

NATIONAL AGRICULTURAL BIOSECURITY CENTER



NABC

National Agricultural
Biosecurity Center

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BRINGING NATIONAL SECURITY TO AGRICULTURE PRODUCERS IN THE MIDWEST

Located on the Manhattan campus of Kansas State University, the National Agricultural Biosecurity Center, or NABC, is an integral part of the midwest’s expanding animal health corridor. The NABC contributes to and accesses a vast network of interdisciplinary research and resources in the areas of animal and plant diseases, foodborne pathogens, environmental changes, food security, emergency management and One Health.

The mission of the NABC is to facilitate prevention and response strategies that address emerging threats to agricultural economies and the food supply in the U.S. and the world.

NABC EMERGENCY MANAGEMENT SURVEY

The National Agricultural Biosecurity Center (NABC) in collaboration with the Department of Homeland Security Health, Food, and Agriculture Resilience (HFAR) developed a survey designed to understand the level of preparedness that local county emergency management agencies (EMAs) currently possess to respond to a future food or agriculture incident. The readiness survey was designed to identify overarching trends, strengths, and opportunities for improvement in preparedness and response.

In 2022, 155 counties from 31 states were invited to complete a two-part survey. NABC managed the survey design, distribution, and collection and analysis of the survey responses. The first survey gathered information related to: general understanding of the impact of local food and agriculture economies, emergency operations planning, and the level of participation in training and exercises specific to food and agriculture incidents. The second survey, guided by the results of the first survey, further examined the awareness of food and agriculture industries with the counties, specific planning activities, interagency communication, participation in epidemiologic activities, and training.

NABC identified that county EMAs have an awareness of the economic value of food and agriculture industries within their jurisdictions, demonstrated by the inclusion of food and agriculture provisions in response-planning activities and the use of subject matter experts to develop the plans. The results of the surveys identified potential areas for improvement, or further examination, on a state-by-state basis, which include: top-down guidance on jurisdictional authority and roles and responsibilities; interagency communication; and training specific to food and agriculture incidents.

NABC EMERGENCY MANAGEMENT SURVEY... CONTINUED

While state and local EMAs traditionally respond in all-hazards events, high-consequence and catastrophic incidents to the food and agriculture sector may necessitate additional support from the emergency management community. The goal of this survey was to assess existing capabilities and identify areas of opportunity to improve cross-sector integration and planning and preparedness.



OVERTURNING OF THE CHEVRON DEFERENCE DOCTRINE

In a landmark decision on June 28, the Supreme Court overturned the Chevron doctrine in a 6-3 vote. The Chevron doctrine (also known as the Chevron Deference) granted state and federal administrative agencies space to interpret their own rules when the rules were left ambiguous by the courts. These administrative agencies are part of everyday life for those involved in agriculture from the Environmental Protection Agency, the Bureau of Land Management, and the USDA.

Chevron was put into place in 1984 by the Chevron vs. Natural Resource Defense Council whereby the Supreme Court decided that when Congress left pieces of legislation and/or policy vague or ambiguous, they could defer to a federal administrative agency (i.e. the USDA, EPA, FDIC, etc) that specialized in the issue. This gave federal agencies a large amount of power and decision-making capabilities when it came to implementing policy.

The landmark decision to overturn Chevron came in the Loper Bright Enterprises vs. Raimondo and the Relentless Inc vs Department of Commerce cases. Commercial herring fisherman challenged a National Marine Fisheries Service regulation stating that fishermen must pay for a monitor to always be aboard their vessels to prevent overfishing. This regulation from the NMFS came after the Magnuson Stevens Act which is the federal statute that governs fisheries management. The Magnuson Stevens Act allows the NMFS to require commercial fishing boats to allow federal agents (monitors) on board, however NMFS decided that

commercial fishermen would also be responsible for or partially responsible for the payment of the monitor. Many fishermen expressed their disapproval of this regulation stating that it is an overreach of a federal agency and that many could not afford this extra cost (reaching up to \$700/day).

The Supreme Court ruled in favor of the fishermen by abolishing the Chevron Deference Doctrine. Courts must not exercise their independent judgement on matters instead of deferring to federal administrative agencies. The impact on the agriculture industry will be extensive- from crop insurance to wetland determinations to pesticide regulations, many will be called into question and will have to be reevaluated by the courts. The overturning of Chevron has been applauded by many large agricultural organizations including the American Farm Bureau and National Cattlemen's Beef Association.



PACKER AND STOCKYARD ACT PROPOSALS

The USDA is set to unveil three new proposals in the coming months to the Packers and Stockyard Act that aim to clarify unfair practices, debut a new poultry grower tournament system rule, and to clarify that parties do not need to “demonstrate harm to competition in order to bring an action under section 202 (a) and 202 (b) of the P&S Act.” (USDA) Tom Vilsack (Agriculture Secretary) explained that the Packers and Stockyards Act is crucial to protecting livestock producers, however it is 100 years old and needs to be added upon to represent the current market.

Opinions on the new proposals have been mixed between the major agricultural organizations in the United States:

“USDA’s newly proposed rule is a direct attack on cattle producer profitability. By creating criteria that effectively deems any innovation or differentiation in the marketplace improper, USDA is sending a clear message that cattle producers should not derive any benefit from the free market but instead be paid one low price regardless of quality, all in the name of so-called fairness.” – Ethan Lane, Vice President of Government Affairs with NCBA

“We appreciate USDA’s ongoing work to bring fairness to the marketplace for America’s farmers and ranchers. The proposed rule may impact growers differently depending on their business structure, location and animal species. Our focus is to ensure USDA understands the positive and potential negative aspects of this complex proposed rule. Farm Bureau will review the rule carefully and provide comments consistent with our member-developed policy.” – American Farm Bureau Federation President Zippy Duvall

The overturning of the Chevron Deference Doctrine will have effects on the PSA and subsequent new proposals.



FARM BILL UPDATE

There is much concern over whether the current farm bill will be passed in 2024. The 2018 Farm Bill was granted a one-year extension which is set to expire in September, and some lawmakers are prepared to see another year-long extension granted which would expire in September of 2025.

Over 500 state and national agricultural groups sent letters into Congress urging lawmakers to pass the farm bill. If the bill is not passed this year, the chances are high that it will not be brought back to the table until mid-2025 and discussions would have to start over. With a new Congress coming in this election year, it may be unlikely that the bill passes in 2025 which would push it another year into 2026. Both chambers have submitted their frameworks for the farm bill, but House leaders say their version will likely not see any more action until September. John Boozman (ranking member) explained that nutrition and commodity titles remain a high point of contention in the Senate. House Agriculture Committee Chairman Glenn “G.T.” Thompson says an informal pre-conference meeting with the Senate would be an option to help get the farm bill passed in 2024, but it not the preferred course of action.

