tax returns. The latest 2015 legislation repeals the “small partnership” exemption after 2017.

### TALKING POINTS:

- There is a provision very significantly affecting farmers, ranchers and other small business.
- This action signals the end of a 34-year-old tax law that has been depended upon by thousands of taxpayers. It was the model of simplicity and was the best example of tax simplification to this day.
- The growing number taking advantage of the simplification provision threatened the bottom line of tax practitioners and forced this repeal, not in the 2015 Tax Bill but in the Budget Bill where the repeal would be less noticeable.