Part 404 – Pest Management

Subpart B – Policy

404.10 Pest Management Technical Assistance

A. Guidance and requirements in this Subpart describe the policy applicable to all NRCS technical assistance that involves pest management. All NRCS employees will follow this policy when providing technical assistance. Third Party Vendors/Technical Service Providers and other non-NRCS employees will follow this policy when assisting clients with conservation activities for which NRCS has technical responsibility.

B. Certification. NRCS personnel and partners providing conservation planning and practice application assistance for pest management must meet certification requirements established by the STC in accordance with GM, Title 180, Part 409, Section 409.9, and job approval authority policy.

C. NRCS may serve various roles in assisting clients with Pest Management. This does not mean all roles are required on all acres, or in order of the list below. Roles are driven by the conservation planning process and the client's objectives. All practice purposes or resource concerns do not need to be addressed. Potential NRCS roles in pest management are to offer clients assistance to:

(1) Adopt PAMS activities that protect natural resources, categorized as Prevention, Avoidance, Monitoring and Suppression (PAMS) activities.

(2) Evaluate environmental hazards associated with a client's probable pest management strategies.

(3) Mitigate the identified environmental hazards of pest management strategies through PAMS practices and activities.

(4) Inventory, assess, and suppress noxious and invasive weeds on non-cropland.

(5) Suppress weeds to ensure successful implementation and/or maintenance of permanent vegetative conservation practices.

D. Technical Assistance

(1) NRCS pest management assistance applies to all:

(i) land uses.

(ii) crops including organic, specialty crops, forage, trees etc.

(iii) pests including noxious and invasive species.

(iv) tactics: chemical, biological, genetic, cultural, mechanical/physical to varying degrees.

(2) Pest Management recommendations:

(i) Chemical. NRCS shall not develop chemical pest management recommendations or interpret pesticide label instructions for clients including specific pesticides formulation, rates, timing or application methods. The only exception is when NRCS personnel are professionally certified and/or licensed for pesticide application. They may make available a site-specific application rate recommendation within land grant

university guidance and the pesticide's label range when adequate reference source(s) are available to justify a specific rate.

(ii) Biological traditionally refers to introducing predators, parasites and diseases of pests. NRCS will not make biological tactic recommendations regarding introduction of this type. NRCS shall only develop biological pest suppression recommendations that utilize biological processes such as weed suppression utilizing grazing animals use of cover crops to outcompete and/or smother weed growth.

(iii) Genetic: Use of pest resistant plant varieties by plant breeding or genetic engineering may also include genetically modifying pests themselves, releasing sterile male insects. NRCS does not make genetic tactic recommendations but would inventory their use and assess impacts to natural resources.

(iv) Cultural, mechanical, physical: NRCS assists clients to develop appropriate cultural and mechanical/physical methods of pest suppression based on NRCS conservation practice standards.

(v) NRCS may provide clients with the most current pest management references. References will be based on reputable scientific research that is peer reviewed from land grant universities, Extension, Agricultural Research Service (ARS), Animal and Plant Health Inspection Service (APHIS) and non-profit non-government organizations such as biological and agricultural research centers, stations, and foundations. The recommendations in these references must be in accordance with all Federal, State, Tribal, local laws, and regulations.

(3) NRCS evaluates the environmental hazards of cultural, biological, and chemical pest management suppression activities selected by the clients using professional judgement and current agency tools. NRCS develops and recommends appropriate PAMS activities.

(4) When clients request assistance with PAMS activities that include pesticides, NRCS provides an evaluation of the pesticide hazard(s) for the planned pesticides and any pesticides that have lower hazard ratings.

(5) A Pest Management Conservation System many stand-alone under the CPS 595 or incorporate other standards such as Forest Stand Improvement, Herbaceous Weed Treatment, Brush Management and others.

(6) NRCS cooperates with the appropriate Federal, State, Tribal, and local agencies when assisting clients with pest management. NRCS pest management activities must follow all Federal, State, Tribal, and local environmental laws, regulations, and ordinances.

(7) NRCS cooperates with APHIS and appropriate State agencies when assisting clients with pests (e.g., invasive species), which may require quarantine or eradication to suppress the spread of the pest. Typical NRCS assistance may include providing available resource information such as soils and climate data.

(8) NRCS assists clients who request an assessment of pest management hazards to beneficial organisms (e.g., native pollinators, honeybees, parasitic wasps, lady beetles, etc.) and to develop appropriate mitigation.

(9) NRCS shall not provide assistance in suppressing pests in or on animals (e.g., fly suppression for livestock, worm suppression for goats).

(10) It is the clients', or their representatives', responsibility to ensure that all pesticides applied are currently registered for their intended use at their location by EPA, and that the application of the pesticides are not further restricted by State or other local laws or ordinances. The product label must contain specific instructions for the proposed use; or the proposed use must be permitted by special local needs registration or emergency exemptions from registration.

(11) On NRCS-operated properties, such as Plant Material Centers (PMCs), personnel who apply or supervise the application of approved pesticides must follow all label instructions and be trained and certified according to State pesticide applicator regulations and wear the appropriate Personal Protective Equipment.

(12) NRCS will cooperate with Federal and State (and equivalent) conservation agencies and the private sector to identify research needs for pest management and mitigation that reduce environmental hazard.

(13) Pest types include diseases, vertebrate and invertebrate pests, and weeds. NRCS pest management does not focus on large vertebrate pests such as feral swine and deer. These are often managed through targeted programs by other agencies and departments.

(14) NRCS may withdraw technical assistance for pest management that will result in a negative effect on natural resources, onsite or offsite. See 440-M-525.4.

404.11 Pest Management Environmental Hazard Analysis

A. Resource Concerns, selected by the client will be evaluated in the conservation planning process including:

(1) The potential impacts of pesticides on ground water, surface water, air (chemical drift and volatilization), humans and non-target plants and animals.

(2) The potential impacts of mechanical pest suppression activities on on-site soil loss and potential offsite resource effects.

(3) The potential impacts of biological pest suppression activities on natural resources.

(4) The potential impacts of cultural pest suppression activities (e.g., burning) on natural resources, specifically air and soil quality resources.

B. Pest management impacts on natural resources will be evaluated with current agency tools, procedures and professional judgment. NRCS may use land grant university publications and other peer reviewed literature.

C. States (or equivalent) utilizing pesticide environmental hazard screening tools other than current agency tools, need to coordinate their use with the Director of the ESD and the National Pest Management Specialist of the ESD.

D. If an appropriate analysis tool or procedure is not available for a proposed pest management method, the environmental hazard analysis is left to the professional judgment of the planner. Analysis inputs and results should be documented in the conservation plan to justify the need for mitigation.

E. When pest suppression activities have significant potential to impact identified resources negatively, appropriate mitigation shall be discussed with the client for their decisions. Mitigation includes most PAMS activities:

(1) Conservation practices such as Filter Strip, Conservation Crop Rotation, Residue Management, Irrigation Water Management, Windbreak, etc.

(2) Activities such as harvest timing, delayed planting, resistant varieties, transgenic crops, application timing, precision application, lower volatility product etc.

F. The client selected PAMS conservation practices and activities will be planned and documented in the conservation plan.