

**NCSL Standing Committee on Natural Resources and
Infrastructure**

POLICY DIRECTIVES AND RESOLUTIONS

**2017 NCSL Legislative Summit
Boston, Massachusetts**

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1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: AVIAN FLU RESPONSE**

3 **TYPE: RESOLUTION**

4 A resolution of the National Conference of State Legislatures, expressing support for
5 federal efforts to increase funding for avian flu research and vaccine development
6 efforts.

7
8 **WHEREAS**, US farmers, poultry processing and food production plants supply a
9 significant portion of poultry products consumed nationally and internationally; and,

10

11 **WHEREAS**, agriculture is a key driver of rural and state economies and the tremendous
12 productivity of United States farmers benefits the national economy and the country's
13 international trade balance; and,

14

15 **WHEREAS**, the highly pathogenic avian influenza (HPAI) H5N1 strain is a new mixed-
16 origin virus that combines the H5 genes from the Asian HPAI H5N1 virus with N genes
17 from native North American avian influenza viruses found in wild birds; and,

18

19 **WHEREAS**, according to the USDA, since December 2014, confirmed cases of HPAI
20 H5 have been reported in the Pacific, Central, and Mississippi flyways (or migratory bird
21 paths). The disease has been found in wild birds, as well as in a few backyard and
22 commercial poultry flocks. The Centers for Disease Control and Prevention (CDC)
23 considers the risk to people from these HPAI H5 infections to be low; and,

24

25 **WHEREAS**, 223 detections of HPAI H5 have been reported across 15 states, with the
26 Midwest being hit the hardest, affecting over 48 million birds; and,

27

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28 **WHEREAS**, farmers and agriculture related businesses have seen significant losses in
29 revenue and workers have been laid off or subject to reduced work hours; and,

30
31 **WHEREAS**, according to USDA statistics, nationwide, over 11% of the nation’s laying
32 hens and over 3% of the nation’s annual turkey production have been impacted to date,
33 resulting in a significant threat to United States agriculture and the ability of our farmers
34 to feed a growing world population; and,

35
36 **WHEREAS**, state and federal governments have invested millions of dollars to address
37 the fallout associated with H5N1 and find solutions to the virus; and,

38
39 **WHEREAS**, the USDA Agricultural Research Service (ARS), Southeast Poultry
40 Research Lab (SEPRL) is working to evaluate and develop avian influenza (AI)
41 vaccines; and,

42
43 **WHEREAS**, the National Conference of State Legislatures (NCSL) recognizes the
44 serious threats posed by the HPAI outbreak and the key role that the federal
45 government plays in harnessing resources and providing assistance to farmers and
46 others affected by the virus.

47
48 **NOW, THEREFORE, BE IT RESOLVED** by the NCSL that it fully supports recent
49 federal efforts to protect poultry production and the nation’s food supply by aggressively
50 working to contain and remediate outbreaks when they occur. NCSL also supports
51 federal efforts to serve as technical advisors and the clearinghouse of information for all
52 sectors, and investigating ways to stop the spread of the virus; and,

53
54 **BE IT FURTHER RESOLVED**, that the NCSL strongly encourages the federal
55 government to increase the funding necessary for state and federal agencies to
56 continue development of biosecurity containment strategies, time sensitive approaches
57 to sharing information, and more aggressive research into what is causing avian

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58 influenza, why some fowl are more susceptible, and prevention measures, including the
59 development of vaccines, that can be taken; and,

60

61 **BE IT FURTHER RESOLVED**, that federal agencies should work closely with the states
62 to align HPAI efforts and share best practices; and,

63

64 **BE IT FURTHER RESOLVED** that NCSL and the states are willing partners in the
65 federal government's HPAI efforts and will closely monitor federal actions and progress
66 on these and related efforts of utmost importance to the states and our nation's food
67 supply, rural agriculture economies, environment, and natural resources.

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1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **CLIMATE CHANGE**

3 **TYPE:** **RESOLUTION**

4 NCSL urges the federal government to consult with state elected officials, their national
5 representative organizations and existing interstate partnerships in developing a federal
6 program. As Congress and the administration examine proposals for reducing
7 greenhouse gas emissions, the National Conference of State Legislatures encourages
8 the federal government to always take the following principles into account:

- 9 • Federal action should be flexible, allowing for a range of complementary
10 strategies at the state and federal level maintaining a strong role for state, local
11 and tribal government in any federal action.
- 12 • Federal legislation should provide states the authority and flexibility to work within
13 an overall framework; to apply the law effectively to all sources of emissions and
14 ensure achievement of climate change goals in the most cost effective, timely
15 and efficient manner for each state.
- 16 • Federal legislation should not preempt state or local governments from enacting
17 policy options that differ from federal choices or from enacting stricter or stronger
18 measures within their jurisdiction.
- 19 • Federal legislation should afford states the flexibility to form regional
20 cooperatives and implement innovative policies that advance federal efforts to
21 reduce the effects of climate change.
- 22 • Congress must authorize and appropriate sufficient funds for federal, state and
23 local governments to implement any federal legislation. These funds should be
24 newly authorized appropriations, not reprogrammed resources.
- 25 • Federal legislation should ensure state legislative authority in any federal climate
26 change legislation and affirm the active role played by state legislatures in both
27 fiscal and substantive aspects of state policymaking.

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- 28 • Federal legislation providing for the allocation of greenhouse gas reduction
29 programs to states should include language making decisions related to such
30 allowances subject to state legislative approval.

31

32 NCSL urges the federal government, should it choose to act on this issue, to take into
33 account the following principles regarding program design components:

- 34 • Any national system must include short, medium and long-term goals and
35 incorporate a rigorous oversight program that provide for ongoing study and
36 analysis of the system to ensure it is achieving intended goals.
- 37 • A new national program should serve to address uncertainties that are
38 hampering investment in generation, transmission and distribution and enhance
39 the likelihood that appropriate technologies will be developed and other solutions
40 implemented so as to achieve the desired reductions in GHG emissions in the
41 most economical manner possible.
- 42 • Federal legislation should be designed appropriately to balance competing
43 criteria, including, but not limited to, equity, economic efficiency and ease of
44 administration.
- 45 • Revenue derived from a greenhouse gas reduction program should be directed
46 to complimentary policies focused on mitigating climate change consumer costs
47 including but not limited to energy research & development, weatherization,
48 conservation and energy efficiency activities.
- 49 • A national program to reduce GHG emissions must also address adaptation
50 issues.
- 51 • Auctioning of allowances may be the most economically efficient mechanism for
52 achieving a GHG emissions reductions goal. However, the allocation of
53 emissions allowances at no cost can serve as an appropriate transition measure
54 necessary to ensure continued reliability, minimize economic dislocation resulting
55 from the carbon intensity of the existing infrastructure, and allow for development
56 and deployment of needed new technologies and measures to reduce emissions.

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- 57 • Priority distribution of allowances at no cost should be to those entities in affected
58 sectors where existing regulatory structure provides the necessary oversight to
59 ensure that the value of such allowances is accounted for in establishing price
60 rates for consumers.
- 61 • The allocation of greenhouse gas reduction program to states under a federal
62 greenhouse gas reduction program should include language making decisions
63 related to such allowances subject to state legislative approval.
- 64 • The establishment of any new federal program should include provisions for
65 transparent reporting and accountability and incorporate the use of third party
66 verification to ensure reported outcomes are verifiable.

67

68 **Unintended Consequences**

69 NCSL believes that federal legislation regarding the reduction of greenhouse gases
70 should take into account the implications of actions and/or inactions on economic
71 development, energy security, and those most vulnerable citizens. Evaluation should
72 include the life cycle impacts of policy options including ancillary impacts.

73

74 NCSL believes that federal legislation should require continuing assessments of the
75 potential impacts to the United States of climate change, by state or region including
76 effects on water resources, agriculture, infrastructure, natural systems, environmental
77 quality, public health, biodiversity and the cultures of our native peoples. Such an
78 assessment will support the development of domestic and international adaptation-
79 mitigation strategies. The Environmental Protection Agency (EPA) should provide
80 funding and assist states in developing assessments and adaptation plans at the state
81 and regional level.

82

83 NCSL also urges the federal government to fully consider how legislation will affect low-
84 income households that already struggle to balance needs and expenses. NCSL
85 encourages the federal government to expand and enhance long-term funding for the
86 Department of Energy's Weatherization Assistance Program and to ensure that any new

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87 federal program does not undermine existing federal, state and private sector energy
88 assistance and outreach programs that assist our most vulnerable citizens.

89

90 **Research and Development**

91 NCSL strongly urges the federal government to authorize and appropriate funding and
92 provide other incentives to spur expanded research and development (R&D), as well as
93 advance the demonstration and deployment of new and existing technologies to
94 improve energy efficiency, advance mitigation strategies and reduce greenhouse gas
95 emissions.

96

97 NCSL urges the federal government:

- 98 • To ensure that legislation not limit the diversity of technologies supported, as
99 future advancements cannot be predicted.
- 100 • To take into account state and regional differences, and not limit or specify the
101 technologies used in each state and ensure sufficient flexibility for each State to
102 determine how to best achieve nationally-set goals.
- 103 • To promote current and future innovations and expand the use of such
104 technology through R&D transfer agreements with other countries.

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1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **COVER CROP RESEARCH**

3 **TYPE:** **RESOLUTION**

4 **WHEREAS**, growing concerns about water quality, soil fertility, weed control, nematode
5 control, water retention and biodiversity; and,

6

7 **WHEREAS**, farmers need real solutions to solve concerns and maintain yields and
8 profits; and,

9

10 **WHEREAS**, cover crops have proven to increase yields in university studies as well as
11 in replicated farm research on real-world field plots; are an increasingly popular way to
12 keep soil healthy; help reduce the need for N and other nutrients, and create a healthier
13 soil environment that resists disease and pests; inhibit weed growth by shading them
14 out, by preventing emergence, and by compounds exuded by the roots; are shown to
15 reduce populations of pathogenic nematodes and encourage populations of beneficial
16 ones; break up soil compaction whether it is naturally occurring or a result of heavy
17 cultivation and tillage; add diversity to the natural biological life in heavily farmed soils,
18 often working in synergy with cash crops for bottom line benefits; add diversity to the
19 natural biological life in heavily farmed soils, often working in synergy with cash crops
20 for bottom line benefits.

21

22 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
23 Legislatures supports federal efforts to further the development of and proliferation and
24 use of cover crops; and,

25

26 **BE IT FURTHER RESOLVED**, that this resolution be submitted to appropriate federal
27 officials and the U.S. Congress.

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1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **POLLINATOR HEALTH**

3 **TYPE:** **RESOLUTION**

4 A resolution of the National Conference of State Legislatures (NCSL) Natural
5 Resources and Infrastructure Committee, recognizing the importance of pollinators,
6 stressing the negative ramifications of continued pollinator loss, and expressing support
7 for federal efforts to protect pollinators.

8
9 **WHEREAS**, farmers depend on pollinator species such as bees, ants, butterflies, birds
10 and bats to successfully produce approximately one third of all United States
11 agricultural output; and,

12
13 **WHEREAS**, in addition to food, pollinators also are vital to the production of fibers,
14 edible oils, medicines, and other products; and,

15
16 **WHEREAS**, urban and rural beekeepers play an important role in state and federal
17 agricultural production; and,

18
19 **WHEREAS**, agriculture is a key driver of rural and state economies and the tremendous
20 productivity of United States farmers benefits the national economy and the country's
21 international trade balance; and,

22
23 **WHEREAS**, pollinator loss poses a significant threat to United States agriculture and
24 the ability of our farmers to feed a growing world population; and,

25
26 **WHEREAS**, pollinators are essential organisms in the ecosystems that provide
27 biodiversity, recreation and enjoyment for people and habitat for wild plants and
28 animals; and,

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29 **WHEREAS**, the NCSL recognizes the serious threats posed by pollinator loss and the
30 key roles that the federal government plays as landowner and manager, regulator of
31 pesticide products, and financial and technical assistance provider to farmers and other
32 private landowners.

33

34 **NOW, THEREFORE, BE IT RESOLVED** by the NCSL Natural Resources and
35 Infrastructure Committee that it fully supports recent federal efforts to: develop best
36 management practices and enhance pollinator habitat on federally owned or managed
37 lands; incorporate pollinator health as a component of all future federal restoration and
38 reclamation projects; revise guidance documents for designed landscapes and public
39 buildings in order to incorporate pollinator-friendly practices; increase both the acreage
40 and forage value of pollinator habitat in the Conservation Reserve Program and other
41 federal conservation programs; provide technical assistance in collaboration with land-
42 grant university-based cooperative extension services to federal departments and
43 agencies, state, local, and tribal governments, and other entities and individuals
44 including farmers and ranchers; assist states and state wildlife organizations, as
45 appropriate, in identifying and implementing projects to conserve pollinators through the
46 revision and implementation of State Wildlife Action Plans; assess the effects of
47 systemic pesticides and parasites on bee and other pollinator health and take
48 corresponding action, as appropriate, to protect pollinators from pesticides and
49 parasites; and take immediate measures to support pollinators with proper habitat and
50 nutrition during the current growing season and thereafter, including planting pollinator-
51 friendly vegetation, increasing flower diversity in plantings, limiting mowing practices,
52 and reduce or avoid, when necessary, the use of pesticides in sensitive pollinator
53 habitats through the use of integrated vegetation, pest and colony management
54 practices; and,

55

56 **BE IT FURTHER RESOLVED** that states work closely with affected individuals and
57 serve as laboratories of innovation in problem solving and policy making. Federal

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58 agencies should work closely with the states to align pollinator protection efforts and
59 share best practices; and,

60

61 **BE IT FURTHER RESOLVED** that NCSL and the states are willing partners in the
62 federal government's pollinator protection efforts and will closely monitor federal actions
63 and progress on these and related efforts of utmost importance to the states and our
64 nation's food supply, urban and rural agriculture economies, environment, and natural
65 resources.

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1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **STATE SOVERIGNTY IN AIR AMBULANCE**

3 **REGULATION**

4 **TYPE:** **RESOLUTION**

5 **WHEREAS**, as many rural hospitals have recently closed, air ambulance services have
6 become increasingly necessary and are being used more frequently to transport
7 patients to faraway hospitals in an emergency; and,

8
9 **WHEREAS**, competition among air ambulance services have increased costs; and,

10

11 **WHEREAS**, air ambulance services can cost patients tens of thousands of dollars out-
12 of-pocket when companies do not accept a patient's insurance, and emergency patients
13 rarely have the capacity to choose their own air ambulance company; and,

14

15 **WHEREAS**, some air ambulance companies refuse to reveal actual costs to insurers,
16 and some insurers are unwilling to pay market value for the service; and,

17

18 **WHEREAS**, federal government Medicare reimbursements cover only a small portion of
19 the actual cost of an air ambulance, forcing air ambulance companies to charge patients
20 more; and,

21

22 **WHEREAS**, under the Airline Deregulation Act, states cannot regulate routes, services
23 or prices of air ambulances.

24

25 **NOW, THEREFORE, BE IT RESOLVED**, that NCSL supports state sovereignty in air
26 ambulance regulation in order to protect patients from overwhelming financial burdens
27 for emergency medical services; and,

28

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29 **BE IT FURTHER RESOLVED**, that NCSL urges Congress to amend the Airline
30 Deregulation Act in order to provide states the authority to enforce insurance regulations
31 on air ambulance providers to protect consumers.

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1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: WILDFIRE FUNDING**

3 **TYPE: RESOLUTION**

4 A resolution of the National Conference of State Legislators (NCSL) urging the federal
5 government to address insufficient budget mechanisms for wildfire suppression and
6 expressing support for federal efforts to fund catastrophic fires as natural disasters.

7
8 **WHEREAS**, Wildfire suppression costs have increased dramatically in the last decade;
9 and,

10

11 **WHEREAS**, In the past two years, the U.S. Forest Service has had to transfer more
12 than \$1 billion from other programs within the agency to pay for fighting wildfires; and,

13

14 **WHEREAS**, these fire transfers deplete resources from vital fire prevention and
15 mitigation programs, including forest restoration and management activities to reduce
16 future fire risk; and,

17

18 **WHEREAS**, increased fire activity can have substantially negative impacts on air
19 quality, water quality, greenhouse gas emissions as well as reduce downstream water
20 storage as sediment runoff lowers the effective level of dams and reservoirs; and,

21

22 **WHEREAS**, reduced restoration and mitigation funding also makes it easier for invasive
23 pests and diseases to infest vulnerable forests; and,

24

25 **WHEREAS**, anticipated changes in climate will also cause fire risk to escalate in
26 drought-ridden regions, further increasing wildfire suppression costs; and,

27

28 **WHEREAS**, federal funding for wildfire suppression is currently allocated using the 10-
29 year average cost for wildfire suppression activities; and,

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30 **WHEREAS**, NCSL recognizes that wildfires must be managed on a regional basis and
31 that increased risk for wildfires on federal lands ultimately will lead to increased costs for
32 state wildfire programs.

33

34 **NOW, THEREFORE, BE IT RESOLVED**, that NCSL urges Congress to address the
35 budget structure of wildland fire accounts. NCSL believes that any federal policy on
36 wildfires should minimize the risk of fire transfers from prevention and mitigation
37 programs and support federal actions that would fund catastrophic wildfires similar to
38 natural disasters.

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1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **AUTONOMOUS VEHICLES**

3 **TYPE:** **DRAFT RESOLUTION**

4 The automobile is on the cusp of a technological transformation with the potential to
5 both revolutionize personal mobility and provide immeasurable safety benefits. As
6 vehicles that operate on public roads are subject to both state, federal and local
7 jurisdiction, the National Conference of State Legislatures (NCSL) understands the
8 need to clearly define state and federal roles as well as avoid unnecessary federal
9 preemption and burdensome federal mandates.

10

11 **State Authority to Regulate Autonomous Vehicle Testing**

12 NCSL agrees that the National Highway Traffic Safety Administration (NHTSA) should
13 be the sole entity setting federal motor vehicle safety standards (FMVSS) for
14 autonomous vehicles, equivalent to their current role for conventional vehicles.

15 However, NCSL strongly believes that states are the sole authority when it comes to
16 vehicle use – which includes vehicle registration; driver licensing and education; traffic
17 laws, regulations and enforcement; and insurance and liability. NCSL is opposed to
18 congressional or administration proposals that would seek to preempt this authority from
19 states by prohibiting states from prescribing certain standards or regulations related to
20 autonomous vehicle testing, including requirements related to the presence of a human
21 driver.

22

23 **FMVSS Exemptions**

24 NCSL recognizes, appreciates, and agrees that authority to issue exemptions of
25 FMVSS remains solely in the realm of the Secretary of Transportation. However, NCSL
26 strongly encourages the Secretary (or applicable designated agency) to ensure that any
27 exemption of existing motor vehicle safety standards provides a safety level at least

28 equal to the safety level of the standard. Further, as exemptions are granted, NCSL
29 implores the department to provide such information to states, in a timely manner.

30

31 **Advisory Councils**

32 NCSL requests that state legislators be appointed to or included in any congressional or
33 administration task force, council, or other advisory group related to the development of
34 autonomous vehicles. NCSL encourages congressional and administration task forces
35 to work with NCSL to help ensure the appropriate states are included.

36

37 **Cybersecurity Information Sharing**

38 Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to
39 communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure
40 (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security
41 breaches greatly increases. NCSL urges both the administration and Congress to both
42 share any threat information with state governments and to work with states to ensure
43 that such threats and affected vehicle populations do not become endemic. A
44 collaborative effort is vital in ensuring such safety.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: BLACK VULTURE**

3 **TYPE: DRAFT RESOLUTION**

4 **WHEREAS**, the Black Vulture is a scavenger and feeds primarily on already-dead
5 animals; and,

6

7 **WHEREAS**, they also feed on living animals, often attacking birthing animals; and,

8

9 **WHEREAS**, the species has proliferated over the last 30 years and broadened its
10 geographical range; and,

11

12 **WHEREAS**, maintenance of the species must take into consideration that the Black
13 Vulture is protected by the Migratory Bird Treaty Act; and,

14

15 **WHEREAS**, the US Fish & Wildlife Service (USFWS) is authorized, under certain
16 conditions, to issue a depredation permit for Black Vultures; and,

17

18 **WHEREAS**, USFWS has developed pilot programs in Tennessee and Kentucky in
19 which a single, statewide depredation permit is granted for each state; and,

20

21 **WHEREAS**, the holder of the statewide permit is authorized to include persons seeking
22 relief from the damage caused by Black Vultures; and,

23

24 **WHEREAS**, the authorized “sub-permittees” are bound by all the terms of the primary
25 permit.

26

27 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
28 Legislatures (NCSL), calls upon USFWS to make a transition in the statewide

29 depredation permit process from pilot program to standard operational procedure in the
30 management of Black Vultures; and,

31

32 **BE IT FURTHER RESOLVED**, that USFWS, in each state that is experiencing livestock
33 predation/injury from Black Vultures, determine the appropriate state agriculture/wildlife
34 agency or non-governmental organization (NGO) recognized for farm advocacy and
35 award that agency/NGO the aforementioned permit.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: NATIONAL APPLIANCE EFFICIENCY**

3 **STANDARDS**

4 **TYPE: DRAFT RESOLUTION**

5 **WHEREAS**, energy efficiency standards as promulgated by the U.S. Department of
6 Energy following enactment of the Energy Policy and Conservation Act of 1975,
7 National Appliance Energy Conservation Act of 1987 and 1988 (NAECA), Energy Policy
8 Act of 1992, Energy Policy Act of 2005 and the Energy Independence and Security Act
9 of 2007, for appliances, equipment, and lighting protect consumers, are a cost-effective
10 means to reduce energy and water waste, lower utility bills and decrease pollutants and
11 atmospheric emissions including greenhouse gas emissions; and,

12
13 **WHEREAS**, an average US household saves about \$500 per year on utility bills
14 because of these existing standards; and,

15
16 **WHEREAS**, US businesses save about \$23 billion annually because of these existing
17 standards, money that can be invested in jobs or spent in local economies; and,

18
19 **WHEREAS**, efficiency standards stimulate innovative technologies, which are beneficial
20 to American manufacturers in a competitive global environment; and,

21
22 **WHEREAS**, lower energy and water use helps mitigate the need for new utility
23 infrastructure.

24
25 **NOW, THEREFORE, BE IT RESOLVED**, that the NCSL urges the Congress and the
26 Department of Energy (DOE) to fully fund and continue this highly successful program;
27 and,

28

29 **BE IT FURTHER RESOLVED**, that the NCSL strongly urges DOE to amend standards
30 as stipulated by law and in accordance with the review schedule dictated by Congress;
31 and,

32

33 **BE IT FURTHER RESOLVED**, that Congress continue to require DOE to regularly
34 review standards for appropriate updates and to resist any attempt to repeal existing
35 standards.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: YEAR-ROUND E15**

3 **TYPE: DRAFT RESOLUTION**

4 **WHEREAS**, EPA has approved fuel blends with 15 percent ethanol and 85 percent
5 gasoline. E15 provides higher octane to improve vehicle performance and historically
6 costs less than regular E10 gasoline. Current Environmental Protection Agency (EPA)
7 restrictions prohibit most of the country from selling E15 from June 1 through
8 September 15. However, retailers in air quality non-attainment areas can offer E15
9 year-round due to the greater reduction in exhaust emissions; and,

10

11 **WHEREAS**, the United States Department of Agriculture’s most recent report on corn-
12 based ethanol stated that “greenhouse gas emissions associated with corn-based
13 ethanol in the United States are about 43 percent lower than gasoline when measured
14 on an energy equivalent basis;” and,

15

16 **WHEREAS**, as the farm economic downturn continues, states and rural communities
17 are looking for increased market and economic opportunities for their agricultural
18 products. Removal of this EPA regulatory barrier is one important way to provide more
19 demand for agriculture, at no cost to the government, while also providing significant
20 benefits to both state economies and consumers; and,

21

22 **WHEREAS**, H.R. 1311 and S. 517, the Consumer and Fuel Retailer Choice Act
23 removes this unnecessary EPA limitation, giving consumers a choice at the pump that
24 saves them money, enhances vehicle performance, improves the environment, and
25 increases state economic output. S. 517 is sponsored by Senator Deb Fischer (R-NE),
26 a former National Conference of State Legislatures (NCSL) Executive Committee
27 member.

28

29 **NOW, THEREFORE, BE IT RESOLVED**, NCSL supports H.R. 1311 and S. 517.

1 **COMMITTEE:** NATURAL RESOURCES AND INFRASTRUCTURE

2 **POLICY:** ORGANIZED DEPLOYMENT OF UNMANNED
3 AERIAL SYSTEMS (UAS)

4 **TYPE:** DRAFT POLICY RESOLUTION

5 **WHEREAS,** the Federal Aviation Administration (FAA) anticipates there will be up to 4
6 million drones by 2020. Already the FAA has registered more than 750,000 drone
7 operators for use in the National Airspace, far more than the 200,000 manned aircraft in
8 the United States; and, millions of Unmanned Aerial Systems (UAS) have been
9 purchased by hobbyists for use in airspace of the United States which is regulated by
10 the Federal Aviation Administration (FAA), and

11
12 **WHEREAS,** the lack of formal rules and regulations pertaining to the use of UAS by
13 hobbyists has resulted in a frontier mentality for use and judgment in that air space;
14 and,

15
16 **WHEREAS,** the FAA does not yet have the preventative enforcement tools for rules or
17 laws when developed ~~that the States have~~; and,

18
19 **WHEREAS,** as of ~~November 2015~~ June 2017, ~~49 nearly all states have~~ every state has
20 considered legislation addressing UAS, with ~~26 ABC37~~ states having enacted ed new
21 laws; and,

22
23 **WHEREAS,** the National Conference of State Legislatures (NCSL) ~~has~~ having
24 previously created a UAS Foundation Partnership to facilitate candid discussions
25 between state policymakers, industry leaders and end-users, to identify options for
26 maximizing the benefits of UAS while also addressing privacy, safety and 4th
27 Amendment concerns; and,

28

29 **WHEREAS**, the FAA continues its works to integrate UAS rules or laws into American
30 airspace, state policymakers and their constituents are working to tap the potential of
31 UAS for public and private applications; and,

32

33 WHEREAS, the U.S Court of Appeals for the District of Columbia eliminated an FAA
34 requirement for drone registration by hobbyists who operate their drone purely for
35 recreation; and,

36

37 WHEREAS, many examples of federal delegation of authority to states currently exist.

38

39 **NOW, THEREFORE, BE IT RESOLVED**, NCSL recognizes FAA’s general authority
40 over the national airspace but believes it is imperative to preserve the authority of state
41 governments to issue reasonable restrictions on the time, manner and place of drone
42 operations as they relate to states’ traditional police powers, including to protect public
43 safety and security, personal privacy, property rights and manage land use; and,

44

45 **BE IT FUTHER RESOLVED**, NCSL believes without a federal UAS registration
46 requirement states be allowed to implement their own such requirement; and,

47

48 **BE IT FURTHER RESOLVED**, NCSL strongly believes in the need for federal and state
49 governments to work together to manage the organized deployment of recreational and
50 commercial drones and that should the FAA require registration of all UAS, states
51 should be allowed to conduct ~~this registration and~~ enforcement of federal UAS rules if
52 they so choose and that the federal government should ensure ~~that~~ adequate resources
53 be available to states for proper enforcement. **BE IT RESOLVED**, ~~that NCSL~~
54 ~~constructively engage with the FAA and other parts of the federal government in order~~
55 ~~to build partnerships with states for the organized deployment of UAS that respects~~
56 ~~privacy, safety and 4th amendment issu~~

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **ORGANIZED DEPLOYMENT OF UNMANNED**
3 **AERIAL SYSTEMS (UAS)**

4 **TYPE:** **DRAFT POLICY RESOLUTION**

5 **WHEREAS**, the Federal Aviation Administration (FAA) anticipates there will be up to 4
6 million drones by 2020. Already the FAA has registered more than 750,000 drone
7 operators for use in the National Airspace, far more than the 200,000 manned aircraft in
8 the United States; and,

9

10 **WHEREAS**, the lack of formal rules and regulations pertaining to the use of UAS by
11 hobbyists has resulted in a frontier mentality for use and judgment in that air space;
12 and,

13

14 **WHEREAS**, the FAA does not yet have the preventative enforcement tools for rules or
15 laws when developed; and,

16

17 **WHEREAS**, as of June 2017, every state has considered legislation addressing UAS,
18 with 37 states having enacted laws; and,

19

20 **WHEREAS**, the National Conference of State Legislatures (NCSL) having previously
21 created a UAS Foundation Partnership to facilitate candid discussions between state
22 policymakers, industry leaders and end-users, to identify options for maximizing the
23 benefits of UAS while also addressing privacy, safety and 4th Amendment concerns;
24 and,

25

26 **WHEREAS**, the FAA continues its work to integrate UAS rules or laws into American
27 airspace, state policymakers and their constituents are working to tap the potential of
28 UAS for public and private applications; and,

29

30 **WHEREAS**, the U.S Court of Appeals for the District of Columbia eliminated an FAA
31 requirement for drone registration by hobbyists who operate their drone purely for
32 recreation; and,

33

34 **WHEREAS**, many examples of federal delegation of authority to states currently exist.

35

36 **NOW, THEREFORE, BE IT RESOLVED**, NCSL recognizes FAA’s general authority
37 over the national airspace but believes it is imperative to preserve the authority of state
38 governments to issue reasonable restrictions on the time, manner and place of drone
39 operations as they relate to states’ traditional police powers, including to protect public
40 safety and security, personal privacy, property rights and manage land use; and,

41

42 **BE IT FUTHER RESOLVED**, NCSL believes without a federal UAS registration
43 requirement states be allowed to implement their own such requirement; and,

44

45 **BE IT FURTHER RESOLVED**, NCSL strongly believes in the need for federal and state
46 governments to work together to manage the organized deployment of recreational and
47 commercial drones and that states should be allowed to conduct enforcement of federal
48 UAS rules if they so choose and that the federal government should ensure adequate
49 resources be available to states for proper enforcement.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **FEDERAL CHEMICAL POLICY**

3 **TYPE:** **DRAFT POLICY DIRECTIVE**

4 In 2016 Congress passed the Frank R. Lautenberg Chemical Safety for the 21st
5 Century Act (LCSA), updating the Toxic Substances Control Act (TSCA) of 1976, which
6 provides the U.S. Environmental Protection Agency (EPA) with the authority to require
7 reporting, record-keeping, and safety testing of chemical substances and/or mixtures.
8 TSCA also gives EPA the power to restrict the use of chemicals. Certain substances are
9 generally excluded from TSCA, including food, drugs, cosmetics, and pesticides, which
10 are regulated under different federal laws.

11

12 **Ensure Statutory Implementation**

13 Amended TSCA now sets the global standard for the quality of scientific review of
14 chemicals. Accordingly, NCSL strongly urges EPA to meet all statutory deadlines within
15 LCSA in order to: maintain the public's confidence in the safety of consumer products
16 containing toxic chemicals, implement new scientific standards and continue to keep
17 pace with modern science, and to ensure that the United States continues to lead our
18 trading partners in the quality of our public health and environmental reviews of all
19 chemicals. EPA must assure that the nation's interest in a strong American business of
20 chemistry is protected, and that the United States maintains its ability to produce
21 products that save lives, protect our children, make our economy more energy efficient,
22 and reduce greenhouse gas emissions.

23

24 **Appropriate Funding and Establish User Fees**

25 NCSL urges Congress to appropriate full funding for LCSA implementation and
26 supports the requirement for EPA to collect fees for both new and existing chemicals.
27 Section 26 of the Act provides EPA the authority to collect fees that help defray the
28 costs of administering the provisions on collecting and managing information,

29 implementing the new chemicals program, and evaluating and regulating existing
30 chemicals. NCSL strongly urges EPA to implement the user fee program as
31 expeditiously as possible, assuring that EPA can continue to manage its new chemicals
32 review program efficiently, as well as undertake and complete risk evaluations on
33 schedule, and provide states with resources and assistance as necessary to implement
34 the program. Efficient implementation of LCSEA will allow states to better target health
35 and environmental programs to address matters of local and regional need and interest
36 Additionally, as many states do not have the staff nor the resources to sufficiently
37 protect their citizens from harmful chemicals, NCSL urges Congress to appropriate
38 targeted funding for state grant programs under TSCA, in recognition of the enhanced
39 state-federal relationship, allowing states to fund compliance monitoring programs to
40 prevent or eliminate risks to health or the environment associated with chemical
41 substances or mixtures.

42

43 **Preserve State Authority and Improve State-Federal Coordination**

44 NCSL encourages EPA to interact regularly with states as it continues to build and
45 deliver a strong national chemical regulatory system, while encouraging robust
46 interstate commerce and domestic manufacturing that is globally competitive. NCSL
47 urges EPA to continue a dialogue with states, providing outreach and education on
48 LCSEA, ensuring that states are aware their authorities concerning chemical safety and
49 opportunities to leverage EPA implementation of LCSEA to focus state resources for
50 greater state benefit. Additionally, NCSL urges EPA to act in a timely and transparent
51 manner on a state's chemical regulatory waivers as EPA completes its review of
52 chemicals, limiting the scope of pause-preemption. NCSL strongly urges EPA to not
53 preempt states further than statutorily allowed.

54

55 **Prompt and Effective Action on Harmful Chemicals in Products and Places that** 56 **Could Harm People**

57 NCSL urges EPA to expedite reviews and elimination of persistent, bioaccumulative and
58 toxic chemicals (PBTs) as they are uniquely dangerous and should be phased out of

59 commerce except for critical uses that lack viable alternatives. NCSL also supports
60 statutory requirements directing EPA to complete risk evaluations based solely on
61 human health and environmental considerations. The agency should also ensure that
62 reviews of chemicals incorporate protection of vulnerable subpopulations, including
63 children, low-income people, racial and ethnic minorities, workers, and pregnant
64 women. Where vulnerable subpopulations are specific to geographic locations, whether
65 local, state, or regional, NCSL urges EPA to make this identification early and seek
66 state input, including from affected indigenous populations.

67

68 **Ensure Access to Mandatory Safety Data on All Chemicals**

69 Considering limitations on sharing confidential business information (CBI) with the
70 public, NCSL urges EPA to provide unhindered access to mandatory safety data on all
71 chemicals, and sharing of CBI data, with state governments, health and environmental
72 professionals, and first responders in order for them to protect the public and those with
73 potential exposure to chemicals. Further, to facilitate states' ability to receive CBI
74 information about chemicals from EPA, NCSL urges EPA to promptly complete its
75 guidance document for states.

76

77 Additionally, NCSL urges EPA to continue to provide appropriate contextual materials to
78 affected communities to accompany Toxics Release Inventory (TRI) reports to assure
79 that emergency response agencies will understand and be able to respond safely to
80 chemical releases to protect people who live in the vicinity of facilities required to file
81 TRI reports. EPA and the reporting industries should continue working to ensure that
82 reported TRI data is communicated to the public in an understandable manner that
83 includes a description of the risk of release specific chemicals pose to the public and
84 emergency response teams, how these materials are managed to control release, and
85 an assessment of the risk to public health and welfare in the event of regulated or
86 accidental release.

1

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: NATIONAL AGRICULTURE**

3 **TYPE: DRAFT POLICY DIRECTIVE**

4 The National Conference of State Legislatures (NCSL) believes that maintaining a
5 strong production agriculture capacity is critical to our nation’s strength and is a matter
6 of national security. NCSL recognizes that decisions affecting American agriculture
7 must reflect a working partnership of the federal government with the states in both the
8 formulation and implementation of policy.

9

10 **Agricultural Fiscal Policy**

11 NCSL urges federal efforts designed to enhance farm income while increasing
12 agricultural exports. Monetary policies must be implemented which promote low interest
13 rates and maintain dollar exchange rates which enhance the potential for sale of this
14 nation's commodities in international markets. The federal government must also
15 maintain a stable financial network capable of supplying adequate amounts of
16 affordable credit to the agricultural industry. The government must also continue to
17 search for innovative financing tools which enhance the ability of agricultural producers
18 to manage risk and stabilize income. In addition, any domestic farm program must work
19 in conjunction with a strong, aggressive export program which protects and expands our
20 export markets.

21

22 State legislators should be represented on any working or study group for the purpose
23 of addressing long term agriculture lending and payment needs established by
24 Congress or the executive branch. NCSL urges Congress to review the existing
25 payment limitations for individual farmers and program eligibility requirements to ensure
26 that they provide support to economically efficient farming operations and promote the
27 preservation of the family farm. In addition, the Conference recommends that all federal
28 agricultural adjustment payments, price-support program loans, payments and other

29 benefits not related to soil conservation efforts be limited to citizens of this country or
30 aliens lawfully admitted for permanent residence.

31

32 **Secondary Market for Long-Term Loans**

33 NCSL urges the federal government to work with states to assure that the provisions of
34 the Agricultural Credit Act of 1987 continue to be fully implemented.

35

36 **Bankruptcy law**

37 NCSL supports federal legislation to permanently extend allowing farm operations to
38 declare Chapter 12 bankruptcy.

39

40 **Farm Credit System (FCS)**

41 NCSL encourages farm credit institutions to work with farmer-borrowers to restructure
42 debt. NCSL urges that any disposition of land and assets held by the System or its units
43 be conducted in an orderly fashion so that such disposition does not adversely affect
44 the value of those assets or of other property within the community. NCSL also urges
45 that FCS institutions continue to work with producers to provide necessary financing for
46 changes in payments and crops resulting from adjustments to federal programs.

47

48 **Commercial Lending Institutions**

49 NCSL believes that as federal financial assistance is provided to member institutions of
50 the FCS, assistance should also be provided to commercial lending institutions that
51 provide credit to agriculture. Furthermore, Federal Deposit Insurance Corporation
52 (FDIC) policies and federal bank regulation procedures must be reviewed to ensure that
53 the maximum assistance is being provided to troubled borrowers, without compromising
54 the safety and soundness of the institution or the assets of the FDIC.

55

56 **Agricultural Bonds**

57 NCSL supports exempting agricultural bonds from the federal volume cap placed on
58 industrial revenue bonds in each state. Furthermore, NCSL recommends that the

59 President and U.S. Congress amend the federal Internal Revenue Code to make the
60 use of agricultural bonds more attractive to banks and other financial institutions. NCSL
61 also recommends that the federal government permit deductibility for loans financed by
62 issuers that are not necessarily small issuers as defined by the Internal Revenue Code.

63

64 **Crop Insurance**

65 NCSL supports a state-federal partnership to develop a fair and affordable crop
66 insurance program that complements other risk management tools available in the
67 marketplace for all crops. NCSL supports an efficient program that promotes informed
68 production and management decisions. NCSL also supports federal efforts to
69 encourage private-sector development of innovative risk management tools. However,
70 any plan for crop insurance must not adversely impact a state's ability to levy premium
71 taxes, regulate the business of private insurance or set solvency standards for private
72 crop insurers.

73

74 **Marketing**

75 NCSL seeks a federal policy that will sustain a vibrant agricultural marketplace and
76 strong farm economy while providing for competition and fair practices. The federal
77 government should cooperate fully with states' efforts to supplement private sector
78 marketing programs by providing comprehensive marketing, promotion and market
79 development activities. These should include, at a minimum, sustained commitments to
80 the provision of data on market trends and consumer demands, technical assistance,
81 financial assistance and public education campaigns.

82

83 Special emphasis must be placed upon the development of new markets through the
84 creation of demand for new crops or products or additional sources of demand for
85 existing commodities and products; the improvement of linkages between buyers and
86 sellers; a shift toward the sale of processed, not raw, commodities and high value cash
87 crops; and the identification and analysis of potential markets. All parties, both public
88 and private sector, must work together to develop effective strategies to exploit those

89 opportunities fully and to maintain an ongoing ability to respond to changing consumer
90 demands.

91

92 **Direct Marketing Arrangements**

93 NCSL recommends that Congress review the Packers and Stockyards Act as a
94 mechanism for addressing unfair practices that may occur under direct marketing
95 arrangements, monitor activities in this area, and enact appropriate and timely
96 legislation to safeguard the welfare of producers. NCSL urges Congress and USDA to
97 strengthen and diligently enforce the provisions of the Packers and Stockyards Act in
98 concert with the clear intent of the Act to curb monopolistic abuses in the concentrated
99 meatpacking sector.

100

101 **Competition**

102 Family farmers ultimately derive their income from the agricultural marketplace.
103 Congress must set rules to improve the competitive environment of agriculture so that
104 farmers are able to retain a greater portion of their income.

105

106 **Natural Resource Conservation**

107 All federal government actions affecting natural resources should be conducted in close
108 cooperation and only after consultation and coordination with the states. A strong
109 commitment to conduct research, in the area of improved methods of natural resource
110 conservation and protection, must be maintained. The federal government should work
111 with state and local governments to develop agricultural land use policies, but should
112 leave the responsibility for establishment of these policies to the state and local
113 governments. NCSL favors a block grant approach that gives states maximum flexibility.
114 NCSL supports the use of science, technology and effective practices to reduce nutrient
115 losses to water, including nitrogen and phosphorus, from point and nonpoint sources.

116

117 We encourage significant federal investment in state-supported projects -- with an
118 emphasis on watershed-based public-private partnerships -- that provide for

119 accountability and transparency, as evidenced by the establishment of goals, timelines,
120 milestones, monitoring, measurement and regular public reporting documenting
121 improvements in the quality of water in public waterways. Fundamentally, NCSL
122 believes that states must be given a much stronger voice in ensuring that federal
123 wetlands, endangered species, and land management policies respect the rights of
124 local landowners and states.

125

126 **Wetlands and Endangered Species**

127 The federal government should delegate authority to states for the development,
128 administration, and enforcement of wetlands protection and endangered species
129 programs. The national government, acting through USDA, should set broad national
130 goals and standards for wetlands protection and preservation of endangered species,
131 but states should have the flexibility to meet those goals. The federal government,
132 furthermore, should provide financial and technical assistance as incentives to
133 encourage states to assume primacy over wetlands and endangered species programs.

134

135 **Land Management**

136 Devolution of authority to states should also be a goal of federal land management
137 policies. Demonstration projects should be established to determine if state
138 administration of national forests, grasslands, parks and other federal property will result
139 in cost savings to taxpayers and greater sensitivity to the concerns of local citizens and
140 property owners. NCSL, moreover, encourages Congress and federal agencies to hold
141 hearings and public meetings in order to hear the concerns of state and local officials
142 and of ordinary citizens and property holders regarding the impact of federal
143 landownership and regulation.

144

145 **Soil Conservation**

146 NCSL supports an ongoing education program to make certain that producers are fully
147 aware of the need for proper soil conservation practices and of the best methods to use
148 in their implementation. Diligent efforts must be made by the federal government to

149 ensure that proper soil conservation practices are adopted and that fragile, erodible land
150 is protected.

151
152 NCSL supports requiring that each farm have and follow an approved soil and water
153 conservation plan in order to obtain government assistance. Benefits may be denied if a
154 crop is grown in violation of this requirement. Further, NCSL supports continued
155 extension of the Conservation Reserve Program and federal efforts to protect
156 pollinators, including those that are vital to American food production.

157

158 **Research and Development**

159 NCSL supports the state-federal partnership in agricultural research at state
160 universities. Furthermore, funds must be made available to support research and
161 development of innovative products. Funds should also be used for dissemination of
162 information about research discoveries both domestically and abroad. It is particularly
163 important that the land grant universities maintain their commitment to agricultural
164 research and development and that the federal government provide sufficient research
165 dollars to support this vital effort.

166

167 NCSL urges the federal government to maintain a strong research program for the
168 development of adequate, cost-effective and environmentally sound control measures
169 to ensure the eradication of all insect and plant pests and animal diseases, which
170 should be done in close cooperation with the states. Using existing mechanisms and
171 institutions, the federal government should work with the states in providing the basic
172 training and retraining opportunities necessary for the successful operation of an
173 agricultural enterprise and for the continuing adjustment of producers to changing
174 conditions in agriculture.

175

176 **Intellectual Property Rights in Publicly Funded Research**

177 NCSL calls on Congress to review the Bayh-Dole Act of 1980 and subsequent
178 amendments for its impact on encouraging concentration and vertical integration within

179 the agricultural sector, and for its consistency with the mission and purpose of the Land
180 Grant College system. Further, Congress should increase federal support for
181 agricultural research, and retain through grant and contract provisions greater portions
182 of technology arising from such research within the public domain. Congress should
183 also affirm as objectives of the Land Grant Colleges' agricultural research mission to
184 achieve broad dissemination and producer access to crop technology, and preserve
185 and enhance the income and economic opportunities of producers.

186

187 **Beginning Farmer Programs**

188 The National Conference of State Legislatures supports a state-federal partnership to
189 confront challenges faced by farmers and beginning farmers, including the use of
190 federal tax incentives to support state-based development and loan programs. NCSL
191 supports changes to the federal Internal Revenue code that reduce borrowing costs for
192 qualifying farmers and strengthen state beginning farmer programs. NCSL is particularly
193 supportive of beginning farmer and other training programs that provide assistance for
194 military veterans and limited-resource farmers. Furthermore, NCSL supports raising the
195 total volume of state bonding authority to free resources for beginner farmer programs if
196 achieved in a manner consistent with a balanced federal budget.

197

198 In collaboration with state governments, as well as public and private local partners,
199 NCSL supports investment in joint research, demonstration and development of food
200 systems that provide opportunity to young and beginning farmers with limited assets, to
201 produce and deliver affordable, healthy, fresh, nutritious food to consumers within the
202 local and regional markets where the producers operate, toward a goal of national food
203 self-sufficiency and optimal health.

204

205 **Agriculture Biofuels**

206 NCSL believes that the U.S. Department of Agriculture (USDA) should be the lead
207 federal agency to examine regulatory issues as they develop for the algaculture
208 (Farming Algae) industry.

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Support State Regulation of Agricultural Biotechnology

NCSL supports the responsible use of the beneficial qualities of agricultural biotechnology such as in improved crop production techniques, pharmaceuticals, anti-immune disease control, biodegradable plastics, and other potential benefits to people in their states, the nation, the world and the global environment. NCSL supports the continued regulation of agricultural biotechnology through state and territorial governments working in close collaboration and partnership with the Coordinated Framework for Regulation of Biotechnology administered by the U.S. Environmental Protection Agency (EPA), USDA, and U.S. Food and Drug Administration (FDA).

Industrial Hemp Farming

NCSL Supports federal legislation to define industrial hemp as a distinct agricultural crop (1% or less THC content) and allow states to regulate commercial hemp farming. Currently 33 states have laws allowing hemp research or farming. NCSL believes that hemp has a long history as a sustainable and a profitable crop, and has great potential as a new crop for American agriculture and industry. According to Vote Hemp, an estimated \$687 million worth of hemp products were sold in the U.S. in 2016, including foods, body care products, clothing, auto parts, building materials, and paper. Most of these products were made from imported hemp due to federal policy that prohibits commercial hemp farming. NCSL believes that federal policies that obstruct industrial hemp farming are outdated and must be changed.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **WATERWAYS AND PORTS**

3 **TYPE:** **DRAFT POLICY DIRECTIVE**

4 The National Conference of State Legislatures (NCSL) recognizes the substantial
5 benefits to the nation of the U.S. system of waterways and ports by providing access to
6 the world’s markets and the combined efforts of all levels of government and users in
7 sharing the cost of port and waterway development and maintenance. NCSL further
8 acknowledges the distinctive roles played by the states and the federal government in
9 financing waterways and ports. The increase of state and local financial support in
10 recent years should be concomitant with an increased planning authority, which is
11 particularly important for the integration and support of other transportation systems for
12 enhanced waterway and port activity.

13

14 **Ports**

15 NCSL believes that in order to sustain U.S. leadership in global trade:

- 16 • The nation’s ports must receive adequate federal funds to improve and maintain
17 federal navigational channels.
- 18 • Congress should adequately fund deepening projects to modernize our ports and
19 make full use of the Harbor Maintenance Trust Fund to maintain the nation’s
20 harbors.
- 21 • NCSL opposes the accumulation of harbor tax receipts at the federal level, as it
22 is a break in faith from the purpose of the Harbor Maintenance Tax and results in
23 the imposition of a competitive burden without providing needed improvements
24 necessary to achieve efficiencies to offset added taxes.

25

26 **Intermodal Connectors**

27 NCSL calls on Congress to significantly increase federal investment in highway, [inland](#)
28 [waterways](#), and rail infrastructure and provide states added flexibility to improve

29 intermodal connectors and surface transportation systems near the nation's ports.
30 Where feasible, NCSL also encourages and supports the deployment of ferry crossings.

31

32 **Maritime Security**

33 NCSL believes that port security is a state-federal partnership, critical to the nation's
34 homeland security strategy and that states need clear federal direction to ensure that
35 resources are focused on the most needed security improvements.

36

37 As such, NCSL supports the Department of Homeland Security's Port Security Grant
38 Program, which is vital to ports' abilities to make improvements quickly and comply with
39 the Maritime Transportation Security Act of 2002. Federal assistance should fund
40 federal directives and requirements regarding enhanced security of publicly operated
41 ferries and the inspection of vehicles and freight in order to avoid unfunded federal
42 mandates.

43

44 **Foreign Imports**

45 NCSL supports:

- 46 • Action by the Federal Maritime Commission to restrict foreign cargo shipments
47 from nations that discriminate against U.S. carriers.
- 48 • Complying with the requirements, regarding the importation of hazardous
49 materials, of the National Environmental Policy Act to insure proper notification
50 and assessment of environmental impact.

51

52 **Inland Waterways**

53 NCSL supports the continued predominant federal role in inland waterway capital and
54 operating expenditures due to the interstate commerce nature of this transportation
55 system as well as the implementation of the 2014 Water Resources Reform and
56 Development Act (WRRDA). NCSL also supports increased investment in the Inland
57 Waterways Trust Fund to repair and modernize the existing infrastructure. The
58 commercial barge and towing companies, joined by a diverse coalition of stakeholders,

59 unanimously and voluntarily requested a 45 percent increase to the per gallon user fee
60 to address the growing backlog of needed lock and dam construction. Congress
61 approved the increase in 2014, and should now increase the federal level of investment
62 to lock and dam infrastructure commensurate with the increasing revenue deposited
63 into the Inland Waterways Trust Fund, to ensure full use of these funds annually, based
64 on industry-endorsed capital investment strategy recommendations on priority
65 projects. NCSL supports the utilization of U.S. Department of Transportation
66 discretionary funds for emergency assistance to states for ports and waterways.

67

68 **Waterways—General**

69 NCSL believes that:

- 70 • The role of the U.S. Coast Guard in directing waterborne traffic should be
71 enhanced. As such, adequate emergency response plans should be developed
72 with a review of existing contingency plans. Additionally, Congress should
73 continue to fund the Coast Guard's Integrated Deepwater Systems program while
74 maintaining existing funding for other transportation programs.
- 75 • The user fee method of financing expenses incurred primarily for the user's
76 benefit is an appropriate mechanism. However, the effect of such charges in a
77 competitive worldwide environment should be carefully scrutinized. Any
78 assessed fees should be equitable and nondiscriminatory and should be
79 protected in trust fund accounts with their expenditure limited to the purposes for
80 which they were collected. As such, commercial barge and towing should be
81 directed solely to the Inland Waterways Trust Fund. Recreational boat user fees
82 should be directed solely to boating safety programs. Additionally, user fees
83 should not be assessed on commercial traffic to recover uncompensated benefits
84 to civilian navigation and search and rescue activities.
- 85 • A comprehensive liability and compensation system on marine environment
86 should be maintained at the federal level to provide vulnerable states with a
87 means of environmental restoration in the event of a shipping accident, or as a
88 result of invasive species.

89

90 It should be the policy of the United States to require that domestic oil producers and
91 common carriers develop the capability to safely transport crude oil and other liquefied
92 petroleum products and to quickly and effectively contain and clean up oil spills that
93 occur.