

NATIONAL
Aquaculture
ASSOCIATION

2023

FARM BILL PRIORITIES

ONE INDUSTRY, ONE VOICE



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ONE INDUSTRY, ONE VOICE

For over 32 years, the National Aquaculture Association (NAA) has been the unifying voice of the United States' aquaculture sector. NAA remains committed to the growth and success of all American aquaculture farms through collaborations with state and federal governments that foster a positive business climate and cost-effective regulations that ensure environmental stewardship. As a not-for-profit trade association, we fulfill our mission primarily through government advocacy, public outreach and farm promotion.




Sebastian Belle
President





WAIVE ADJUSTED GROSS INCOME **LIMITATION** FOR ELAP

In February 2021, a catastrophic Texas winter storm killed virtually all of the farmed redfish produced in the United States; approximately 10 million pounds valued at \$37.8 million. The USDA Farm Service Agency fortunately acted to expand the Emergency Assistance for Livestock, Honey-Bees and Farm-Raised Fish Program (ELAP) to include food fish and many other aquaculture products. Expansion provided essential relief to these farmers. While we applaud this expansion of aquaculture eligibility for ELAP, additional changes are needed to make the program effective.

-  Catastrophic loss claims were limited to 75% of the crop destroyed.
-  Claims did not cover cleanup and disposal costs.
-  Farms with an Adjusted Gross Income >\$900,000 were ineligible for ELAP payments.



RATIONALE

Aquaculture is a capital intense farming effort with high input costs, long growing cycles and high value end-products. The \$900,000 cap has not accounted for inflation or increases to the costs of labor, feed, equipment and maintenance.

Prior to the expanded availability of ELAP, there was no catastrophic disaster assistance available for US aquaculture and currently there are no insurance options. Due to the declining value of the US dollar, economic inflation and the uniquely decentralized nature of domestic aquaculture, the AGI limit severely restricts program relevance and efficacy.

Waiving this cap will benefit all U.S. aquaculture farms through stabilizing supply chains for small farmers and giving larger farms a disaster safety net which buoys production chains following natural disasters.



SUPPORT

PROMOTING AMERICAN COMPETITION IN AQUACULTURE RESEARCH ACT

The five Regional Aquaculture Centers (Northeast, South, Midwest, West and Pacific) support critical aquaculture extension and research services that are guided by and directly benefit America's aquaculture farmers. Without any increase since 2013, the annual budget for all five centers is a mere \$5 million.

REQUEST

Increase annual appropriation to \$15 M until 2028:

- 🦑 \$4 M to offset inflation since 2013.
- 🦑 \$4 M for applied research, extension and graduate student tuition.
- 🦑 \$2 M for salary support for existing and new extension and communications staff.



RATIONALE

There is a global imperative to sustainably produce more farmed seafood. The U.S. has the farm capacity, inland and coastal aquatic resources, and feed production to become a major producer and strengthen domestic food security. Being a successful aquaculture farmer in the United States today requires continuous adaptation to remain competitive.

The Centers' work have directly advanced the science of aquaculture production, health management, genetics, nutrition, marketing and socio-economics. A 2017 analysis reported a 37-fold return on federal investments in aquaculture research since 2000. Increased federal investment will ensure access to locally produced, safe, affordable and healthy food and product choices with minimal impacts to the environment.

U.S. aquaculture farmers work within a very complex and effective federal and state legal, regulatory, and science-driven environment and the services provided by the Regional Aquaculture Centers are critical to support industry growth.



IMPROVE AQUACULTURE FOCUS WITHIN USDA

The US farming community recognizes USDA as their lead agency and benefited from the 2020 agency-to-farming community analysis, *Aquaculture is Agriculture*. The USDA analysis illuminated a variety of specific programs that would benefit aquaculture farmers given emphasis and authority. The National Aquaculture Association supports these five priorities.

Establish a Working Group on Aquaculture

USDA should establish a formal Working Group on Aquaculture that reports directly to the Secretary, includes representatives from each mission area and agency charged with implementing USDA freshwater and marine aquaculture programs, and serves as a "front door" to the Department by continually improving customer service to the aquaculture community.

Support Seaweed Farmers

USDA should support the US seaweed industry through research, technology transfer, and economic development programs available to terrestrial crops.



Expand Aquaculture Eligibility within USDA Programs

Aquaculture farmers routinely have to justify their eligibility for USDA programs that are available to traditional livestock producers. Recently, three USDA agencies published a definition of aquaculture that is inclusive of all commodity types. This definition should be applied to all USDA programs to ensure aquaculture is provided fair access to programs.

Create Organic Standards for Aquaculture

U.S. aquaculture producers must compete with imports that are labelled as organic under foreign standards. USDA and stakeholders have already developed organic standards. These should be prioritized on the regulatory agenda and posted for public comment.

Biotechnology for Livestock, Poultry and Aquaculture Products

The Coordinated Framework for the Regulation of Biotechnology severely limits opportunities to improve the health and welfare of animals, adapt to climate change or improve our competitiveness. Regulation of genetically modified animals should be the responsibility of USDA Animal and Plant Health Inspection Service who has statutory oversight of animal health and welfare. The FDA should develop a new process solely to evaluate food safety that is outside of the drug approval process.



AMEND THE MIGRATORY BIRD TREATY ACT

An Aquaculture Depredation Order existed from 1998 to 2016 under the authority of the Migratory Bird Treaty Act. It allowed the USDA Wildlife Services to work directly with fish farmers to implement non-lethal and lethal techniques to deter double-crested cormorants livestock predation. This Order reduced an administrative burden for the U.S. Fish and Wildlife Service (FWS) by eliminating permitting on a farm-by-farm basis and creating a very successful collaborative effort with USDA to mitigate economic losses.

In October 2014, a suit against the FWS challenged the Aquaculture Depredation Order renewal. The challenge was predicated, in part, on an inadequate Environmental Assessment as required by the National Environmental Policy Act (NEPA). In March 2016, the Order was vacated.

Double-crested cormorant populations have been increasing for the last 30 years. Throughout the U.S. and Canada the annual growth rate for 2005-2015 was 8.48%.



REQUEST

Amend the Migratory Bird Treaty Act to invest USDA Wildlife Services with authority to issue bird depredation permits only for agricultural crops and livestock.

16 U.S. Code § 704 - Determination as to when and how migratory birds may be taken, killed, or possessed

§704. Determination as to when and how migratory birds may be taken, killed, or possessed



(a) Subject to the provisions and in order to carry out the purposes of the conventions, referred to in section 703 of this title, the Secretary of the Interior is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the conventions to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same. The Secretary of Agriculture is similarly authorized and will apply the same considerations in the implementation of nonlethal and lethal techniques to deter bird depredation upon agricultural crops or livestock. In accordance with such determinations, ~~which~~ regulations shall become effective when approved by the President.



UPDATE ESA TO STRENGTHEN SPECIES RECOVERY

The Endangered Species Act (ESA) inadvertently prevents the opportunity for U.S. aquaculture farmers to contribute husbandry expertise to help restore at-risk wild populations and benefit from a captive-bred exemption allowed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

REQUESTS

-  Create a captive-bred exemption for listed species within the ESA.
-  Within ESA Section 4(d), recognize farmer and rancher animal services that assist state and federal agencies in the recovery of listed or at-risk species through public or private captive breeding directed towards population recovery.



RATIONALE

The ESA authorizes the United States to implement a captive-bred exemption with CITES (Section 8A). In conformance with CITES, the U.S. Fish and Wildlife Service has codified captive-bred exemption requirements within 50 CFR Part 23, *What are the requirements for a bred-in-captivity certificate?* These provisions are unavailable to U.S. farmers, ranchers or breeders because the ESA does not authorize a similar exemption in the United States.

The aquaculture community has provided husbandry knowledge and life stages for species recovery of the American alligator and elkhorn and staghorn corals. U.S. aquaculture could also similarly benefit black abalone, banggai cardinal fish, steelhead trout, queen conch, alligator snapping turtle, Nassau grouper, dwarf seahorse, Atlantic salmon, Caribbean and South Atlantic corals, and Atlantic, shortnose, Gulf and white sturgeons.

Amend the ESA to provide equitable treatment for U.S. farms and ranches that foreign farms and ranches are currently benefitting from under CITES. This change will not impact protections for at-risk species in the wild and is a concept evidenced by global crocodilian species recovery.



OPPOSE PRESUMPTIVE PROHIBITIONS ON NONNATIVE SPECIES TRADE





For 120 years the Lacey Act has provided the Secretary of Agriculture, and now the Secretary of Interior, with the power to ban importation of animals “injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States.” Injurious wildlife risk management is most effectively accomplished through Tribal and state governments which currently regulate or restrict nonnative species. Non-native species simply do not pose equal risks across the nation's various eco-regions or under different captivity conditions.

We oppose efforts to amend the Lacey Act which attempt to empower the Secretary of the Interior to list species under Emergency Rule without due process or prohibit the interstate movement of Injurious Wildlife within the continental United States.



We oppose a sweeping federal approved list for non-native species, commonly known as a “White List”. Proposed amendments to the Lacey Act do not provide any flexibility to the Secretary to allow interstate trade of species in regions of the country where these animals pose little to no risk.

A Federal White List for Non-native Trade:

-  Would prohibit 204,614 species in addition to 7,484 species currently regulated.
-  May be challenged by the World Trade Organization that already prohibits or restricts at-risk species trade.
-  Creates immense animal identification, husbandry and welfare challenges for already understaffed port and border crossing inspectors.
-  Is impractical, not based on science and will only harm American businesses and farmers.

The nation's capability to assess and respond to non-native risks could be improved by providing funding to state and local governments to improve regional risk management capabilities, classifying accidental violations as minor misdemeanors, and publicly posting real-time federal, state and tribal regulations for non-native species.



REQUIRE PUBLIC INPUT FOR ANY CHANGES TO ANIMAL PRODUCT JURISDICTION

Animal health products, including those for aquaculture stocks, are currently regulated by two agencies depending upon the use, with systemic products managed by the Food and Drug Administration (FDA) and topical and feed-through managed by the the Environmental Protection Agency (EPA).

There has been growing interest by FDA in assuming regulatory authority over topical products as an "animal drug". We understand the distinct challenges and justification for FDA assuming authority over topical products for use on domestic, companion vertebrate animals. However, the existing split in regulatory authority for animal livestock between EPA and FDA is effective and should not be modified without public input.



RATIONALE

There are no widespread public safety concerns for commercial livestock topical products. Farmers are trained in animal health and pesticide application practices and must follow federal labels. “The Label is the Law”. EPA has a proven capability of assessing and managing health risks, to humans and protected species, in the agriculture environment. Good Laboratory Practice (GLP) standards and data requirements for EPA are well-understood by farmers. FDA's Good Manufacturing Practice (cGMP) requirements associated with drug formulation are far too stringent to achieve for many agriculture livestock products without major expense and changes to existing manufacturing processes.



Changes to regulatory authority should require legislative approval and a transparent, public input process.



The USDA's Office of Pest Management should serve a coordinating role with any changes impacting agriculture livestock.



A full review of aquaculture drug and pesticide regulations should be conducted to assess if products should be re-classified in accordance with clear rules and refined definitions.



EXPAND USDA DISASTER ASSISTANCE PROGRAMS

USDA's disaster assistance programs provide a critical safety net to farmers in the event of eligible adverse weather events, diseases or crop attack. In recent years, improvements to USDA's disaster assistance programs have benefited aquaculture farmers. In 2021, the Secretary of Agriculture expanded aquatic species eligibility for the Emergency Assistance Program for Livestock, Honey Bees and Farm Raised Fish (ELAP).

Additional program expansion is needed:



Attack by federally protected avian predators results in significant annual losses for aquaculture farmers and should be included as an eligible cause of loss.



Aquaculture farmers should have access to financial relief without a disastrous loss occurring.



EXPAND AQUACULTURE ELIGIBILITY FOR THE AGRICULTURE AND FOOD RESEARCH INITIATIVE

The Agriculture and Food Research Initiative (AFRI) is USDA's largest extramural research grant program. The program's transdisciplinary approach has allowed diverse scientific partnerships to tackle complex topics in a synergistic manner. The results of grant work have both helped farmers navigate complex challenges and yielded positive environmental and health outcomes driven by farmers.

Innovation is critical for domestic aquaculture growth in the complex domestic marketplace. Aquaculture farmers provide nutritious protein and environmental benefits to American's through the utilization of an ever evolving variety of complex technologies. Aquaculture science is ideally suited to access AFRI funding.



NATIONAL
Aquaculture
ASSOCIATION

CONTACT INFORMATION



850-216-2400



naa@nationalaquaculture.org



nationalaquaculture.org



P.O. Box 12759
Tallahassee FL 32317

