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This Week at the Statehouse

SC State Legislative Weekly Update - January 22, 2021

House of Representatives

Weekly Highlights

The House spent the second week of session meeting exclusively virtually. Ways and Means subcommittees continued with agency budget presentations as work continues in developing the annual appropriations bill.

The Department of Agriculture presented their budget request this week which included requests for hemp testing equipment, federal hemp farming compliance and additional Agriculture Marketing. South Carolina's State Hemp Plan has been approved by the USDA and these requests would assist the department in carrying out the responsibilities identified in the plan. Additional marketing funds would provide the department a greater ability to market **Certified SC Grown** agricultural products to the statewide buying public. The funds would specifically be used to promote the program

through various channels, as well as further establishing direct-to-consumer sales opportunities (grocery stores, retail outlets, farm stands).

The Senate

Weekly Highlights

The Senate met Thursday January 21, 2021 in the Senate Chamber. During this session, COVID-19 vaccinations was a focal point of the discussion. The Senate will next meet Tuesday January 26, 2021.

Upcoming Legislative Week

Annual appropriation hearings will continue next week as the General Assembly seeks to develop the Fiscal Year 2022 budget. Legislators are scheduled to return to the Capitol on Tuesday, January 26th. SC Farm Bureau Government Relations will continue to monitor, develop strategy and provide timely updated information on action items when available.

Congressional Report

Federal Update: Week of Jan 22, 2021

CFAP: USDA's Farm Service Agency will accept new or modified CFAP applications from eligible producers January 19 through February 26, 2021. Certain producers will receive updated payments automatically. Of particular note, contract poultry growers may now be eligible to receive assistance. For more information, please go to: <https://www.farmers.gov/cfap> or contact your local FSA office.

Environment: On January 21, 2021, President Biden signed an Executive Order directing all executive departments and agencies to "immediately" review and take action to address and promulgated federal regulation or agency action that conflicts with the following policy:

Our Nation has an abiding commitment to empower our workers and communities; promote and protect our public health and the environment; and conserve our national treasures and monuments, places that secure our national memory. Where the Federal Government has failed to meet that commitment in the past, it must advance environmental justice. In carrying out this charge, the Federal Government must be guided by the best science and be protected by processes that ensure the integrity of

Federal decision-making. It is, therefore, the policy of my Administration to listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; to reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change; to restore and expand our national treasures and monuments; and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals.

Of particular note, President Biden has revoked Executive Order 13778 of February 28, 2017 (Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the "Waters of the United States" Rule). This is mainly symbolic and does not have an immediate effect on the "new" WOTUS rule, but it does forecast the likely direction his Administration will take on rewriting the WOTUS rule (or reversing back to the version promulgated during the Obama administration).

Labor: On Jan, 20, 2021, the DOL withdrew the DOL Final Rule on Temporary Agricultural Employment of H-2A Nonimmigrants in the United States, which was posted on January 15th and pending publication in the Federal Register with a 30-day delayed effective date.

Hemp: On Monday, Jan. 19, 2021, USDA published a final rule that provides regulations for the production of hemp in the United States and is effective on March 22, 2021. Key provisions of the final rule include:

- Timing of sample collection - the IFR stated a 15-day window to collect samples before harvest. The FR extends this requirement to 30 calendar days before harvest.
- Negligent violation - producers must dispose of plants that exceed the acceptable hemp THC level. However, if the plant tests at or below the negligent threshold stated in the rule, producer will not have committed a negligent violation. The final rule raises the negligence threshold from .5 percent to 1 percent and limits the maximum number of negligent violations that a producer can receive in a growing season (calendar year) to one.
- Sampling method - stakeholders requested that samples may be taken from a greater part of the plant or the entire plant. They also requested sampling from a smaller number of plants. The FR allow states and tribes to adopt a performance-based approach to sampling in their plans. The plan must be submitted to USDA for approval. It may take into consideration state seed

certification programs, history of producer compliance and other factors determined by the State or Tribe.

- Disposal and remediation of non-compliant plants - the final rule allows for alternative disposal methods for non-compliant plants that do not require using a DEA reverse distributor or law enforcement and expands the disposal and remediation measures available to producers. AMS will provide acceptable remediation techniques in a separate guidance document.
- Testing using DEA-registered laboratories - there are an insufficient number of DEA-registered laboratories to test all the anticipated hemp that will be produced in 2020 and possibly 2021. DEA has agreed to extend the enforcement flexibility allowing non-DEA registered labs to test hemp until January 1, 2022 and is processing lab registration applications quickly to get more labs testing hemp DEA-registered.

SC Farm Bureau Government Relations

Meet the Team

Our Government Relations team serves as the link between our members and government officials at the local, state and national level. We work with local officials, the state Legislature, the Governor's office, departments, agencies, congressional delegation and staff to promote Farm Bureau policy as set by our grassroots **members**. Government Relations coordinates the implementation of Farm Bureau policy on state and national levels. The purpose of the Government Relations Department is to develop and implement a program that mobilizes the full resources of the South Carolina Farm Bureau Federation to carry out the policy determined by the organization's voting delegates.

With one united voice, GR staff and our grassroots members will continue to advocate for agriculture.

Gary Spires, Director

Chalmers Mikell, Assistant Director

Cassidy Murphy, National Affairs Coordinator

Rick Caldwell, Policy Specialist and State Legislative Coordinator

Beverly Sease, Executive Assistant