

**Letter of Understanding
on Collaborative Efforts**

between the

**United States Environmental Protection Agency
Mid-Atlantic Region**

and the

Pennsylvania Department of Agriculture



September 2020

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I. Purpose

The purpose of this Letter of Understanding (LOU) is to formalize and enhance collaboration between the U.S. Environmental Protection Agency (EPA) and the Pennsylvania Department of Agriculture (PDA).

The mission of EPA is to protect human health and the environment. The mission of the PDA is to: commit to a sustainable and safe supply of food and agricultural products in the commonwealth, from the farm to the table; be good stewards of the land and Pennsylvania's natural resources; and promote the viability of farms, protect consumers, and safeguard the health of people, plants, animals and the environment. We share the goal of well-managed, sustainable farms that produce food for our communities and a clean environment for everyone to enjoy.

This LOU formalizes our partnership and expands our collaborative activities related to communication, education, outreach, training, regulatory program coordination, and funding of agricultural practices that benefit farms and the environment. We amplify our commitment to carry out these activities and to engage the broader agricultural community in the pursuit of solutions for environmental protection and sustainable agriculture that move us forward towards achieving our shared goal.

II. Activities - Together, EPA and the PDA set forth the following as the voluntary and nonbinding terms of their understanding:

Enhance Communication and Coordination

- EPA and PDA may cooperatively plan and host meetings annually with EPA Region III, PDA, and U.S. Department of Agriculture leadership to communicate priorities and activities, share effective approaches, and identify opportunities to collaborate on issues pertaining to agriculture and the environment.
- EPA and PDA may communicate throughout the year on relevant environmental and agricultural programs, policies, and activities to ensure coordination on areas of common interest.

Promote Educational Opportunities

- EPA and PDA may cooperatively plan agriculture roundtables and educational farm tours to foster a dialogue between EPA and the agricultural community on the successes,

challenges, and opportunities to work together to achieve well-managed, sustainable productive farms and a clean environment, and ensure that PDA, EPA and other appropriate state and federal partners are invited to participate in these events.

- EPA may participate in state and local agricultural events such as AG Progress Days, Farm Show, and technical field days to expand open discussion between EPA and the agricultural community and to showcase ways EPA is working with farmers and State/local partners to support conservation practices that improve farm efficiency and protect the environment.
- EPA and PDA may encourage collaboration with the Pennsylvania Future Farmers of America (FFA) to pursue opportunities for FFA members to learn about environmental issues and policies affecting agriculture and to prepare for careers relevant to agriculture and the environment.
- EPA and PDA may encourage collaboration with Pennsylvania 4-H to pursue opportunities for 4-H members to learn about environmental issues and policies affecting agriculture and to prepare for careers relevant to agriculture and the environment.

Recognize Agricultural Environmental Stewardship

- EPA and PDA may work to promote environmental stewardship efforts that contribute to efficient farms, healthy soils, and clean water, through programs such as the Pennsylvania Agricultural Conservation Stewardship (PACS) Program, Healthy Farms – Clean Water, Chesapeake Bay Clean Water Farm Awards, Leopold Conservation Awards, and others to the broader agricultural community to encourage participation and promote environmental protection.
- EPA and PDA may cooperate with the Pennsylvania Department of Environmental Protection (PA DEP) and other appropriate entities on developing approaches to measure and account for farmers' conservation efforts and the resulting environmental benefits for purposes of documenting and verifying these environmental (clean water, healthy soils, etc.) and agricultural (sustainability, profitability, etc.) benefits.

Maximize Efficient Use of Funding

- EPA and PDA may consult on funding opportunities to support agricultural conservation practices and innovative approaches to advance sustainable agriculture and environmental protection.
- EPA and PDA may identify opportunities to coordinate and leverage federal, state, and private funding to support producers in implementing agricultural conservation practices that promote sustainable agriculture and environmental protection.
- EPA and PDA may explore opportunities to provide EPA grant funding directly to the PDA in instances where it can improve the timely expenditure of federal funds to support sustainable agriculture and environmental protection goals.

Coordinate Regulatory Program Implementation

- Where feasible, EPA and PDA may host joint trainings for the agricultural community to ensure effective implementation of Federal and State agricultural regulatory programs.
- Upon request of PDA, EPA may provide trainings to PDA staff for EPA delegated or contracted programs.
- PDA may participate in state and federal efforts to identify best practices and opportunities for enhancing programs to protect and restore water quality and to enhance the sustainability of agricultural operations.
- PDA may work with EPA and the Pennsylvania Department of Environmental Protection (DEP) to identify tools and activities to further program compliance and participation and improve communication and support to the agricultural community.
- EPA may provide advance notification to PDA prior to conducting planned EPA inspections on farms in Pennsylvania and prior to issuing any formal enforcement actions that may originate from the inspections. Where practicable EPA may invite PDA to accompany them on the farm inspection or field visit.

III. Program Planning and Evaluation

EPA and PDA intend to collaborate on an annual report to highlight collective achievements realized under this LOU throughout the year and plans for each year ahead.

IV. Authorities

EPA's participation in this LOU is authorized by Section 102(2)(G) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(G); Sections 104(a) and (b) of the Clean Water Act, 33 U.S.C. 1254(a) and (b); and Sections 103(a) and (g) of the Clean Air Act, 42 U.S.C. 7403(a) and (g).

V. Limitations

This LOU is a voluntary agreement that expresses the good-faith intentions of EPA and PDA. It is not intended to be legally binding, does not create any contractual rights or obligations, and is not enforceable by any signatory agency.

Any commitments by EPA and PDA in this LOU are subject to the availability of appropriated funds. Nothing in this LOU, obligates EPA or PDA to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or incur other financial obligations that would be inconsistent with Agency budget priorities. Except as provided in an EPA assistance agreement, interagency agreement, or other separate agreement between the parties, PDA agrees not to submit a claim for compensation for services rendered to EPA in connection with any activities it carries out in furtherance of this LOU. This LOU does not exempt PDA from EPA policies governing competition for assistance agreements. Any transaction involving reimbursement or contribution of funds between the parties to this LOU will be

handled in accordance with applicable laws, regulations, and procedures under separate written agreements.

Nothing in this LOU constitutes an endorsement by any party of the activities, products or services of any party to this agreement, or any other party. The EPA seal, displayed on the cover page of this LOU, may only be used for official EPA purposes, including identifying EPA as a party to this LOU.

This LOU does not create any right or benefit, substantive or procedural, enforceable by law or equity, by persons who are not party to this agreement, against EPA or PDA, their officers or employees, or any other person. This LOU does not apply to any person outside of EPA and PDA.

Any dispute arising under this agreement will be elevated within the management of PDA and EPA with the goal of achieving amicable resolution of the dispute.

VI. Commencement/Duration/Modification/Termination

This LOU will remain in effect for five years from the signing date. It may be extended or modified through the mutual written consent of the signatories. Either agency may terminate its participation in this LOU by providing written notice to the other agency 30 days in advance of the desired termination date.

VII. Approval

Representatives of both the U.S. Environmental Protection Agency and the Pennsylvania Department of Agriculture sign below on September 30, 2020 in recognition of our commitment to move forward with these collaborative efforts.

Cosmo Servidio, Regional Administrator
United States Environmental Protection Agency, Region III

Russell Redding, Secretary
Pennsylvania Department of Agriculture