

**NOMINATION OF JENNIFER L. MOFFITT,
TO BE UNDER SECRETARY OF AGRICULTURE
FOR MARKETING AND REGULATORY PROGRAMS**

HEARING

BEFORE THE

**COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY**

UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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JULY 15, 2021
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Printed for the use of the
Committee on Agriculture, Nutrition, and Forestry



Available on <http://www.govinfo.gov/>

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Nomination of Jennifer L. Moffitt, to be Under Secretary of Agriculture for Marketing and Regulatory Programs

THURSDAY, JULY 15, 2021

U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC.

The Committee met, pursuant to notice, at 9:36 a.m., via Webex and in room 301, Russell Senate Office Building, Hon. Debbie Stabenow, Chairwoman of the Committee, presiding.

Present or submitting a statement: Senators Stabenow, Brown, Klobuchar, Bennet, Durbin, Booker, Luján, Warnock, Boozman, Hoeven, Ernst, Hyde-Smith, Marshall, Tuberville, Grassley, Thune, Fischer, and Braun.

STATEMENT OF HON. DEBBIE STABENOW, U.S. SENATOR FROM THE STATE OF MICHIGAN, CHAIRWOMAN, U.S. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Chairwoman STABENOW. Good morning. I call the Committee to order, Committee on Agriculture, Nutrition, and Forestry. Good morning to everyone.

Today we are going to review the nomination of Jenny Moffitt to serve as Under Secretary for Marketing and Regulatory Programs at the U.S. Department of Agriculture, and we are looking forward to this hearing. It is a role that oversees the important work of the Animal and Plant Health Inspection Service and the Agriculture Marketing Service.

Welcome to you, Ms. Moffitt, and congratulations on your nomination.

As a Californian, you have the unique distinction of being from the only State that has greater diversity of crops than my home State of Michigan. If confirmed, that experience will serve you well, because the mission area you will oversee plays a critical role for producers in both of our States, and States across the country, and the food supply chain nationwide.

The dual threats of the COVID-19 pandemic and the climate crisis have placed historic strains, as we know, on our food supply chain, and on the farm families who power it. The Marketing and Regulatory Programs' mission area is uniquely positioned to meet those challenges and help our farm families and food businesses along the supply chain recover and thrive well into the future.

If confirmed, you will wear many hats. You will be responsible for protecting against animal and plant diseases, ensuring competi-

tion in the livestock sector, supporting the marketing of milk and helping to build markets and demand for U.S.-grown food, both at home and abroad.

The work of this mission area is critical to helping farmers and ranchers expand their options, create new sources of revenue, and promote their products. You will work with the National Organic Standards Board to protect and improve organic standards and help farmers tap into new markets, particularly in vibrant local and regional food systems, like the ones in my home State of Michigan, as well as your home State of California.

Both of our States are working to boost the demand for locally grown and locally produced food, and I hope you will commit to continuing to support our growing local food economy. You will work closely with our fruit and vegetable and tree-producers who face challenges ranging from trade to labor to marketing, while also confronting the significant impacts of the climate crisis.

While specialty crop producers do not receive more traditional farm support, your agency will play a key role in the programs that support marketing, research, and other critical investments that will help this industry flourish. That is important to me also because they help keep healthy food on our families' tables.

You will oversee the Animal and Plant Health Inspection Service, our front-line defense against some of the most pressing threats to animal and plant health, including the many pests and diseases that are more common now because of drought and other climate-related issues.

All of this—all of this—matters and all of this plays an important role in not only helping farm families recover from supply chain disruptions and respond to the climate crisis but also helping USDA better serve all Americans.

I look forward to hearing more during our conversation today on how you plan to do just that. I look forward to working together to accomplish these goals if you are confirmed for this important job.

I want to note, for the record, the broad range of support you have received from farm and food groups and their stakeholders, and I would ask unanimous consent that such letters be entered into the record. Ordered, without objection.

[The letters can be found on pages 30–39 in the appendix.]

Chairwoman STABENOW. With that I am going to turn to my friend and colleague, our Ranking Member, Senator Boozman, for any opening comments that he wishes to make.

**STATEMENT OF HON. SENATOR JOHN BOOZMAN, U.S.
SENATOR FROM THE STATE OF ARKANSAS**

Senator BOOZMAN. Thank you, Madam Chair, and we are pleased to welcome Jennifer Lester Moffitt to the Committee as we consider her nomination to be Under Secretary for Marketing and Regulatory Programs at the Department of Agriculture. I congratulate Mrs. Moffitt on her nomination and thank her for her willingness to serve our country.

Currently Mrs. Moffitt serves as the Under Secretary at the California Department of Food and Agriculture, where she also served as the Deputy Secretary from 2015 to 2018. Mrs. Moffitt grew up

on her family's organic walnut farm and processing operation, Dixon Ridge Farms, and went on to manage it for a decade.

If confirmed as the Under Secretary for Marketing and Regulatory Programs, Mrs. Moffitt will oversee a wide range of responsibilities, including animal and plant health, the regulation of biotech products, and a vast array of programs designed to market and promote U.S. commodities and products.

There are a few issues I would like to highlight this morning for the nominee to consider. As I am sure she is aware, the two agencies that form the marketing and regulatory mission area at USDA, the Animal and Plant Health Inspection Service (APHIS), and Agricultural Marketing Service (AMS), have significant authorities and responsibilities that impact not only agricultural production but many aspects of Americans' daily lives.

The transmission of animal diseases is a very real threat to U.S. producers and citizens. The Animal and Plant Health Inspection Service is charged with the detection, control, and eradication of animal diseases. As we saw with COVID-19, zoonotic diseases, those diseases transmitted from animals to humans, can have a staggering global consequence. Other diseases, such as African Swine Fever and Foot and Mouth Disease can have serious economic trade and environmental repercussions.

The next Under Secretary must remain vigilant to identify early threats, and must build strong relationships with the other Federal agencies, such as HHS and DHS, as well as our partners around the globe, to ensure the health and safety of our domestic herds and flocks.

The Under Secretary also has significant regulatory authority. Our farmers and ranchers deserve regulatory stability. Constantly changing regulatory burdens stifle investment, discourage long-term planning, and result in confusion and distrust. Secretary Vilsack recently announced his intent to issue a new proposed rule revising requirements for organic livestock and poultry practices. The previous revisions, published as a final rule in January 2017, were widely unpopular with various stakeholders, due to their arbitrary requirements. Especially unpopular were the requirements related to housing systems for egg and poultry producers. Further, in 2018, USDA found the OLPP final rule exceeded statutory authority.

Farmers and ranchers have enough unpredictability in their lives. The least USDA can do is to provide consistency and predictability in its regulations, which have a broad base of support. There are certainly instances where regulation is necessary and it is important, but there are also many instances where regulation has driven up costs for farmers and forced consolidation.

I am supportive of the promise of gene editing in animal agriculture and was very supportive of the Memorandum of Understanding (MOU) signed in December between USDA and the FDA. This MOU will modernize the Federal Government's regulatory oversight of certain gene-edited animals used for agricultural purposes, the type of innovation that could allow researchers to develop, for instance, African Swine Fever-resistant pigs or cattle that produce less methane. I believe USDA's authority under the Animal Health and Protection Act to regulate such products must

be maintained, as these types of technologies expand. I expect the Administration to honor this MOU, and I expect USDA to serve as the lead agency for the regulation of gene editing in agriculture.

One of the most topical issues the next Under Secretary will face surrounds our cattle markets. This is something at the top of the mind for most members of this Committee, as we just held a hearing on this issue, and we appreciate that, Madam Chair. I think that was a very, very good hearing.

With the Under Secretary's role in producing reports and market news and administering the Packers and Stockyards Act, USDA's role is critical to the entire cattle industry. As USDA considers issues in the cattle market, I expect the Department to work closely with all sectors of the industry to strike the right balance and to follow congressional intent.

Mrs. Moffitt, thank you again for agreeing to serve the American people and for your willingness to bring your experience and expertise, and your service in California agriculture to all of agriculture. I look forward to hearing your remarks and your answers to our questions. With that, Madam Chair, I yield the floor.

Chairwoman STABENOW. Thank you very much, Senator Boozman. I know that we have our nominee with us virtually, so welcome again this morning. Welcome to Ms. Jenny Lester Moffitt. Ms. Moffitt is the Under Secretary of the California Department of Food and Agriculture, served as the Deputy Secretary there from 2015 to 2018. Before those roles, Ms. Moffitt spent 10 years as Managing Director at Dixon Ridge Farms, her family's organic walnut farm and processing operation. She also served on the Central Valley Regional Water Quality Control Board from 2012 to 2015, and worked for American Farmland Trust.

She was a member of FFA and also was involved in 4-H, both as a member and a volunteer, something we both have in common. Through all these roles she has a long history of working on a wide variety of agriculture issues.

Ms. Moffitt is a graduate of Brown University and the California Agricultural Leadership Program. Welcome to the Committee, Ms. Moffitt, and we would like very much to hear your opening comments.

STATEMENT OF JENNIFER L. MOFFITT TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS

Ms. MOFFITT. Thank you Chairwoman Stabenow, Ranking Member Boozman and members of the Committee. Thank you for the opportunity to be with you today. As someone who grew up on my family's organic walnut farm, this is an opportunity that I have only dreamed of. It is an honor and I am humbled.

I want to thank President Biden for his confidence in me to serve as Under Secretary for Marketing and Regulatory Programs at the United States Department of Agriculture and for his leadership in rebuilding an America that serves all Americans. I also want to thank Secretary Vilsack for his leadership and vision to further strengthen our food systems and make them even more resilient and inclusive.

Finally, I would like to thank you all, the Senate Committee on Agriculture, Nutrition, and Forestry, for your leadership and advocacy on behalf of farmers, ranchers, consumers, and the food supply chain.

My roots are in agriculture. As a kid, I would walk the orchard with my dad after dinner to change the irrigation system. I spent my spring breaks painting the trunks of our young walnut trees to prevent sunburn. I grew up raising market lambs in 4-H and FFA and planting buffer strips in our orchard to attract beneficial insects.

As someone who ran the family farm and processing operation for 10 years, I know first-hand the worry that farmers face about losing a crop to a disease or a weather event, or losing an important market. I also know how deeply farmers care about their communities and passing on knowledge to the next generation.

After college, I was fortunate to work for American Farmland Trust and learn first-hand from farmers across the country about the passion they had for the land and the challenges they faced. I worked with farmers in California on voluntary land conservation, helped with farm transition planning in Minnesota, and researched and wrote about the importance of special micro-climates for red tart cherries in Michigan.

Through these experiences, I gained an appreciation for the diversity of American agriculture—diversity in geography, crop, size, scale, and more—and I learned the importance of considering that diversity and the complexity it brings in the policy making process.

When my dad asked me to return to the farm to help with sales and marketing, I did so because I believed in what we were doing: producing healthy food, growing new markets for local producers, developing sustainable farming practices, and helping to bolster the economic livelihood of my hometown. I helped shepherd our farming operation through the recession, building valuable partnerships with other producers and with USDA to address trade restrictions, expand new markets, and persevere.

One of the hardest decisions I made was leaving the farm to work for the California Department of Food and Agriculture, but I viewed it as an important opportunity to serve rural communities, the public, and the agricultural industry.

My work at CDFA has given me the opportunity to understand and to shape the role that government can play in supporting agriculture, ensuring that farmers and ranchers have a seat at the table, and ensuring that we take an inclusive approach to solving problems.

At CDFA, I have been able to partner with other government agencies and lawmakers, with the agricultural industry, nonprofits, and community organizations to address some of the biggest challenges facing our State, the Nation, and the world: drought and the effects of climate change, healthy soils and conservation agriculture, animal and plant health issues, and more. Each day I carry with me my experience of running the farm to ensure that this perspective is reflected in the policies that are developed.

During the COVID-19 public health crisis, our work has been focused on healthy food access, fostering a resilient food system, and ensuring the safety of farm workers. It has taken partnership, it

has taken working together, and it has taken adopting a whole systems approach, because no one strategy could tackle the complexity of the challenges that farmers were facing.

That is a lesson I learned firsthand from my dad on the farm, that when you are facing a problem—a pest or a disease, for example—it is important to understand why that problem came about in the first place and to find solutions using experience, science, and data.

I also learned lessons from my mom, a public school teacher, about the importance of lifelong learning. In fact, education runs deep in the family and my husband, an elementary school principal, has shown me the value of learning from those around us. It is important to me to seek out new ideas and approaches, and to push ourselves to think differently and creatively.

If confirmed, these are the lessons I will bring with me. I will listen and learn from people in agriculture and the food system around the country, and I will take a whole systems approach.

Before closing, I also want to share something I have learned from my 12-year-old daughter. She has taught me a great deal about tenacity and caring for others. Her determination and big heart inspire me daily. Should I have the honor of being confirmed, I will bring that same determination and big heart to the job at USDA.

I care deeply about American agriculture. I know first-hand the struggles that farmers and ranchers face, and I know how important farmers, ranchers, and processors are to the communities they serve. I know the importance of a resilient and equitable food system for consumers and producers. If confirmed, I will work tirelessly to serve them, to listen to them, to champion their hard work and resilience, and to ensure that USDA does all that it can to support them. I will do whatever I can to bring people together to solve tough issues because we do our best work when we work together.

Thank you for your time and I welcome the chance to answer your questions.

[The prepared statement of Ms. Moffitt can be found on page 26 in the appendix.]

Chairwoman STABENOW. Well thank you very much, Ms. Moffitt, and before going to questions—we will do a round of five-minute questions from members—I do have two questions I need to officially ask you, that we ask all of our nominees.

Do you swear or affirm that the testimony you are about provide, or that you just provided, is the truth, the whole truth, and nothing but the truth, so help you God?

Ms. MOFFITT. I do.

Chairwoman STABENOW. Thank you. Second, do you agree that, if confirmed, you will appear before any duly constituted committee of Congress if asked to appear?

Ms. MOFFITT. I will.

Chairwoman STABENOW. Great. Thank you very much.

First let me, Ms. Moffitt, talk a little more about what has happened to our producers under COVID, because COVID-19 illustrated just how fragile the food supply chain is, as we know. I am really glad we were able to provide resources to strengthen it, and the USDA is taking steps now to implement this funding. There is

certainly a lot to do in this area. What are your priorities for the food supply chain within the marketing and regulatory programs' mission area?

Ms. MOFFITT. Thank you for that question. Yes, you know, I think certainly we have seen this in California and we have seen this around the country. Our State Department of Agriculture and other State Departments of Agriculture shifted into high gear, really working on connecting producers and food banks and food pantries and all of the network that is involved in ensuring nutrition security for so many Americans.

As far as my visions for the food supply chain, again, as a farmer, the first thing that I bring to all that I do is the perspective and the work that I have done on the ground as a farmer, also working throughout the distribution channel doing sales and marketing as well. It is important to me that I serve the people, whether that is as farmers and ranchers, whether that is consumers, and to tap that full scope that you mentioned, Senator Stabenow, within the marketing and regulatory programs, so ensuring that we have a fair, competitive, and distributed food supply system.

Some of the work that is being discussed right now already, certainly in the announcements that are being made, are really key and important to that. Facilitating domestic and international marketing programs is very important, and then also making sure that the food supply chain supports health for both humans as well as animals. Then ensuring that our food supply chain and all of the actors and all of the participants that we participate with, that we are advancing it with equity, that we are advancing it with inclusive, that we are taking into mind the climate crisis and climate change in all that we are doing as well. Ensuring a fair marketplace is key and important, not only to producers but also to consumers, as well as, of course, regulatory work that we do throughout our department in California, and then I know through the USDA as well, to ensure standards and grades, again to ensure that fair marketplace that consumers and producers depend on.

Chairwoman STABENOW. Thank you. As I mentioned before, Michigan and California are the top two most diverse States in terms of different kinds of crops and commodities, and in Michigan, as you and I have talked about, some of our top specialty crops, like cherries—which I appreciate you mentioning—but asparagus, blueberries, and apples have faced tremendous challenges from trade to very serious weather-related losses.

What are your priorities to assist the specialty crop industry, and will you work to ensure that policies out of AMS are not a one-size-fits-all approach but rather take into consideration the unique needs of each sector?

Ms. MOFFITT. Yes, and that is such an important thing. As you mentioned, Senator Stabenow, we have wonderful diversity in our crops in California, as you guys do in Michigan. We have over 400 different crops. Bearing all of those in mind, and recognizing and celebrating the diversity that we have in our crops is really important.

As a farmer, I am used to wearing lots of different hats, and certainly in the role that we play, I play currently at the Department of Food and Agriculture, I am very well aware of being mindful of

all of the different crops, the diversity that we have, not just in crops but also in size and scope of our operations and family farmers in California as well.

I think, you know, as we look at this there are lots of different programs, through Agriculture Marketing Services. The Specialty Crop Block Grant is an important one. Of course, the grades and standards and all of the work that is done, and the work that APHIS does in supporting both plant and agriculture is really important as well. APHIS works, of course, on animal health, which is very, very important, but also in supporting and protecting crops that are so important to our Nation, specialty crops that are important to our Nation, like citrus or like cherries, and making sure that all farmers have tools and that we are supporting those tools to continue plant and animal health for those crops.

Chairwoman STABENOW. Thank you. Then just final question, as we look at the climate crisis we think about droughts and floods and so on, but our producers also think about bugs and diseases, and what is happening there is so critical. How would you help producers address the climate-based pest and disease threats through your role at USDA?

Ms. MOFFITT. Yes, I think there is an incredible—the talent and the scientific data that APHIS has, the work that APHIS is doing on early monitoring, whether that is, you know—certainly early monitoring for animal diseases but certainly the proactive approach in pests. We work with them all the time, every day in the Southern California region, on things like medfly, which can be devastating to our crops that we have in California. Certainly, we are working with them on citrus screening, and in partnership on citrus screening, learning from Florida and the devastation that happened to the crops in Florida.

As we take into the work that we are doing in partnership in California with APHIS, I know there is a lot of looking forward, being able to project out, again taking the science and the incredible scientific expertise that APHIS has as well as the data to really start to understand what might be happening, what might be changing in the face of climate change, so that we are taking a much more proactive approach, looking forward at how pests might be moving and shifting due to climate change, what does it mean for lifecycles of pests that normally would have over-wintered or we would have lost those, you know, had those dormancies that might no longer be happening anymore.

Should I have the opportunity to be confirmed, I will take the experiences that I have as a farmer, seeing first-hand those pests and how they handle or work on our operation as well as the work we have done at the Department of Food and Agriculture, and tap into the great expertise at APHIS, to really lean in and understand what is happening with pests and climate change.

Chairwoman STABENOW. Thank you very much. Senator Boozman.

Senator BOOZMAN. Thank you, Madam Chair. Ms. Moffitt, advancements in biotechnology give agriculture producers a significant tool in fighting pests and diseases, as we just talked about, producing more on fewer acres and countless other benefits. Yet for far too long, U.S. livestock, those producers, are being frustrated

with the FDA's lack of regulatory certainty and the idea that the FDA would label these innovations, or the animals themselves, as "drugs."

I was pleased that last December, USDA and FDA signed a Memorandum of Understanding to help modernize the Federal Government's regulatory oversight of certain genetically engineered animals used for agricultural purposes, and that USDA appears to be moving forward on rulemaking in this area.

If confirmed, will you commit to continuing this effort to ensure that livestock producers have a predictable, science-based, regulatory process for GE animals used for agricultural purposes?

Ms. MOFFITT. Thank you, Senator Boozman, and thank you for that question. Certainly, should I be confirmed, I look forward to learning more about the process and where the process currently is with the MOU, with the FDA, that you mentioned, and then, of course, diving into this issue, learning more about the issue, and as you mentioned, ensuring that there is a science-based process to that evaluation.

Senator BOOZMAN. In 2010, Secretary Vilsack proposed a rule referred to as the GIPSA Rule, which later became the Farmer Fair Practices Rule. These rules generated a lot of controversy among our stakeholder groups. In fact, over 60,000 comments were submitted by individuals and organizations in response to the proposal.

There were concerns that USDA had woefully underestimated the projected costs incurred by the livestock, meat, and poultry industries, should these rules be implemented. There were concerns that the broad-brush approach taken by the Department would have severe unintended consequences.

Since that time, these rules have gone through several iterations, and now Secretary Vilsack has announced his intent to repropose the rules again later this year. Can you describe your plans, as the Under Secretary tasked with overseeing the Packers and Stockyards Act of 1921, and implementing regulations to ensure the Department avoids the controversy and criticism the previous iterations of the rules received?

Ms. MOFFITT. Yes, thank you for that question, Senator Boozman. I think, you know, in the work that has been done, should I have the opportunity to be confirmed, I know how important it is to factor in all of the different facets, hear from people around the country, hear from different layers and in the whole food supply chain, from farmers and ranchers to producers to processors to consumers, about the importance of different rulemakings, whether it is this one or any of them, and weigh those complexities and really understand what it means for farmers and ranchers, what I means for the food supply chain in making those sorts of decisions.

Should I have the opportunity to be confirmed, I definitely will take a nuanced approach. I will definitely lean in and seek to understand, and understand all of the different facets when rule-making decisions are made.

Senator BOOZMAN. Good. Thank you. I enjoyed our conversation prior to the hearing, and I appreciate you recognizing the importance of maintaining and expanding market access for U.S. pro-

ducers in your opening statement, and I could not agree more. In Arkansas, that is probably 40 percent of our products are exported, and I know in California it is probably an even much greater percent than that.

As you well know, the Animal and Plant Health Inspection Service plays a critical role in that effort by protecting U.S. agriculture from pests and diseases that can have a devastating impact on our producers. Several APHIS program areas engage our trading partners to ensure science-based sanitary and phytosanitary requirements are met, and they work to eliminate unjustified barriers that some of our trading partners may seek to use.

What is your perspective on the work APHIS does in regards to maintaining and expanding markets for U.S. producers, and if confirmed, how will you support the agency and its work with USTR, the World Organization on Animal Health, and the International Plant Protection Convention?

Ms. MOFFITT. Yes, thank you for that question, and as I mentioned when we talked, I know full well the impact and the work that APHIS does in helping to facilitate trade throughout the world. As someone who exported walnuts, and exported organic walnuts around the world, I know how important the work that APHIS does in phytosanitary and helping to bring science and data to those decisionmakings for trade. We were able to open up new markets in South Korea as a result of that, and be able to start to export our walnuts to South Korea, because of the work of APHIS in addressing some of the phytosanitary concerns that that country had.

I know the importance of it, and I know how important it is for APHIS to lean in, to dive into these issues, provide that science, that data, and in partnership with producers. It is very important that as this is being done it is in partnership with producers and the supply chain in that role.

Certainly I value the work of APHIS. I know APHIS is, in many ways, the underpinning of trade, through their work that they do on attestations and the like. I will, should I have the opportunity to be confirmed, I look forward to engaging with APHIS on this so that we can open new markets and that we can continue the markets that we currently enjoy overseas for all of our producers.

Senator BOOZMAN. Very good. Thank you, Madam Chair.

Chairwoman STABENOW. Thank you very much. Next we will hear from Senator Klobuchar.

Senator KLOBUCHAR. Well, thank you very much, Madam Chair, and we hope you are enjoying our beautiful Rules Committee room.

Chairwoman STABENOW. Yes. Thank you very much. We appreciate the joint jurisdiction.

Senator KLOBUCHAR. Very good. Ms. Moffitt, in recent years, Minnesota's turkey and hog producers have faced significant animal disease challenges. I know the Chairwoman mentioned it in her opening remarks. USDA is the primary agency responsible for safeguarding animal health. Senator Cornyn and I worked together to provide funding for new programs in the 2018 Farm Bill to protect against animal diseases.

What are your plans for implementing and improving animal disease preparedness in response policies at the USDA?

Ms. MOFFITT. Thank you, Senator Klobuchar, and I appreciate Congress' leadership on recognizing this important issue. I know that surveillance in animals is important for animal health and also for public health, and that the need for an early warning system is crucial. Just like the work that we, in our State, do in partnership with APHIS on plant diseases, really focusing on exclusion first, monitoring, making sure we have an understanding of what is happening out there. Again, those early warning systems are really important.

I understand that you guys have led some really great work on One Health, and I think the interlocking partnership between public health as well as animal health is really important as well. I look forward to engaging in this, should I have the opportunity to be confirmed, and really being proactive and pragmatic in the work.

Senator KLOBUCHAR. In May—thank you—USDA approved Minnesota's revised Hemp Production Plan, and I know they have done that across the country, and over 450 farmers applied for a license in 2021. It was an increase by 100 in applications. At the same time, several Tribal governments had their plans approved.

Ms. Moffitt, can you talk about how you plan to administer and implement the Domestic Hemp Production Program, and also, will you work with our Tribal partners, should you choose to update the previously approved plans to better align with the updated final rule?

Ms. MOFFITT. Yes, thank you for that question, Senator Klobuchar. I know hemp growers in California and around the country, this is a really important opportunity for farmers, actually, to be able to access new markets, to have a new crop, and bring back a crop from the past. I understand the value and the importance of help and the work that the State Departments of Agriculture and the States have done in implementing and proposing those plans to USDA, as well as, of course, the Tribes that you mentioned as well.

I know that there are parameters around the hemp rule, but I also know that there is an opportunity to really engage. Again, as I do in all of the work, especially as a farmer, kind of putting on my farmer hat, looking for those opportunities to best support farmers and ranchers, and, of course, Tribes, in that process as well.

Senator KLOBUCHAR. Okay. I am the Chair of the Senate Judiciary Subcommittee's Antitrust and Competition Subcommittee, and I am glad that President Biden recently issued his Executive order. As you know, there are parts of this order that pertain, as has been mentioned by other Senators, to the ag economy. Will you commit to advocating to promote competition in the ag industry and support value-added and alternative food distribution systems?

Ms. MOFFITT. Thank you for that question. Should I be confirmed, I do commit to supporting trade, to supporting fair marketplace practices. I am aware of the Secretary's and the President's announcement last Friday of a multi-pronged effort, both, of course, committing \$500 million in American Rescue Plan funds to meet poultry processing facilities, revitalizing the Packers and Stockyard Act, in a few different ways, as well as developing a plan to in-

crease farmers' and ranchers' access to new markets, and to promote a fair return.

Transparency is important. Price discovery is important. Regional processing capacity is important. All of these things together are very important to create a fair and robust agricultural economy.

Senator KLOBUCHAR. I had a question on milk, and I will put that on the record, with our Minnesota Milk Producers. Thank you very much.

Ms. MOFFITT. Thank you.

Chairwoman STABENOW. Thank you, and thank you again for the use of your room. We appreciate it.

Next we have Senator Ernst, who I do not know if she is joining us virtually? Do we know? If not, we will proceed to the senior from Iowa, Senator Grassley.

Senator GRASSLEY. Thank you very much. I am glad to congratulate you on your nomination, and to take a little different view than some other Republican members of this Committee has, and say thank you to Secretary Vilsack for issuing the very aggressive proposed rulemaking and enforcement that he wants to do to increase competition within agriculture. Whether it was at President Biden's initiative, which was broader throughout the economy than agriculture, but including agriculture, or whether Secretary Vilsack had a lot of input into it, I know that Secretary Vilsack knows about the importance of the family farmer as an institution that drives American agriculture to be the very efficient part of our economy that it is, and he knows that competition is very necessary to protect the family farmers. I think his Executive order and the USDA's announcement builds on the work that a lot of us in Congress are doing to bring about some competition as well.

In my case, and in Senator Hyde-Smith's, and Senator—my colleague, Senator Ernst, and others on this Committee want to do it particularly right now for the cattle market, through our legislation in the hearings that Senator Stabenow and Senator Boozman has had already.

My questions to you are kind of along this line. If confirmed, how will you prioritize the Packers and Stockyards rulemaking process and ensure it is enforced effectively?

Before you answer that question, I know that you answered for Senator Boozman the fact that you want to listen to all stakeholders. I do not find any fault with that. Just so you know what my position has been over decades is that the Packers and Stockyards Act probably does more to protect the family farmer and enhance competition—and encourage competition more than maybe even the Department of Justice antitrust laws do. That is where I am coming from, in your answer to my question.

Ms. MOFFITT. Thank you, Senator Grassley, and it is great to hear—it is really important for me to hear where everyone comes from on these different issues. I know these issues are very complex, that serious consideration needs to be taken when weighing all of these different things, all of the different factors.

Last week's announcement, that I heard, proposes three different aspects to revitalize the Packers and Stockyard Act, to promote and to fight unfair practices and to rebuild a competitive market.

Should I have the opportunity to be confirmed I look forward to meeting with Secretary Vilsack, learning about the plans, and then also weighing in with you guys and Congress as well as producers to hear about the best ways forward.

What I heard him say is that this is the beginning of a lot of conversations, and I look forward to, should I have the opportunity to be confirmed, to engage in those conversations, knowing the impact that it has, and knowing how much of a priority this is for American ranchers.

Senator GRASSLEY. Thank you for that answer. Iowa happens to be the No. 1 State for pork and eggs, No. 1 for corn, and No. 2 for soybeans. It is vital to my State and our national security to ensure that animal and plant health. I remain concerned about animal disease, particularly the African Swine Fever, as just one example. That involves the inspection of agriculture products being imported into the United States.

I co-sponsored legislation that Trump signed, authorizing more ag inspectors for Customs and border protection, and it demands coordination with USDA. If confirmed, how will you prioritize the Department's efforts to ensure safety of our domestic food supplies? I know that Klobuchar asked about animal disease preparedness, along the same lines as my question.

Ms. MOFFITT. Thank you, Senator Grassley, and yes, certainly I am quite familiar and aware of the importance of protecting our food supply chain, protecting our animals and plant health. When I was overseas, actually in Korea, back in 2012, when our organic walnut market opened up, I was there at a time when there was a foot and mouth scare, from [inaudible] to the United States. I saw on the news what was happening in Korea. I saw how important and how quickly those types of animal disease scares can have in getting trade, and vice versa, you know, certainly as well, for those animal diseases coming here.

I see, you know, in the work that we have done in past exclusion at our State, it is very important, of course, that we actively work, as you describe, to keep heads out, you know, to make sure that we are active at our ports, borders, points of, you know, insertion here in the States, as well as, of course, monitoring and detection. Then finally, if there is a disease quarantine, making sure we are minimizing the spread and eradicating the disease, should we have a disease.

There is a multi-pronged, just like we do in all that we do. There is a multi-pronged approach, but very much taking science, knowing the science, monitoring and surveilling, and being always proactive in understanding what might be coming, and how can we make sure that we are protecting our industry, protecting our animals, and protecting our plant health.

Senator GRASSLEY. Thank you, Madam Chair.

Chairwoman STABENOW. Thank you very much. We will now turn to Senator Warnock, who I believe is with us virtually, and then Senator Hyde-Smith, and then Senator Luján. Senator Warnock.

Senator WARNOCK. Thank you, Madam Chair, and congratulations to you, Ms. Moffitt, on your nomination to be the USDA's Under Secretary of Marketing and Regulatory Programs.

I am proud to say that Georgia is leading the Nation in peanut production. When I think about that, I was with a somewhat known peanut farmer last weekend, in Plains, Georgia, as we celebrated the President Carter's 75th wedding anniversary. We lead the Nation in peanut production. We are known as the peace State, but we produce over 45 percent of the total U.S. peanut crop every year.

I recently worked with my colleague over in Alabama, Senator Tuberville, in leading a bipartisan letter to Secretary Vilsack and Ambassador Todd. In this letter, we raised serious concerns with the prohibitive trade barriers that I was hearing farmers talk to me about on my ag tour throughout Georgia a couple of months ago. They were very concerned about the ways in which the European Union, with its trade barriers regarding aflatoxin and testing negatively impacted their domestic peanut industry and some of the unfairness there with respect to this process. USDA's Agricultural Marketing Service manages a peanut aflatoxin program to ensure the safety of our domestic crop.

If confirmed, will you commit to working with your colleagues within USDA's Farm Agriculture Service and the Office of the U.S. Trade Representative to directly engage our European counterparts in order to reduce these barriers and increase market access for Georgia's peanut farmers and processors?

Ms. MOFFITT. Senator Warnock, thank you for that question, and it is great to hear about all the great, wonderful peanut production in Georgia. I am familiar with aflatoxin. It is an issue also in walnuts. I know the importance of the work that Agricultural Marketing Services does in monitoring and detecting so that we can keep those avenues of trade open.

Should I have the opportunity to be confirmed, I definitely look forward to working with our team at Agricultural Marketing Services, with the team at USDA, to understand and take a proactive step in identifying and partnering on this issue.

Senator WARNOCK. Well, that is good to hear, because it is critically important. The domestic peanut sector is anticipating \$130 million in lost sales just this year because of this issue. I could feel the urgency in the voices of the farmers as I talked to them about this throughout Georgia.

On May 13, 2021, the USDA announced almost \$160 million in purchases of domestic agriculture commodities. As a native of coastal Georgia, I was thrilled to see \$25 million included in this announcement for South Atlantic and Gulf of Mexico wild-caught shrimp. This was a welcome announcement for Georgia's seafood industry, as many fishing vessels and coastal communities suffer from COVID-19 restaurant closures.

Despite this recent success, the domestic seafood sector has historically struggled to access USDA's commodity purchasing programs. If confirmed, will you commit to working with me and others to find additional opportunities for Georgia's seafood sector within AMS commodity purchasing programs?

Ms. MOFFITT. Yes, thank you for that question, and I saw that announcement as well. I know how important AMS and USDA purchasing programs are, not just to provide important nutrition to schools and to food banks but also how important it is for local pro-

ducers and for producers, American producers, as new marketing channels.

Certainly I know how important it is always to evaluate programs, look at opportunities to bring in new producers, bring in that incredible diversity of American agriculture that we have into these programs. Should I have the opportunity to be confirmed, I look forward to exploring these opportunities with Agriculture Marketing Services, finding ways to bring in new producers, including local producers into these programs as well.

Senator WARNOCK. Very good. Thank you so much. These issues and a focus on them will certainly benefit rural and coastal communities all across the State of Georgia. Thanks so much.

Chairwoman STABENOW. Thank you very much. Thank you so much. Senator Marshall has returned, so we will hear from Senator Marshall, and then Senator Lujan, and then Senator Hyde-Smith.

Senator MARSHALL. All right. Thank you, Madam Chair, and welcome to the hearing.

We had the opportunity to talk yesterday about non-tariff barriers for a second, and I just wanted to ask—will you continue to defend and fight for our ability to export agriculture products while still using the food technology that allows our farmers and ranchers to produce the quality, safe, and wholesome food that we do today?

Ms. MOFFITT. Yes, Senator Marshall. Thank you, and it was great to connect with you yesterday and to talk about trade and the important role, again, that both Agricultural Marketing Services as well as APHIS play in helping to facilitate trade. Those market barriers that you talked about are really important. They are real to our producers, and I definitely look forward to diving in, to understanding those issues, and to really finding opportunities to open up new markets and to continue existing markets for all American producers.

Senator MARSHALL. What do you think will be the biggest challenges going forward, whether it is with the European Union or Asia, as far as those non-tariff barriers? What challenges do you see, going forward?

Ms. MOFFITT. That is a good question. I think, you know, should I have the opportunity to be confirmed, I look forward to learning from the team, especially at APHIS, about what some of those challenges are. The thing that we bring is incredible scientific background, an incredible body of knowledge. Bringing that body of knowledge to the table, to help inform countries that do have concerns, and bring that wealth of information is a very important one.

Senator MARSHALL. Okay. Let us talk about meat labeling for a second, and again, I think we touched on this yesterday. I am just very concerned about the meat labeling of “Product of the U.S.,” the way it has been used. This is something that we have pushed back on USDA and FDA now for several years, that I think it is a very misleading label, when we take beef from foreign countries, bring it in, mix it with our beef, and then label it “Product of the U.S.”

Will you support changing the current “Product of the U.S.” meat label to ensure that meat labels are clear and accurate for consumers?

Ms. MOFFITT. Senator Marshall, I know that there have been announcements recently by Secretary Vilsack on looking at and defining new rules on what the definition of “Product of the USA” is. Should I have the opportunity to be confirmed, I look forward to meeting with him, understanding what the next steps are. Certainly as an organic producer, I know how important those labels are to consumers in helping consumers make the right and informed choices. I certainly look forward to diving into this issue, should I have the ability to be confirmed.

Senator MARSHALL. Okay. Thank you. Then again yesterday we talked a little bit about a dealer trust, and I am not sure if you got to spend any more time looking into it, but I just want to remind you that we did pass our dealer trust legislation last year, and it was signed by the President. I want to know if USDA is committed to fulfilling their role, if necessary, implementing guidance needed to be prepared to enforce the priority for unpaid livestock sellers.

Ms. MOFFITT. Yes, thank you for that question, Senator Marshall. Certainly it is important, in all legislation that is enacted, that I, as someone who would potentially be, you know, upholding and enacting that legislation, to evaluate that legislation and make sure that we are following the intent of that legislation.

I cannot speak to the specific of this, necessarily, but should I have the opportunity to be confirmed, I look forward to diving into that, learning more about it, and getting back to you on this, Senator Marshall.

Senator MARSHALL. Okay. Thank you so much. I yield back the remainder of my time.

Chairwoman STABENOW. Thank you very much. We will hear from Senator Luján, and then Senator Hyde-Smith.

Senator LUJÁN. Thank you, Chair Stabenow and Ranking Member Boozman, for holding this hearing, and thank you to our nominee for joining us. I am sure your family must be proud of all you have accomplished to be here, and you will accomplish, if confirmed, and when confirmed, in your position at the Department of Agriculture.

New Mexico farmers and ranchers pride themselves on local products they provide for their communities. The ability to produce value-added goods not only creates for farmers and ranchers to receive better prices for their products but also keeps and reinvents and brings more opportunity to create wealth in communities that they operate in.

As consumers continue to become more invested and interested in knowing not only how their food is produced and grown but also where it comes from, the certification that the USDA provides to producers become even more to help and drive up demand. These programs also create market certainties and consistencies that allows farmers and ranchers to get greater value for their products.

That is why I have been proud to champion efforts to strengthen and expand value-added programs to ensure that confidence is there when consumers make selections at the marketplace and to

create alternative avenues for farmers and ranchers to market their products, both domestically and internationally.

Ms. Moffitt, given your first-hand experience in marketing your own farm's products, what are some of the barriers that farmers and ranchers face when looking directly to market to consumers?

Ms. MOFFITT. Senator Luján, thank you for that question, and yes, I very much know the importance of value-added for our local communities, for our regional supply chain, and then also just for crossing and informational exchange between other producers as well, kind of really lifting all those in the process and providing new markets for producers.

Given my experience doing marketing, I know one of the first things that I needed was technical assistance, was that support in first identifying new markets. While it is a little bit different as, you know, my dad became certified organic in 1992, I was 12 at the time, and then he realized he did not have markets for that product. I called over to USDA. This was Foreign Ag Service, but they faxed over a list of potential buyers. I spent my winter break packing up walnuts and sending letters to potential buyers in Japan, and we were able to find new buyers.

I know the importance of just that facilitating the technical assistance, whether it is that, and, of course, in that case new export markets, or understanding labeling and all of the different things, food safety, and all of the different things that are involved in doing value-added production in farming and processing operation.

Senator LUJÁN. Well, and not just the work you did for the family farm there but I know, as a former 4-H and FFA member, and I believe a current 4-H volunteer, you understand the importance of helping young farmers as well continue to stay involved and have that support. I appreciate that that is also a skill set you are going to bringing, and advocacy.

Disease prevention. For border States like New Mexico, where we are at the front line of ensuring that foreign pests and diseases do not harm our domestic food supply, ensuring that we are partnering with our neighboring countries is going to be vital to ensure that pest and livestock diseases do not impact American agricultural systems.

How important is it within international cooperation, especially in our case, with countries like Mexico, in developing the necessary safeguards to protect American agriculture, and are there areas that you believe we need to work with our international partners to make sure we are taking a strong, wide approach when looking to protect from invasive pests and diseases?

Ms. MOFFITT. Yes, I think a strong partnership with anyone, and in this case international partners, is key. Open lines of communication is paramount to the work that I have done, because the earlier we can find out about potential concerns, the earlier we can address them and tamp down those different issues or concerns that people might have.

I know, in the work that we have done in California, three years or so ago we had an outbreak of virulent Newcastle disease, which is a highly contagious disease amongst poultry. We heard from the industry how important it was to aggressively step in, through a joint command with APHIS, really contain the outbreak and then

eradicate it, and now taking that proactive and all-in approach between industry—industry partnership was absolutely incredible in that—with Federal and State government, to really address those issues as they come up, so that we do not have those concerns from our trade partners to begin with. They have confidence that we are on it and taking the steps necessary to make sure that we are containing this disease.

If I have the opportunity to be confirmed, I will definitely do that as well.

Senator LUJÁN. Thank you, Ms. Moffitt. Madam Chair, we look forward to getting our red and green chile all over the world and across America, so I look forward to working with you to get that done. I yield back.

Chairwoman STABENOW. Absolutely. We look forward to the Committee having the opportunity to taste that as well, which I have in the past. It is great.

Senator Hyde-Smith.

Senator HYDE-SMITH. Thank you, Chairwoman Stabenow, and congratulations, Ms. Moffitt, on your nomination, and you have done really well answering your questions. I love your enthusiasm and I love your genuineness, and I look forward to working with you.

Ms. Moffitt, USDA food purchases have historically left behind fresh fruits and vegetables, and of the \$1.85 billion in USDA food purchases in Fiscal Year 2020, just \$6.5 million actually included fresh-to-the-consumer produce. That was just spread across three commodities.

As we recover from the pandemic, economic growth remains, as you well know, uneven. There are farmers tilling commodities over while people continue to be hungry. What can AMS do to right-size its purchasing to be more reflective of the Nation's bounty of specialty crops and to support the diets that Americans should be eating to combat diet-related chronic diseases?

Ms. MOFFITT. Senator Hyde-Smith, thank you for that question, and yes, I am very passionate about agriculture and American agriculture. Yes, so the pandemic certainly was heartbreaking at the beginning of the pandemic as 50 percent of our food supply chain practically stood to a halt. We, I know, just like the United States Department of Agriculture, we, at our State Departments of Agriculture around the country joined together, shared information, and really worked on building bridges and connecting producers that have food with the food supply chain, whether that was food banks, pantries, and schools and other feeding programs, building those bridges and connecting the dots between producers and those who were supplying those in need. It was really important

We saw first-hand, in California, across the Nation, how important it is to bridge that infrastructure, to bridge producers and processors with food banks, food pantries, and the like, and the need to help build an infrastructure in between so that we can actually—we can build a better food system for our producers as well as for those who are benefiting from those nutrition programs as well.

Thankfully, hunger is on the decline, but it is an important point right now in our Nation to take lessons learned from the past 16

months. Throughout the pandemic, things that we have been able to just, you know, go all in and say we need drop off—you know, all things aside and really support our producers, we need to support those who are hungry, and look out of the box. I think there is an important opportunity now to take those lessons learned and really apply them going forward.

I know that the food purchasing program is important, both to those who benefit from the program, the consumers that benefit from the program, as well as the producer, and so should I have the opportunity to be confirmed I look forward to taking those lessons learned, meeting with the team to see what has already been done. I know there are a lot of public comments that have come in on this, and to look at what is possible in this area.

Senator HYDE-SMITH. Thank you. I think in my second question, while I have a little time left, the Farmers to Families Box Program, you know, despite its flaws it represented the only time that USDA purchased meaningful amounts of fresh produce, something that has been a goal of USDA for a very long time. You know, it was done by utilizing existing fresh produce supply chain to deliver a wide variety of high-quality fresh fruits and vegetables. Non-profits, food banks, and clients, many things you just mentioned, consistently cite fresh produce as the most desired food to distribute.

With the Administration's decision to sunset the program earlier this year, how do you think AMS should fill in the gap that has been left by this program ending?

Ms. MOFFITT. Yes, thank you, Senator Hyde-Smith. You know, I heard this. I know. I know people who have participated in the Food Box Program, and I know that it has been able to bring in non-traditional or new participants into USDA programming that have not been able, or been participating in the past.

I am aware that USDA has announced some new funding related to this, really shifting from response to recovery, looking at long term, taking lessons learned, and looking long term. Should I have the opportunity to be confirmed, I look forward to partnering with the team at AMS, hearing what their plans are, and exploring opportunities to continue to look at how we bring in new partnerships, whether those are producers, local producers, small producers, as well as nonprofits and Tribes, as well.

Senator HYDE-SMITH. Great. Thank you very much.

Chairwoman STABENOW. Thank you. Next we have Senator Fischer, who I believe is joining us virtually.

Senator FISCHER. Thank you, Chairman Stabenow. Ms. Moffitt, it is nice to see you again today. Welcome. I enjoyed the conversation that we had yesterday, and so I am pleased that you are here today.

We talked about this a little bit. I have been hearing from many cattle producers in Nebraska about the need to increase transparency and improve our cattle markets. This is why I have introduced legislation to bring transparency to cattle markets and to provide cattle ranchers with a fair market.

Last week, President Biden issued an Executive Order that requires USDA to issue a report to the White House within 180 days, that would include suggestions on how to enhance price discovery,

increase transparency, and improve the functioning of cattle and other livestock markets.

If confirmed, you would oversee the Agricultural Marketing Service, which will likely play a role in developing these recommendations, given their responsibility for livestock price reporting. Do you believe that greater transparency is needed in our cattle markets?

Ms. MOFFITT. Yes, thank you so much, Senator Fischer, and I appreciated our conversation yesterday. You know, I heard your questions yesterday about transparency, and I certainly saw the announcement last Friday on a myriad of things, a whole package of things to really support and build a much more robust and resilient meat and poultry system.

I know the importance of the Packers and Stockyard Act and how important that is to producers. I have heard, throughout this process, how important it is, how much ranchers are getting squeezed. We have talked, and I know that we have heard about the difference in market prices that consumers are paying than cattle ranchers are getting, and I understand that squeeze that the ranchers are getting.

I know that it is important to ensure that the food system and the meat system is fair and competitive, and I look forward to exploring transparency by discovery, local and regional processing capacity, supporting a system where farmers and ranchers have choices, and where consumers have choices as well.

Senator FISCHER. Will you commit that you will engage with the Committee, not only on the recommendations that are sent to the White House but also to work with Congress on legislative solutions, like what I have put forward?

Ms. MOFFITT. Yes, Senator Fischer. I know how important it is to continually work with, in our case, our State legislature, in providing technical assistance on pending legislation and then, of course, partnering on enacting any legislation that might be approved. I know the value of working with our legislature. I know the value that would be, should I be in this position to work with Congress as well, in this process.

Senator FISCHER. Thank you. We have touched on this a little bit during your hearing about the USDA Packers and Stockers Division, and that is also going to fall under your leadership if you are confirmed. The Biden administration has directed USDA to consider rulemaking to strengthen the Packers and Stockyards Act. Can you discuss what your view, as the role of the Packers and Stockyards Act, what is that role, and how will the proposed rule changes help fulfill that role?

Ms. MOFFITT. Thank you, Senator Fischer. While cattle is the fourth-largest industry in California, I do not have first-hand work yet on the marketplace for the cattle industry. I know how important it is. I know the complexity in it. I heard the announcement last week, and should I have the opportunity to be confirmed I look forward to meeting with Secretary Vilsack, understanding his vision, understanding what the directive is in the Executive order, and working to do all that I can to support that.

Senator FISCHER. Again, I hope you will pull in stakeholders across the country to be able to see the diversity that we have in different areas of the country in this industry.

Ms. MOFFITT. Absolutely.

Senator FISCHER. Great. For more than 25 years, the FDA has taken a one-size-fits-all approach to the U.S. biotech animal applications, and in those 25 years, only two agricultural innovations have received regulatory approval, both of which took over a decade. We currently do not have an efficient pathway toward other important innovations, such as disease-resistant livestock or ruminant animals that emit fewer emissions.

Last year, the USDA published an Advanced Notice of Proposed Rulemaking, an ANPR, suggesting it might propose regulations to develop a path at the Animal and Plant Health Inspection Service and the Food Safety Inspection Service for agricultural animals. This potential rulemaking has been included in the Biden administration's unified regulatory agenda several weeks ago. If confirmed, will you commit to meeting with stakeholders about the prospects of furthering this rulemaking at USDA?

Ms. MOFFITT. Yes, Senator Fischer, it is one of the things that I enjoy most about the job that I have now, is really hearing from stakeholders, hearing from—as a producer, as a former producer myself, I know important it is to hear from the people on the ground, working the land and implementing these regulations, to hear what are the best ideas that they have, and what are the ideas that they have, so that we can make sure that we are factoring all of that in, in the work that I do in my current job and, should I have the opportunity to be confirmed, I will continue to do that and meet with stakeholders throughout the Nation.

Senator FISCHER. Thank you, Ms. Moffitt. I appreciate the background that you will bring to this position and I appreciate your sincerity in pledging to constantly work with stakeholders on any number of issues. Thank you very much.

Chairwoman STABENOW. Thank you very much. Next we have Senator Hoeven. Good morning.

Senator HOEVEN. Good morning. Thank you, Madam Chair. I appreciate it. Greetings again to Ms. Moffitt. Thank you for visiting with me on the phone the other day.

I do want to pick up where Senator Fischer left off. We do need to do more to foster competition in the markets for our cattle producers, and that means more competition, better pricing, more transparency. She asked you about the Packers and Stockyard Act, and so I guess, along that same line, would you commit to work with the Department of Justice (DOJ) and the Federal Trade Commission as they look into the need for more competition in these markets, and would you support that effort, and how would you support that effort?

Ms. MOFFITT. Thank you, Senator Hoeven, and again, it was also nice to meet with you the other day as well.

Yes, again, I know how important the Packers and Stockyard Act is to producers, and really the whole value chain, in support, as you said, a fair and competitive market, which is very important for family farmers and it is important for all of us in the Nation, as consumers, as well.

I know that there is pending work done at the Department of Justice, and I know the importance of any agency engaging on any pending legislation. Should I have the opportunity to be confirmed,

certainly I will connect with the office, our General Counsel at the United States Department of Agriculture and providing any sort of support, if needed.

Senator HOEVEN. One of the ideas that came forward in our hearing recently was establishing a cattle contract library and a 14-day slaughter schedule, and if that is enacted, which hopefully it will be, it would be implemented and administered by the Ag Marketing Service. Would you be willing to support the establishment of a contract library and a 14-day slaughter schedule as a way to improve market transparency?

Ms. MOFFITT. Oh, well, this is, again, something new to me, so I look forward to learning more about that. Should I have the opportunity to be confirmed, engaging in this and diving into this, both with your interest in mind as well as with the team at Agricultural Marketing Services.

Senator HOEVEN. Another question for you is in regard to APHIS Wildlife Services. One of the big challenges we have—we have a very diversified ag base in our State and grow a lot of different crops. For crops like sunflowers, corn, wheat, oats, sorghum, and others, the blackbirds just are a tremendous problem for us, which, on average, cause about \$11 million a year in damage, just to the sunflower crop alone.

If confirmed, will you continue to support the APHIS program that we have right now to manage blackbirds and prevent damage to our crops?

Ms. MOFFITT. Yes, Senator Hoeven, thank you for that question. Should I have the opportunity to be confirmed I will learn all about this and work with APHIS on understanding the program that they have.

Senator HOEVEN. We have a similar problem with coyotes. Will you support APHIS programs to address the challenge that we have with coyotes and their depredation?

Ms. MOFFITT. Yes. Again, should I have the opportunity to be confirmed I will work with APHIS and understand the work that they are doing, and to continue to ensure that the current work is benefiting producers.

Senator HOEVEN. Okay. Well, this next question is a really tough one for you, and I am probably okay however you answer it, but I know for the Chairwoman of the Ag Committee, she is going to be listening really, really close. That is, are you willing to support the Specialty Crop Block Grant Program?

Ms. MOFFITT. Yes, absolutely. That is a very tough question. Certainly I know, in the work that we have done in California, how valuable that Specialty Crop Block Grant Program is to producers in our State and to consumers in the State as well. Should I have the opportunity to be confirmed, I will continue to support that.

Senator HOEVEN. Yes, I figured that is one you would be pretty familiar with. Thank you so much. Again, thanks for visiting the other day. I appreciate it.

Senator BOOZMAN. That was a suck-up question.

Senator HOEVEN. Yes, sir.

Chairwoman STABENOW. The right answer was produced. Thank you very much. Yes, thank you.

Certainly, this morning, last but certainly not least, Senator Braun. Good morning.

Senator BRAUN. Thank you, Madam Chair. This is always a topic I like to talk about in general, and I am going to refer to you as Jenny, since we had a great conversation last evening. I like the fact that you come off the farm. I did not grow up on the farm but I have lived on one ever since I moved back to my hometown.

Every time I have the opportunity to talk about agriculture in general, I like to mention some of the things that, in my mind, make it tougher for one of the hardest occupations God created. One of my concerns is that both government, to some extent, and the concentration within the ag community, that farmers buy supply from, they become bigger challenges, maybe even taking the most risky business for the bottom line you squeeze out of an acre of effort. I am concerned about that.

I know in your role that industry concentration is maybe not something that you can impact directly. Government regulation would be. I cite recently, in my own backyard, where I had farmers that are the great stewards of the land. That is reflected even in the climate discussion, where we emit so much less CO2 with our farming practices here in the U.S. versus the rest of the world.

I am going to focus in on a couple of topics that I think you might be able to weigh in on. We discussed it a little bit yesterday evening, and let us start with ag logistics. Whenever you go through all the effort of beating the weather, and getting things done, where you have got a good crop, you have got to move it to market. Tell me how you think your role could impact and make it easier for the farmer when he gets the crop out of the field to not be beset by particular issues of taking it to the marketplace.

Ms. MOFFITT. Yes. Thank you, Senator Braun, and it was great to meet with you as well yesterday. On the question of logistics, I know that within Agricultural Marketing Services there is a transportation section. Information is really important. As farmers, we do not always gather all the information that we need, and so the important role of the United States Department of Agriculture to be able to gather that information and provide information to producers, to distributors, so they have an understanding of what is going on, so that they can take things into their own hands and be proactive, is, in theory, very important.

I, of course, also, in my current at the Department of Food and Agriculture, work a lot with our sister agencies. I know how valuable it is, as an ag agency, to work under sister agencies to help them as they are weighing different ideas and concepts, and to, again, bring that voice of farmers, of processors, of distributors, in this case, and what we are hearing from the ground.

Senator BRAUN. Thank you for that answer. Then on another topic, the USDA collected nearly \$1 billion in mandatory fees from American farmers. As one who is concerned, again, about how you would use those fees, and in the context of, you know, concentration within the industry, I am curious to see what your position would be, and that of Secretary Vilsack, on how you use these checkoff fees to where they are going to truly benefit the farmer, the producer.

Ms. MOFFITT. Yes, thank you for that question. I know, as a farmer who paid into marketing orders, and to the walnut marketing order, how important those marketing orders can be to us. In the walnut industry, at least, and I hope you all know how walnuts help promote heart health, brain health, all of that research was funded through our marketing order fees.

While I do not have full understanding yet, because I am not in the position of what those fees currently do, certainly I commit to understanding your concern and your question about that and looking into it and ensuring that the work that the United States Department of Agriculture, should I be confirmed, is servicing the needs of customers.

Senator BRAUN. Thank you. One quick question, and you can keep the answer, because I am almost out of time. When it comes to finding new revenue sources for farmers, including organic markets, how would you use your position to foster what is important for any business, regardless of what you are in, and that is not to rely on what you are doing necessarily in the moment to pay the bills, to look for other ways of earning money down the road?

Ms. MOFFITT. Yes, I do not know if I can go ahead and answer that question, but I am happy to. I think that the role of farmers in marketing products is important, and the role of, in this case, of the United States Department of Agriculture in supporting farmers and ranchers is a really important thing.

I have been benefited from the work and the partnership with USDA, with Agricultural Marketing Services, again as an organic producer with the national organic program. Standards and regulations, regulatory developments can actually level the playing field, even the playing field, and, of course, you know, generate a fair and more competitive market.

Senator BRAUN. Thank you.

Chairwoman STABENOW. Thank you very much, and I believe that we have no further Senators that are going to be able to join us this morning, so I want to thank you again, Ms. Moffitt, for your testimony today. We have talked about the task ahead, if you are confirmed, to lead the Marketing and Regulatory Program mission area at USDA. More than any particular single function of your job there, the role is going to be about helping the diversity of our food system flourish. The job is going to be about working to make sure those producers who have the tools and resources they need to be successful, and if they do not, working to meet those needs quickly and efficiently.

I believe you are the right person to lead that effort, and am pleased to support you.

This concludes today's hearing. The record will remain open until tomorrow at 5 p.m. for members to submit additional questions or statements. The hearing is adjourned.

[Whereupon, at 11:01 a.m., the Committee was adjourned.]

A P P E N D I X

JULY 15, 2021

Opening Statement of Jennifer Lester Moffitt Before the Senate Committee on Agriculture,
Nutrition, and Forestry
June 15, 2021

Chairwoman Stabenow, Ranking Member Boozman and members of the Committee:

Thank you for the opportunity to be with you today. As someone who grew up on my family's organic walnut farm, this opportunity is something I've only dreamed of. It is an honor and I am humbled.

I want to thank President Biden for his confidence in me to serve as Under Secretary for Marketing and Regulatory Programs at the United States Department of Agriculture and for his leadership in rebuilding an America that serves all Americans. I also want to thank Secretary Vilsack for his leadership and his vision to further strengthen our food systems and make them even more resilient and inclusive. Finally, I'd like to thank the Senate Committee on Agriculture, Nutrition, and Forestry, for its leadership and advocacy on behalf of farmers, ranchers, consumers, and the food supply chain.

My roots are in agriculture. As a kid, I would walk the orchard with my dad after dinner to change the irrigation system. I grew up spending spring breaks painting the trunks of our young walnut trees to prevent sunburn. I grew up raising market lambs in 4-H and FFA and planting buffer strips in our orchard to attract beneficial insects. And as someone who ran the family farm and processing operation for 10 years, I know first-hand the worry farmers face about losing a crop to disease or a weather event - or losing an important market. I also know how deeply farmers care about their communities and passing on their knowledge to the next generation.

After college, I was fortunate to work for American Farmland Trust and learn first-hand from farmers across the country about the passion they had for the land and challenges they faced. I worked with farmers in California on voluntary land conservation, helped with farm transition planning in Minnesota, and researched and wrote about the importance of special micro-climates for red tart cherries in Michigan.

Through these experiences, I gained an appreciation for the diversity of American agriculture: diversity in geography, crop, size, scale, and more. And I learned the importance of considering that diversity and the complexity it brings in the policy-making process.

When my dad asked me to return to the farm to help with sales and marketing, I did so because I believed in what we were doing: producing healthy food, growing new markets for local producers, developing sustainable farming practices, and helping to bolster the economic livelihood of my hometown. I helped shepherd our farming operation through the recession, building valuable partnerships with other producers and with USDA to address trade restrictions, expand new markets, and persevere.

One of the hardest decisions I made was leaving the farm to work for the California Department of Food and Agriculture, but I viewed it as an important opportunity to serve rural communities, the public, and the agricultural industry.

My work at CDFA has given me the opportunity to understand and shape the role that government can play in supporting agriculture, ensuring that farmers and ranchers have a seat at the table, and ensuring that we take an inclusive approach to solving problems.

At CDFA, I've been able to partner with other government agencies and lawmakers, with the agricultural industry, nonprofits and community organizations to address some of the biggest challenges facing our state, the nation, and the world: drought and the effects of climate change, healthy soils and conservation agriculture, animal and plant health issues, and more. And each day I carry with me my experience of running the farm to ensure that this perspective is reflected in the policies that are developed.

During the COVID-19 public health crisis, our work has been focused on healthy food access, fostering a resilient food system, and ensuring the safety of farm workers. It has taken partnership, it has taken working together, and it has taken adopting a whole systems approach because no one strategy could tackle the complexity of the challenges farmers were facing.

And that's a lesson I first learned from my dad on the farm: that when you are facing a problem - a pest or a disease, for example - it's important to understand why that problem came about in the first place and to find solutions using experience, science, and data.

I've also learned lessons from my mom, a public school teacher, about the importance of lifelong learning. In fact, education runs in the family and my husband, an elementary school principal, has shown me the value of learning from those around us. It's important to me to seek out new ideas and approaches, and to push ourselves to think differently and creatively.

If confirmed, these are the lessons I bring with me: I will listen and learn from people in agriculture and the food system around the country, and I will take a whole systems approach.

Before closing, I also want to share something I've learned from my 12-year old daughter. She has taught me a great deal about tenacity and caring for others. Her determination and big heart inspire me daily. Should I have the honor of being confirmed, I'll bring that same determination and heart to the job at USDA.

I care deeply about American agriculture. I know first-hand the struggles that farmers and ranchers face, and I know how important farmers, ranchers and processors are to the communities they serve. I know the importance of a resilient, equitable food system for consumers and producers. If confirmed, I will work tirelessly to serve them, to listen, to champion their hard work and resilience, and to ensure that USDA does all that it can to support them. I will do whatever I can to bring people together to solve tough issues because we do our best work when we work together.

Thank you for your time and I welcome the chance to answer your questions.

**DOCUMENTS SUBMITTED FOR THE
RECORD**

JULY 15, 2021

California Agricultural Commissioners and Sealers Association



May 5, 2021

The Honorable Debbie Stabenow
Chair
U.S. Senate Committee on Agriculture,
Nutrition and Forestry
328A Russell Senate Office Building
Washington, DC, 20510

The Honorable John Boozman
Ranking Member
U.S. Senate Committee on Agriculture,
Nutrition and Forestry
328A Russell Senate Office Building
Washington, DC, 20510

Josh Huntsinger, President
Placer County
Agricultural Commissioner /
Sealer of Weights & Measures

Rick Gurrola, President-Elect
Shasta County
Agricultural Commissioner /
Sealer of Weights & Measures

Lisa Herbert, Vice President
(Agriculture)
Sutter County
Agricultural Commissioner /
Sealer of Weights & Measures

Bobbie Wilhite, Vice President
(Weights & Measures)
San Bernardino County
Agricultural Commissioner /
Sealer of Weights & Measures

Tom Tucker, Treasurer
Tulare County
Agricultural Commissioner /
Sealer of Weights & Measures

Marcie Skelton, Secretary
Glenn County
Agricultural Commissioner /
Sealer of Weights & Measures

Tim Pelican
Immediate Past President
San Joaquin County
Agricultural Commissioner /
Sealer of Weights & Measures

Sandy Ellen, Executive Director
P.O. Box 2205
Hanford, CA 93232
(707) 235-8135
sellen@cacasa.org

Dear Chairwoman Stabenow and Ranking Member Boozman:

On behalf of the California Agricultural Commissioners and Sealers Association it is with great enthusiasm that we support President Biden’s nomination of Jenny Lester Moffitt as Undersecretary for Marketing and Regulatory Programs at the United States Department of Agriculture. As a walnut farmer and regulatory official with the California Department of Food and Agriculture (CDFA), Jenny is a highly qualified nominee to oversee two important federal agencies to California agriculture namely, the Agricultural Marketing Service and the Animal and Plant Health Inspection Service.

Specifically, in her current role as Undersecretary at CDFA, Jenny actively engages stakeholders on issues important to farming and ranching, including water policy, climate change, land use and food security issues. During this past year, Jenny was instrumental in the development of the Housing for the Harvest Program. She connected local governments, community based organizations and other State agencies with the goal of providing housing and wrap-around services to farmworkers and their families who contracted COVID-19 and needed a place to self-isolate.

Each California County Agricultural Commissioner (CAC) is charged with the protection of California agriculture, the environment, as well as the public's health and safety. We manage programs designed to achieve our mission through a combination of public outreach, industry education, and regulatory enforcement. Programs fulfilled by CAC’s include: Pest Exclusion, Pest Detection, Pest Eradication, Pest Management, Pesticide Enforcement, Seed Certification, Nursery Inspection, Fruit/Nuts/Vegetable Standardization, Egg Inspection, Apiary Inspection and Crop Statistics. Through the issuance of phytosanitary trade certificates CAC’s facilitate agricultural trade & enhance global competitive advantages for U.S. producers.

Again, it is a privilege to support the nomination of Jenny Lester Moffitt as Undersecretary for Marketing and Regulatory Programs at the United States Department of Agriculture.

Sincerely,


Josh Huntsinger
President



June 8, 2021

U.S. Senator Debbie Stabenow
Chair, U.S. Senate Committee on Agriculture, Nutrition & Forestry
328A Russell Senate Building
Washington, D.C. 20510

RE: Nomination of Jenny Lester Moffitt as USDA Marketing and Regulatory Programs Undersecretary

Dear Senator Stabenow and Committee Members:

CROPP Cooperative | Organic Valley supports the nomination of Jenny Lester Moffitt as USDA Marketing and Regulatory Programs Undersecretary.

Ms. Moffitt offers a wealth of experience, serving in leadership at the California Department of Food and Agriculture and bringing her practical knowledge of owning and operating a walnut ranch in California. Her intersection with numerous segments of agriculture as well as companies throughout the supply chain position her to successfully guide the Marketing and Regulatory Programs mission area of USDA.

Organic Valley sources milk from 18 dairy farms in California and has had the opportunity to work directly with Ms. Moffitt in recent years.

In particular, we collaborated with Ms. Moffitt and other stakeholders to support development of alternate nutrient management options that offer climate mitigation opportunities to dairy producers. Additionally, our staff worked directly with Ms. Moffitt during California's 2018 Global Climate Action Summit, in which an organic dairy, the Bordessa Family Dairies - Ocean Breeze Dairy of Sonoma County, was showcased as part of the "Scaling Up Climate Smart Agriculture" event during the Summit. Ms. Moffitt spearheaded the event and was able to help frame for guests the contributions value-added dairy farms can offer in adapting and leading in climate-smart farming.

CROPP Cooperative | Organic Valley strongly urges the Committee to support the nomination of Ms. Moffitt. We welcome any questions from Senate leadership on our experiences in working with the nominee and more broadly the needs and opportunities of the organic dairy sector generally.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Warthesen'.

Adam Warthesen
Director of Government & Industry Affairs

Organic Valley |CROPP Cooperative (CROPP) was established in 1988 with seven founding farmers and, since then, has grown into America's largest cooperative of certified organic farmers, with nearly 1,800 farms in 34 U.S. states, as well as in Canada, Australia, and the United Kingdom. The co-op maintains processing operations in three states and employs 950 people nationwide.



A family of *Growing* companies.

July 14, 2021

The Honorable Debbie Stabenow
Chairwoman
Senate Agriculture, Nutrition, &
Forestry Committee
U.S. Senate
Washington, DC 20510

The Honorable John Boozman
Ranking Member
Senate Agriculture, Nutrition, &
Forestry Committee
U.S. Senate
Washington, DC 20510

Dear Chairwoman Stabenow and Ranking Member Boozman:

On behalf of Grimmway Farms, I am pleased to support the nomination of Jenny Lester Moffitt to serve as Undersecretary for Marketing and Regulatory Programs at the United States Department of Agriculture.

Headquartered in California, Grimmway Farms is a global produce leader and the world's largest producer of carrots. Grimmway supplies more than 65 organic, USA-grown crops and brands include Cal-Organic Farms and Bunny-Luv. Grimmway has always been committed to caring for customers and employees, honoring sustainable practices and preserving natural resources for future generations.

As you are aware, Ms. Moffitt currently serves as Undersecretary of the California Department of Food and Agriculture. Her leadership in California has been appreciated by the industry statewide and will be an asset to this nation as she leads the USDA Marketing and Regulatory Program. Both her personal and professional experience in agriculture will bring a fresh and unique perspective to the job and we look forward to continuing our collaborative work with her.

Jenny Lester Moffitt is the best choice to take the helm as Undersecretary for Marketing and Regulatory Programs and I ask that you support her nomination. Should you or your staff have any questions, please contact Grimmway's Vice President of Government and Public Affairs Dana Brennan at (661) 855-8985.

Kind regards,

Jeff Huckaby, President & CEO
Grimmway Farms and Cal-Organic Farms

July 14, 2021

The Honorable Debbie Stabenow
Chairwoman
Senate Agriculture, Nutrition, &
Forestry Committee
U.S. Senate
Washington, DC 20510

The Honorable John Boozman
Ranking Member
Senate Agriculture, Nutrition, &
Forestry Committee
U.S. Senate
Washington, DC 20510

Dear Chairwoman Stabenow and Ranking Member Boozman:

We, the undersigned organizations, representing a broad and diverse group of the agriculture industry are pleased to support the consideration for Jenny Lester Moffitt, who currently serves as Undersecretary of the California Department of Food and Agriculture, to serve as Undersecretary for Marketing and Regulatory Programs at the U. S. Department of Agriculture.

We greatly appreciate your efforts to directly engage our organizations, and our members as you work to develop policies that will have direct impact on our food and agriculture supply chain, and our consumers. This engagement has been vital to ensuring that the policies the administration pursues reflects the needs of our collective industries.

As you continue your efforts to work to engage our industry on challenges our food supply chain faces, it will be important to have a voice like Undersecretary Moffitt who knows the vast array of issues our members deal with on a daily basis. Her leadership at the California state level and ability to address a wide variety of challenges while engaging stakeholders, is exactly the approach and leadership our industry needs in the Marketing and Regulatory Program space. Through her expertise on issues related to pest management, both from her personal and professional experience and her experience with dealing with issues related to COVID-19, water quality or farmworker housing and safety, Mrs. Moffitt has a proven record of always bringing affected parties together to find a solution.

Given her experience and expertise, Jenny Lester Moffitt is the best choice to deal with the immense challenges the agricultural industry faces in the years ahead. We strongly recommend her for your consideration.

Sincerely,

Agricultural Council of California
Agricultural Retailers Association
Almond Alliance of California
AMCOT
American Farm Bureau Federation
American Mushroom Institute
American Seed Trade Association
American Soybean Association
AmericanHort
Association of California Egg Farmers
Biotechnology Innovation Organization
Blue Diamond Growers
California Agriculture Export Council

California Agricultural Irrigation Association
California Alfalfa and Forage Association
California Apple Commission
California Association of Wheat Growers
California Association of Winegrape Growers
California Bean Shippers Association
California Blueberry Commission
California Canning Peach Association
California Cattlemen's Association
California Citrus Mutual
California Farm Bureau Federation
California Farmland Trust
California Fig Advisory Board
California Fresh Fig Growers Association
California Fresh Fruit Association
California Grain and Feed Association
California League of Food Producers
California Pork Producers Association
California Poultry Federation/Northwest Chicken Council
California Seed Association
California State Beekeepers Association
California State Floral Association
California Strawberry Commission
California Sweet Potato Council
California Table Grape Commission
California Warehouse Association
Center for Land-Based Learning
Corn Refiners Association
Cotton Grower Warehouse Association
CropLife America
Dairy Institute of California
Florida Citrus Mutual
Florida Fruit and Vegetable Association
Florida Tomato Exchange
Georgia Fruit and Vegetables Growers Association
Grower-Shipper Association of Central California
Idaho Potato Commission
International Dairy Foods Association
Iron Horse Vineyards
Milk Producers Council
National Association of Perishable Agricultural Receivers
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Cotton Council
National Council of Farmer Cooperatives
National Grain and Feed Association
National Milk Producers Federation

National Onion Association
National Peach Council
National Pork Producers Council
National Sorghum Producers
National Turkey Federation
National Watermelon Association
New York Apple Association
New York State Vegetable Growers
North American Blueberry Council
North American Strawberry Growers Association
Northwest Horticultural Council
Ohio Apple Marketing Program
Olive Growers Council of California
Organic Trade Association
Pacific Egg & Poultry Council
Pesticide Applicators Professional Association
Plant California Alliance
Potato Growers of Michigan
Produce Marketing Association
Rural & Agriculture Council of America
Society of American Florist
Sunkist Growers, Inc.
Texas Citrus Mutual
Texas International Produce Association
U.S. Apple Association
United Fresh Produce Association
US Cattlemen's Association
US Sweet Potato Council
USA Rice
Western Growers



July 12, 2021

The Honorable Debbie Stabenow
 Chairwoman
 Senate Committee on Agriculture
 328A Russell Senate Office Building
 Washington, DC 20510

The Honorable John Boozman
 Ranking Member
 Senate Committee on Agriculture
 328A Russell Senate Office Building
 Washington, DC 20510

Dear Chairwoman Stabenow and Ranking Member Boozman:

The National Cattlemen's Beef Association (NCBA) supports the nomination of Jennifer Moffitt to serve as Undersecretary of Marketing and Regulatory Programs (MRP) at the U.S. Department of Agriculture (USDA). NCBA is the oldest and largest national trade association representing the interest of cattle producers, with both direct members and over 250,000 members represented through its 44 state affiliate associations.

The Undersecretary of Marketing and Regulatory Programs oversees two agencies upon which cattle producers heavily rely: the Agricultural Marketing Service (AMS) and the Animal and Plant Health Inspection Service (APHIS). AMS is home to the Livestock and Poultry Program, which reports essential cattle market information under Livestock Mandatory Reporting, and the Fair Trade Practices Program which oversees the Packers and Stockyards Division. APHIS is the umbrella entity for a host of program areas important to cattle producers, including Animal Care, Veterinary Services, International Services, and Wildlife Services.


Both agencies are currently navigating multiple industry discussions on several critical issues, such as Packers and Stockyards Act enforcement, cattle market transparency issues, animal disease preparedness, National Animal Vaccine and Veterinary Countermeasures Bank implementation, and robust animal disease traceability. Permanent leadership in the MRP mission area is critical to guide the agencies as they maneuver these complex dialogues.

As Undersecretary for the California Department of Food and Agriculture, Mrs. Moffitt has advocated for robust markets to strengthen the agricultural sector of the California economy. Prior to her appointment to that role, she served on the Central Valley Regional Water Quality Control Board, where she navigated diverse discussions on water policy—a crucial component of agriculture resiliency in her state. In addition to her time spent in public service, she was raised on her family's organic walnut farm. She later managed that operation for over ten years. Her direct experience in both production agriculture and public policy makes her an ideal candidate for this position.

Fully staffed leadership at USDA ensures that cattle producers can maintain steady access to critical AMS and APHIS programming. NCBA urges the Committee to support

Jennifer Moffitt's nomination and calls upon the full Senate to confirm her to this critical role without delay.

Sincerely,

A handwritten signature in black ink, appearing to read 'EKL', written in a cursive style.

Ethan Lane
Vice President, Government Affairs
National Cattlemen's Beef Association



May 4, 2021

The Honorable Debbie Stabenow
 Chairwoman
 Senate Agriculture Committee
 328A Russell Senate Office Bldg
 Washington, DC 20510

The Honorable John Boozman
 Ranking Member
 Senate Agriculture Committee
 328A Russel Senate Office Bldg
 Washington, DC 20510

Re: Nomination for Under Secretary for Rural Development – Jenny Lester Moffitt

Dear Chairwoman Stabenow and Ranking Member Boozman:

On behalf of the members of Western Growers, I am pleased and proud to provide this letter supporting the nomination of Jenny Lester Moffitt to serve as Under Secretary for Marketing and Regulatory Programs. Western Growers Association is an agricultural trade association headquartered in Irvine, California. Western Growers members are small, medium and large-sized businesses that produce, pack and ship fruits, vegetables and tree nuts. All our members are headquartered in our home states of California, Arizona, Colorado and New Mexico but Western Growers members produce in – and directly contribute to the economies of – 29 states overall. In total, our members account for nearly half of the annual fresh produce grown in the United States.

We will talk about Jenny's record of public service, but I wanted to talk about her upbringing first. Jenny was raised on her parent's farm outside of Winters, California. When Jenny was old enough she took part in the family business and eventually ran the farm as the general manager for a decade. I mention her background because we know that has given her particular insight into the trials and tribulations of being a farmer. Due to her upbringing during her years of public service in Sacramento, Jenny has shown a great ability to marry public policy objectives with the practical realities of farming. She has many other traits and qualities but growing up on a farm and then running it provides insight that will serve the Department of Agriculture and the whole nation well.

Jenny served in Sacramento in the California Department of Agriculture as the Deputy Secretary and currently serves as the Undersecretary. In that capacity she has helped to oversee the nation's largest agricultural state. As the Committee knows California represents roughly 13% of the nation's total agricultural receipts and has the nation's most diverse agricultural sector. California also ranks first in terms of total agricultural exports in the country with nearly 40% of all agricultural production in the state heading for export markets around the globe. In her time in leadership in Sacramento Jenny has helped to create collaborations on a wide variety of topics spanning water quality challenges in the state, food safety issues, the state's climate change efforts related to agriculture, strengthening organics and has been involved in international trade. She is thus well positioned to knowledgeably engage upon the very diverse mission area that the



Undersecretary for Marketing and Regulatory Programs manages. Collaboration is something I want to highlight in terms of Jenny's skills. As part of California's response to the COVID-19 pandemic, Jenny was given the responsibility to stand up the "Housing for the Harvest" program

which helps to provide housing for COVID-19 sick and exposed workers when they otherwise wouldn't have a place to quarantine. Farmworkers needed to get quarantine housing and not all California farmers could afford to provide that type of housing for impacted workers. Jenny rallied farmers, farmworker advocates, different state agencies within and outside her Department as well as local governments to get the program up and running. The amount of collaboration necessary across multiple stakeholders, several state government agencies and local governments is impressive. We believe it illustrates how dogged she is as well as how skilled she is in engaging with such a diverse group in order to accomplish a potentially lifesaving goal and should serve as strong endorsement of her for this Committee.

Finally, I would note that during her years in Sacramento Jenny helped to manage a department with thousands of employees. Her ability as a manager during tough budgetary times in the state has shown through and directly translates to her ability to run this part of USDA.

I strongly urge the Senate to confirm her to this position.

Thank you for considering her nomination.

Sincerely,

Dave Puglia
President and CEO

cc Senator Dianne Feinstein
Senator Alex Padilla

**U.S. SENATE COMMITTEE ON AGRICULTURE, NUTRITION & FORESTRY
Questions for Executive Nominees
117th Congress**

1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Under Secretary, Marketing and Regulatory Programs, USDA	April 27, 2021

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Jennifer	Lester	Moffitt	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 1220 N Street		
City: Davis	State: CA	Zip: 95616	City: Sacramento	State: CA	Zip: 95694

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if Maiden Name</small>	<u>Name Used From</u> (Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Jennifer	Anne	Lester			1980 Est <input checked="" type="checkbox"/>	07/2005 Est <input checked="" type="checkbox"/>
Baby Girl		Lester			1980 Est <input type="checkbox"/>	03/1980 Est <input checked="" type="checkbox"/>

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
1980	Woodland, California

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married	Married	Separated	Annulled	Divorced	Widowed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Spouse's Name</i> (current spouse only)			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
Gregory	Joseph	Moffitt	

<i>Spouse's Other Names Used</i> (current spouse only)						
First Name	Middle Name	Last Name	Suffix	<small>Check if Maiden Name</small>	Name Used From (Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
First Name	Middle Name	Last Name	Suffix

2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
Brown University	University	09/1998 Est <input type="checkbox"/>	05/2002 Est <input type="checkbox"/> Present <input type="checkbox"/>	Bachelors	05/2002
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>		

3. Employment

(A) In reverse chronological order, list all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other)	Name of Your Employer/Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed)
State Government	State of California, Department of Food and Agriculture	Undersecretary	Sacramento, CA	02/2018 Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input checked="" type="checkbox"/>
State Government	State of California, Department of Food and Agriculture	Deputy Secretary	Sacramento, CA	02/2015 Est <input type="checkbox"/>	02/2018 Est <input type="checkbox"/>
Non-Government Employment	Dixon Ridge Farms	Managing Director	Winters, CA	07/2006 Est <input checked="" type="checkbox"/>	02/2015 Est <input type="checkbox"/>
Non-Government Employment	Dixon Ridge Farms	Sales and Marketing Director	Winters, CA	10/2004 Est <input checked="" type="checkbox"/>	07/2006 Est <input type="checkbox"/>
Non-Government Employment	American Farmland Trust	Education, Outreach, and Research Specialist	Northampton, MA	03/2004 Est <input type="checkbox"/>	09/2005 Est <input type="checkbox"/>
Non-Government Employment	American Farmland Trust	Land Projects Coordinator	Davis, CA	06/2002 Est <input type="checkbox"/>	03/2004 Est <input type="checkbox"/>
Unemployment				05/2002 Est <input type="checkbox"/>	06/2002 Est <input type="checkbox"/>
Non-Government Employment	Brown University	Student Manager	Providence, RI	09/1999 Est <input type="checkbox"/>	05/2002 Est <input type="checkbox"/>
Non-Government Employment	Audubon Society	Legislative Intern	Sacramento, CA	6/2001	8/2001
Non-Government Employment	National Institutes of Health, Aging Institute	Summer Intern	Bethesda, MD	6/1999 Est <input type="checkbox"/>	8/1999 Est <input type="checkbox"/>

				Est <input type="checkbox"/>	Est <input type="checkbox"/>
--	--	--	--	---------------------------------	---------------------------------

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	Est <input type="checkbox"/>	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)	Est <input type="checkbox"/>	Present <input type="checkbox"/>
Water Quality Control Board, Central Valley	Board Member	1/2012	<input type="checkbox"/>	2/2015	<input type="checkbox"/>	<input type="checkbox"/>
Department of Food and Agriculture	California Organic Products Advisory Committee	11/2010	<input type="checkbox"/>	2/2015	X	<input type="checkbox"/>
Food Safety Working Group	Walnut Marketing Board	2009	<input checked="" type="checkbox"/>	2015	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

- State FFA Degree, 1997
- College Scholarships: Soroptimist, Robert C. Byrd Scholarship, Brown University Scholarship (1998-2002)
- California Scholarship Federation, Honor Society, 1998
- Roots of Change Fellowship, 2007
- California Agricultural Leadership Fellowship, 2016-18

5. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam’s Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
West Plainfield 4-H, Yolo County	2017-present	Project leader for the public speaking project Chaired the Yolo County Presentation Day in 2021 Auction committee, 2019
California Agricultural Leadership Foundation	2016-present	Fellow in Class 47; alumni; Class Liaison.
CCOF	2013-2015	Board Member
Organic Trade Association	2013-2015	Farmer advisory council
Brown University	2002-present	Alumni (2002-present) Reunion Gift Committee, 2007, 2012, 2017 Area Chair, Alumni Interviewing, 2008-2011

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

Yes No (If yes, please complete the chart below)

<u>Name of Office</u>	<u>Elected/Appointed/Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>
Undersecretary, Department of Food and Agriculture	Re-Appointed	2019	NA
Undersecretary, Department of Food and Agriculture	Appointed	2018	NA
Deputy Secretary, Department of Food and Agriculture	Appointed	2015	NA

Member, Central Valley Regional Water Quality Control Board	Re-Appointed	2012	4 years
Member, Central Valley Regional Water Quality Control Board	Appointed	2012	11 months (remainder of vacated 4-year term)

(B) List any offices held in or services rendered, including volunteer services, to a political party or election committee during the last 10 years that you have not listed elsewhere.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
Jennifer Brunner Committee and O'Donnell for Justice	Letter writer	Wrote letters to voters in Ohio supporting Ohio Supreme Court candidates John O'Donnell and Jennifer Brunner	10/2020
West Yolo Democratic Club	Fundraiser helper	Helped with set up, clean up and general event organization	2013, 2017 and 2019
West Yolo Democratic Club	Speaker	Spoke at two fundraiser events	8/2017 and 8/2019
Democrats of Napa Valley	Speaker	Spoke at Climate of Action Symposium	10/2019

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Biden for President	\$250	2020

7. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with all listed publications via email or other digital format and list all required publications even if no copy of the publication is available to provide.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
Rose Parade a grand California Grown tradition https://www.floraldaily.com/article/9176757/rose-parade-a-grand-california-grown-tradition/	Floral Daily	January 3, 2020
Rose Parade a grand California Grown tradition https://plantingseedsblog.cdfa.ca.gov/wordpress/?p=19932	CDFA Planting Seeds Blog	January 2, 2020
Not just a bunch of hot air – methane reduction projects making significant difference in combating climate change https://plantingseedsblog.cdfa.ca.gov/wordpress/?p=17884	CDFA Planting Seeds Blog	June 3, 2019
Woodland’s California Ag Museum in an exciting time of transition http://plantingseedsblog.cdfa.ca.gov/wordpress/?p=9676	CDFA Planting Seeds Blog	November 10, 2015
GMO Testing Pilot Project to ensure compliance with National Organic Program https://plantingseedsblog.cdfa.ca.gov/wordpress/?p=9606	CDFA Planting Seeds Blog	October 26, 2015
Drought response efforts making a difference in hardest-hit rural communities https://plantingseedsblog.cdfa.ca.gov/wordpress/?p=8823	CDFA Planting Seeds Blog	June 25, 2015

(B) List any formal speeches you have delivered during the last 10 years relevant to the position to which you have been nominated, and all speeches you have delivered related to any topic for the last five years. Include any testimony to Congress or any other legislative or administrative body. Please provide the Committee with copies of all listed speeches via email or other digital format and list all known required speeches even if no copy is available to provide.

Please see the attachment of all speeches and presentations. Dates of presentation are included and links to relevant supporting information are provided, if available. If further information is required, please advise.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>

Attachment to Core Questionnaire for Jenny Lester Moffitt
Speeches and Presentations

Where online records exist of the presentation or materials, the link is provided. Where presentation/speech transcripts or files are available, it is noted and the files have been sent to the Committee.

Title/Topic	Place/Audience	Date(s) of Speech
Presentation to California State Board of Food and Agriculture on Governor Newsom's 2021 May Revision Budget <i>Presentation available</i>	California State Board of Food and Agriculture, virtual presentation	June 2021
Climate, Justice and Jobs Summit – Establishing a Baseline Understanding: Climate, Justice and Jobs <i>Presentation available</i>	Valley Vision, virtual presentation	March 2021
Virtual Dialogue: Nature-based Climate Solutions - A Subnational Perspective from the US and China https://www.youtube.com/watch?v=ZIU0thT8hVo <i>Presentation available</i>	California-China Climate Institute at UC Berkeley, virtual presentation	February 2021
Department Budget Presentation to State Assembly Budget Subcommittee No. 3 https://www.assembly.ca.gov/media/assembly-subcommittee-3-climate-crisis-resources-energy-transportation-20210224/video (testimony begins at 1:42:00)	State Assembly Budget Subcommittee No. 3, Sacramento, CA	February 2021
Moderated panel: Soil Health and Water Conservation: Exploring effective practices	CA Dairy Sustainability Summit, virtual conference	November 2020
California Climate Policy Update https://www.youtube.com/watch?v=HJEuhmCdTR4	Navigating the American Carbon World Conference 2020, virtual conference	October 2020
Farming in a Pandemic: Policy Responses in California https://www.youtube.com/watch?v=FiYV0VURiWs	American Farmland Trust, virtual presentation	May 2020
Coffee with a Farmer https://www.youtube.com/watch?v=FUgHzv7xSow	Center for Land Based Learning, virtual presentation	May 2020
Presentation on California's policy on soil health and carbon sequestration in soils related to agriculture. <i>Presentation available</i>	"4 for 1000" Initiative North American Regional Meeting, virtual presentation	May 2020
UC Davis Savor Lecture Series. Panelist for "Food Shortages in a Pandemic" https://video.ucdavis.edu/media/Expert+Panel+++SavorA+Food+Shortages+in+a+Pandemic%2C+May+12%2C+2020/0_opnsnzms/166070172	UC Davis, virtual presentation	May 2020
Panelist for Sustainable Groundwater Management Act: What You Need to Know session	Unified Wine and Grape Symposium, Sacramento, CA	February 2020
Moderator for "Climate Change and California Agriculture: What It Means to All of Us" panel	Planning & Conservation League Annual Conference, Sacramento, CA	January 2020
Presentation on dairy digesters <i>Presentation available</i>	Renewable Gas 360 Conference, Sacramento, CA	January 2020
California Walnut Conference, opening remarks	California Walnut Conference, Yuba City, CA	January 2020

USDA Climate Hub event: 'Farming in the New Normal: A Workshop on Climate and Agriculture in Solano County' Keynote address: The world needs you- the role of agriculture in climate mitigation <i>Presentation available</i>	USDA Climate Hub, Vacaville, CA	January 2020
Panel participant: "Adaptability is Critical: How Will Ag Survive and Thrive with Increasing Challenges?" Spoke on water resiliency portfolio	Sustainable Ag Expo & International Sustainable Winegrowing Summit, San Luis Obispo, CA	November 2019
Panelist for "Farming for carbon, soil health and economic gains" session	Natural Climate Solutions Symposium, Sacramento, CA	November 2019
Panelist for "Implementation of the Governor's Executive Order, N-10-19" talking about the Governor's Water Resilience Portfolio	Water Boards Water Quality Coordinating Committee, Sacramento, CA	October 2019
Welcome remarks at 11 th Climate Smart Agriculture Webinar partnership between CDFA and Government of Denmark. Webinar focused on Anaerobic Digesters.	11 th Climate Smart Agriculture Webinar, virtual presentation	October 2019
California Foundation for Agriculture in the Classroom meeting, opening keynote	California Foundation for Agriculture in the Classroom, Rohnert Park, CA	October 2019
Panelist for "Climate-Smart Food and Agriculture"	Democrats of Napa Valley Climate of Action Symposium, Napa, CA	October 2019
Panelist for Food Choices San Francisco: The Nutritional and Environmental Impact of Our Food Choices https://www.youtube.com/watch?v=pceqJjOkYGA	Commonwealth Club, San Francisco, CA	September 2019
Keynote for 2nd Germany – California Bioenergy Symposium	2 nd Germany California Bioenergy Symposium, Sacramento, CA	September 2019
Closing remarks for UC Davis Seed Biotechnology Center's 20th Anniversary Celebration	UC Davis, Davis, CA	September 2019
CA State Water Board, Board Meeting Gave an update on the Healthy Soils Initiative and the new Federal-State On-Farm Compost Workgroup	State Water Resources Control Board, Sacramento, CA	August 2019
Welcome comments at California State Fair Ag Heritage Breakfast	California State Fair, Sacramento, CA	July 2019
California State Fair Press Conference: Best Of...top Wine, Beer, Cheese, and Extra Virgin Olive Oil	California State Capitol, Sacramento, CA	June 2019
Welcome comments at 1st Annual Scientific Summit on Dairy Methane Management Research	UC Davis, Davis, CA	June 2019
Welcome comments at California Association of Agricultural Commissioners & Sealers Spring Conference - General Assembly	California Association of Agricultural Commissioners & Sealers, Santa Cruz, CA	May 2019
Keynote at UC Davis Aligning the Food System Conference: Improved Nutrition in Animal Source Foods & Food Safety in Food Waste Solutions https://www.youtube.com/watch?v=YRpkIkaHPs8	UC Davis, Davis, CA	May 2019

2019 Navigating the American Carbon World Conference, panelist for California Policy Updates session <i>Presentation available</i>	Navigating the American Carbon World Conference, Los Angeles, CA	April 2019
Panelist at Regeneration Canada's Living Soils Symposium, Policy Updates session <i>Presentation available</i>	Regeneration Canada's Living Soils Symposium, Montreal, Canada	March 2019
Panelist at UC Davis Environmental Law Symposium, Agricultural Waste session <i>Presentation available</i>	UC Davis, Davis, CA	March 2019
California FFA Sacramento Leadership Experience, guest speaker	California FFA leadership conference, Sacramento, CA	March 2019
Capitol Farm Connection: Agricultural Council of California Podcast - "Meet Jenny Lester Moffitt, Undersecretary of CDFA" https://podcasts.apple.com/it/podcast/meet-jenny-lester-moffitt-undersecretary-of-cdfa/id1454855340?i=1000430900585	Podcast	February 2019
IPM Achievement Awards ceremony, welcome comments	CalEPA, Sacramento, CA	February 2019
Event panelist for "Policymaker Panel: Bridging local and state food and farming policy"	California Food and Farming Network, Sacramento, CA	January 2019
Organic Grower Summit, opening remarks	Organic Grower Summit, Monterey, CA	December 2018
Panelist: "Encouraging Sustainable Food Production a Workable Regulatory Approach" https://www.youtube.com/watch?v=UjFgiM287vw&list=PL5MrsWSxgFalKXtHIdNAkx86VZqgJRZc&index=6	California Dairy Sustainability Summit, Sacramento, CA	November 2018
OSC2 Fall Partner Event! Future of Food: Climate Wins, Panelist: "Future of Food: Climate Wins Evening Program"	Climate Collaborative and OSC2, Berkeley, CA	October 2018
Calgren Dairy Fuels Ribbon Cutting, remarks	Pixley, CA	October 2018
State Board of Food and Agriculture, Presentation on Global Climate Action Summit <i>Presentation available</i>	CA State Board of Food and Agriculture, Sacramento, CA	October 2018
Environmental Law Conference, Panelist speaking on healthy soils <i>Presentation Available</i>	Tenaya Lodge at Yosemite, Fish Camp, CA	October 2018
North Coast Resource Partnership meeting, Panelist for State agency updates session	North Coast Resource Partnership, Weaverville, CA	October 2018
California State Fair Ag Heritage Breakfast, welcome comments	California State Fair, Sacramento, CA	July 2018
Scoop It Forward and Mural Ribbon Cutting event at Hilmar Cheese, remarks	Hilmar Cheese, Hilmar, CA	July 2018
French Embassy Soils Event, remarks <i>Presentation available</i>	French Embassy, Washington, DC	June 2018

Sacramento Food Policy Council community presentation on demystifying the federal Farm Bill	Sacramento Food Policy Council, Sacramento, CA	May 2018
American National Cattlemen's Assn. Region VI Meeting, lunch speaker	American National Cattlemen's Association, Monterey, CA	April 2018
NRCS "Partner Panel" for the pilot "The Effective District Conservationist" class	USDA, Davis, CA	April 2018
Panelist: California Policy Roadmap: The Updated Scoping Plan and Direction of State Agencies	Navigating the American Carbon World Conference, San Francisco, CA	April 2018
Coalition on Agricultural Greenhouse Gases (C-AGG) Meeting, presentation on California's climate smart agriculture programs	Coalition on Agricultural Greenhouse Gases, Sacramento, CA	April 2018
Riverside County Ag. Expo, opening remarks	Riverside County, CA	March 2018
California Healthy Soils Week event, moderator for legislative staff briefing https://ucanr.edu/blogs/blogcore/postdetail.cfm?postnum=25849&email=yes	California State Capitol, Sacramento, CA	December 2017
Oregon State Board of Agriculture Meeting, participated in policy update discussion	Food Innovation Center, Portland, OR	November 2017
Water Boards Water Quality Coordinating Committee (WQCC), Panelist on climate change session - presented on the state's Healthy Soils Program <i>Presentation available</i>	CA State Water Board, Sacramento, CA	October 2017
Biocycle Refor17 Conference, Panelist for dairy methane session <i>Presentation available</i>	Biocycle Refor17 Conference, Portland, OR	October 2017
43rd Annual California Association of Pest Control Advisors (CAPCA) Conference, remarks <i>Presentation available</i>	CAPCA Conference, Reno, NV	October 2017
California Foundation for Agriculture in the Classroom Conference, key note speaker	California Ag in the Classroom, Visalia, CA	July 2017
California Energy Commission IEPR Workshop in SB 1383, spoke on dairy methane	California Energy Commission, Sacramento, CA	June 2017
Panelist: A Closer Look at California's Tools for Addressing Climate Change Part 1	Navigating the American Carbon World Conference, San Francisco, CA	April 2017
Presentation: "In Pursuit of Sustainable Agriculture and Healthy Soils" <i>Presentation available</i>	4 th Rustici Rangeland Science Symposium, Davis, CA	March 2017
Pacific Seeds Association conference (keynote speaker)	Pacific Seeds Association, Palm Springs, CA	February 2017
California Air Resources Control Board Scoping Plan workshop Update on climate smart agriculture	California Air Resources Control Board, Sacramento, CA	January 2017

Joint USDA-NRCS and CDFA Summit "Building Partnerships on Healthy Soil" Presentation on the state's healthy soils initiative https://www.cdfa.ca.gov/ocfi/healthysoils/docs/JointUSDA-CDFA_SummitHealthySoils_SpeakerPresentations.pdf <i>Presentation available</i>	Sacramento, CA	January 2017
Presentation on the healthy soils initiative <i>Presentation available</i>	Sustainable Ag Expo, San Luis Obispo, CA	November 2016
Moderator: California's Healthy Soil Initiative: Research and Implementation	California Bioresources Alliance 11 th Annual Symposium, West Sacramento, CA	November 2016
State Fair Best of Awards press event	California State Capitol, Sacramento, CA	June 2016
Santa Barbara EconAlliance "Growing Possibilities" Regional Agriculture Forum, keynote speaker	Santa Barbara EconAlliance, Santa Maria, CA	February 2016
California Irrigation Institute 2016 Conference – "California's New Water Realities: Solving the Puzzle," keynote speaker	California Irrigation Institute, Sacramento, CA	January 2016
State Board of Food and Agriculture meeting, presentation on climate smart agriculture <i>Presentation available</i>	CA State Board of Food and Agriculture, Sacramento, CA	January 2016
Presentation at EcoFarm session: State Climate and Agriculture Programs - New Funding Opportunities and Proposed Initiatives	Ecological Farming Association, Pacific Grove, CA	January 2016
California Weed Science Society annual meeting, keynote speaker Keynote speaker	California Weed Science Society, Sacramento, CA	January 2016
Presentation to the California Bioresources Alliance on healthy soils	California Bioresources Alliance, Rancho Cordova, CA	November 2015
USDA National Organic Standards Board meeting, presented California Organic Update https://www.ams.usda.gov/sites/default/files/media/NOSB%20Transcript%20October%202015.pdf	USDA National Organic Standards Board, Stowe, VT	October 2015
California State Board of Food and Agriculture meeting, "Discuss Incentives for Greenhouse Gas Reductions," panel participant	California State Board of Food and Agriculture, Sacramento, CA	August 2015
Presentation to the Environmental Farming Act Science Advisory Panel on the healthy soils initiative	Sacramento, CA	May 2015
USDA National Organic Standards Board meeting, testified on rodent control and need for propane to be an allowed material. https://www.ams.usda.gov/sites/default/files/media/transcript3ga.pdf	USDA National Organic Standards Board, Savannah, GA	December 2011

8. Lobbying

In the past 10 years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



May 7, 2021

The Honorable Debbie Stabenow
Chairwoman
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
Washington, DC 20510

Dear Madam Chairwoman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Jennifer Moffitt, who has been nominated by President Biden for the position of Under Secretary for Marketing and Regulatory Programs, Department of Agriculture.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

David J. Apol
General Counsel

Enclosures



April 29, 2021

Mr. Stuart Bender
Designated Agency Ethics Official
U.S. Department of Agriculture
J.L. Whitten Building
Room 347-W
1400 Independence Avenue, SW
Washington, DC 20250

Dear Mr. Bender:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Under Secretary of Agriculture for Marketing and Regulatory Programs, U.S. Department of Agriculture. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified

Page 2 of 3

mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will receive a live ethics briefing from a member of the Office of Ethics after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13989) and that I will be bound by it. Among other obligations, I will be required to recuse from particular matters involving specific parties involving my former employer or former clients for a period of two years after I am appointed, with the exception of federal, state and local government.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – EMPLOYMENT RELATED INTERESTS

Upon confirmation, I will resign from my position with the California Department of Food and Agriculture. For a period of one year after my resignation, I will have a “covered relationship” under the impartiality regulation at 5 C.F.R. § 2635.502 with the California Department of Food and Agriculture. Pursuant to 5 C.F.R. § 2635.502(d), the agency will grant me a written authorization to participate personally and substantially in particular matters involving specific parties in which I know the California Department of Food and Agriculture is a party or represents a party. However, I understand that any authorization will not allow me to participate personally and substantially in any particular matter involving specific parties in which I previously participated as Undersecretary of the California Department of Food and Agriculture.

SECTION 3 – SPOUSE EMPLOYMENT

My spouse is employed by the Vacaville Unified School District in a position for which he receives a fixed annual salary. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for as long as my spouse continues to work for the Vacaville Unified School District, I will not participate personally and substantially in any particular matter involving specific parties in which I know the Vacaville Unified School District is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Page 3 of 3

SECTION 4 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Moffitt". The signature is written in a cursive style with a large initial "J".

Jennifer Moffitt

**Executive Branch Personnel
Public Financial Disclosure Report (OGE Form 278e)**

Filer's Information

Moffitt, Jennifer

Under Secretary of Agriculture for Marketing and Regulatory Programs, Department of Agriculture

Other Federal Government Positions Held During the Preceding 12 Months:
None

Names of Congressional Committees Considering Nomination:

- Committee on Agriculture, Nutrition, and Forestry

Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

/s/ Moffitt, Jennifer [electronically signed on 04/11/2021 by Moffitt, Jennifer in integrity.gov]

Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below).

/s/ Bender, Stuart, Certifying Official [electronically signed on 04/29/2021 by Bender, Stuart in integrity.gov]

Other review conducted by

U.S. Office of Government Ethics Certification

/s/ Apol, David, Certifying Official [electronically signed on 05/07/2021 by Apol, David in Integrity.gov]

1. Filer's Positions Held Outside United States Government

#	ORGANIZATION NAME	CITY, STATE	ORGANIZATION TYPE	POSITION HELD	FROM	TO
1	State of California, Department of Food and Agriculture	Sacramento, California	State Government	Undersecretary of Food and Agriculture	2/2018	Present

2. Filer's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	State of California, Department of Food and Agriculture	N/A		Salary	\$241,512
2	Roth IRA	No			
2.1	T. Rowe Price Spectrum Moderate Growth Allocation (TRSGX)	Yes	\$100,001 - \$250,000		None (or less than \$201)
3	State of California 457(b)	No			
3.1	Savings Plus - Target Date Fund 2045	Yes	None (or less than \$1,001)		None (or less than \$201)
3.2	Savings Plus - Socially Responsible Fund	Yes	\$100,001 - \$250,000		None (or less than \$201)
4	State of California 401(k)	No			
4.1	Savings Plus - Target Date Fund 2025	Yes	\$100,001 - \$250,000		None (or less than \$201)
4.2	Savings Plus - Target Date Fund 2030	Yes	\$1,001 - \$15,000		None (or less than \$201)
5	State of California, CalPERS (Defined Benefit Plan)	N/A	\$50,001 - \$100,000		None (or less than \$201)

3. Filer's Employment Agreements and Arrangements

#	EMPLOYER OR PARTY	CITY, STATE	STATUS AND TERMS	DATE
1	State of California 457(b)	Sacramento, California	I will continue to participate in this defined contribution plan. The plan sponsor will not make further contributions after my separation.	1/2011
2	State of California 401(k)	Sacramento, California	I will continue to participate in this defined contribution plan. The plan sponsor will not make further contributions after my separation.	1/2011
3	State of California (CalPERS)	Sacramento, California	I will continue to participate in this defined benefit plan..	2/2015

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
1	State of California, Department of Food and Agriculture	Sacramento, California	Undersecretary of Food and Agriculture

5. Spouse's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Vacaville Unified School District	N/A		salary	
2	Roth IRA	No			
2.1	T Rowe Price Spectrum Moderate Allocation Fund (TRPBX)	Yes	\$15,001 - \$50,000		None (or less than \$201)
3	Vacaville Unified School District (American Fidelity 457(b))	No			

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
3.1	American Funds IS Blue Chip Income and Growth Fund	Yes	\$15,001 - \$50,000		None (or less than \$201)
3.2	Vanguard Total Stock Market Index Portfolio	Yes	\$15,001 - \$50,000	cash payment	None (or less than \$201)
4	TIAA	No			\$505
4.1	CREF Stock R3	Yes	None (or less than \$1,001)		None (or less than \$201)
4.2	CREF Money Market R3	Yes	None (or less than \$1,001)		None (or less than \$201)
5	State of California - CalSTRS, defined benefit plan	N/A	\$100,001 - \$250,000		None (or less than \$201)

6. Other Assets and Income

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	U.S. bank #1 (cash)	N/A	\$50,001 - \$100,000	Interest	\$201 - \$1,000
2	U.S. bank #2 (cash)	N/A	\$1,001 - \$15,000		None (or less than \$201)
3	U.S. bank #3 (cash)	N/A	\$15,001 - \$50,000		None (or less than \$201)
4	Vanguard 529 Plan - TRGT 26/27 (State of Nevada)	Yes	\$15,001 - \$50,000		None (or less than \$201)
5	Prudential Life Insurance, whole life	N/A	\$15,001 - \$50,000	Dividends	None (or less than \$201)

7. Transactions

(N/A) - Not required for this type of report

8. Liabilities

#	CREDITOR NAME	TYPE	AMOUNT	YEAR INCURRED	RATE	TERM
1	Wells Fargo Home Loan	Mortgage on Personal Residence	\$250,001 - \$500,000	2012	3.875%	30 years

9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

Endnotes

PART	#	ENDNOTE
1.	1	I hold the following two positions by virtue of my State Government position as Under Secretary of Food and Agriculture for the State of California: The California Strategic Growth Council (Alternate Council Member) and The California Delta Protection Commission (Alternate Commissioner).

Summary of Contents

1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation.

This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a calendar year for the filer's services during any year of the reporting period.

The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

5. Spouse's Employment Assets & Income and Retirement Accounts

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

6. Other Assets and Income

Part 6 discloses each asset, not already reported, (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in investment income was received during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children.

This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) at a single financial institution with a value of \$5,000 or less (unless more than \$200 in income was received). Additional exceptions apply. Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

7. Transactions

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during the reporting period.

This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

8. Liabilities

Part 8 discloses liabilities over \$10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period.

This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (limitations apply for PAS filers); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

9. Gifts and Travel Reimbursements

This section discloses:

- Gifts totaling more than \$415 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$415 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$166 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

Privacy Act Statement

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., as amended by the Stop Trading on Congressional Knowledge Act of 2012 (Pub. L. 112-105) (STOCK Act), and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. Failure to provide the requested information may result in separation, disciplinary action, or civil action. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person in accordance with sections 105 and 402(b)(1) of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; (2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; (6) when the disclosing agency determines that the records are arguably relevant to a proceeding before a court, grand jury, or administrative or adjudicative body, or in a proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding; (7) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another, a public financial disclosure report and any accompanying documents, including statements notifying an employee's supervising ethics office of the commencement of negotiations for future employment or compensation or of an agreement for future employment or compensation; (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of and at the request of an individual who is the subject of the record; (9) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to this system of records; (10) on the OGE Website and to any person, department or agency, any written ethics agreement, including certifications of ethics agreement compliance, filed with OGE by an individual nominated by the President to a position requiring Senate confirmation; (11) on the OGE Website and to any person, department or agency, any certificate of divestiture issued by OGE; (12) on the OGE Website and to any person, department or agency, any waiver of the restrictions contained in Executive Order 13770 or any superseding executive order; (13) to appropriate agencies, entities and persons when there has been a suspected or confirmed breach of the system of records, the agency maintaining the records has determined that there is a risk of harm to individuals, the agency, the Federal Government, or national security, and the disclosure is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and (14) to another Federal agency or Federal entity, when the agency maintaining the record determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach or in preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity, the Federal Government, or national security. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

Public Burden Information

This collection of information is estimated to take an average of ten hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, N.W., Washington, DC 20005-3917.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).

July 12, 2021

The Honorable Debbie Stabenow, Chairwoman Committee on
Agriculture, Nutrition & Forestry
United States Senate
Washington, D.C. 20510

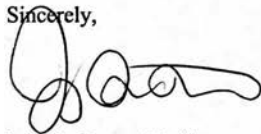
The Honorable John Boozman, Ranking Member
Committee on Agriculture, Nutrition & Forestry
United States Senate
Washington, DC 20510

Dear Chairwoman Stabenow and Ranking Member Boozman:

Please be advised that pursuant to section 101(b) of the Ethics in Government Act of 1978, as amended, I have informed the appropriate ethics officials that the information required by section 102(a)(1)(A) of the Act with respect to income and honoraria contained in OGE Form 278e (Executive Branch Public Financial Disclosure Report) executed by me on April 11, 2021 is correct.

This information is current as of Monday, July 12, 2021. This date is within five days prior to the date of the first hearing scheduled to consider my nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Lester Moffitt". The signature is fluid and cursive, with a large initial "J" and "M".

Jennifer Lester Moffitt

QUESTIONS AND ANSWERS

JULY 15, 2021

Senate Committee on Agriculture, Nutrition, and Forestry

Nomination Hearing to consider

Jennifer L. Moffitt to be Under Secretary of Agriculture for Marketing and Regulatory Programs

Thursday, July 15, 2021

Questions for the Record

Chairwoman Debbie Stabenow

1. If you are confirmed, I look forward to working with you, including on the upcoming Farm Bill and other issues of importance to American farmers, ranchers, and families. If confirmed, do you agree, without reservation, to:
 - a. Promptly reply to requests for information from me or any duly constituted committee of the Congress?

Yes, if I am confirmed, I commit to replying to requests for information.
 - b. Respond to my requests for data and technical assistance in informing or drafting legislation or implementation of the law?

Yes. If confirmed, I will respond to requests for data and technical assistance.

2. Additional steps were taken to respond to the COVID-19 pandemic by providing more flexibility for food purchases and distribution. You launched a similar program in California. What lessons did you learn from this experience that could be helpful in the Department's continued efforts to respond to gaps in food procurement? How can USDA better integrate local food purchases into food procurement? How can the Department better support local and regional food systems overall?

At the onset of the pandemic, California launched an interagency food security task force that I served on to address all issues affecting the food supply chain and food security. The pandemic led us all to shift gears to ensure that programs could meet a vast array of needs.

For example, the California Department of Food and Agriculture administers the Senior Farmers Market Nutrition Program (SFMNP), which typically provides checks redeemable for fresh produce to low-income seniors at farmers markets in various regions of the state. With limited ability for many seniors to shop at farmers markets, we partnered with the California Association of Food Banks (CAFB) to administer fresh produce boxes to seniors directly. In collaboration with farm organizations representing small, mid-sized and larger family farms, CAFB solicited bids from producers to develop food boxes that local food banks then delivered to seniors. In 2020, with roughly \$695,000 in SFMNP funds, over 26 producers were funded to generate over 23,500 boxes with 37 types of produce. These boxes were distributed by 7 food banks throughout the state.

We learned many lessons from implementing this program, as well as other food security work we did in partnership with other agencies including how important programs like this are for local producers. Throughout program development, we sought feedback from producers as well as organizations that represent small producers. We also learned that food banks and pantries needed

additional infrastructure, such as cold storage and refrigerated trucks to be able to safely handle fresh products. Finally, we learned how important it is to connect local food producers and processors with local food banks, pantries, and schools. Efforts like Farm to School, food hubs for small farmers to access new markets, and in-language technical assistance for small-scale and underserved farmers to develop and implement marketing plans are important.

I am aware that earlier this year, USDA sought feedback and in June, announced a new framework to invest \$1 billion in three key areas: \$500 million to support emergency food assistance through TEFAP, with a set-aside for small businesses, women-owned, minority-owned or veteran-owned businesses; up to \$400 million to support purchase from local, regional, and socially disadvantaged farmers; and up to \$100 million for infrastructure grants. I know there is far more work to be done and should I have the honor of being confirmed, I look forward to working with Secretary Vilsack and the team at USDA and commit to work to better integrate local food purchases into food procurement and better support local and regional food systems overall.

3. AMS facilitates the procurement of domestically grown food for schools, food banks and American families. If confirmed, will you agree to work closely with the Food, Nutrition and Consumer Services mission area to facilitate these purchases and identify areas for program improvement?

If confirmed, you have my full commitment that I will seek to coordinate with the officials and staff in the Food, Nutrition, and Consumer Services Mission Area, especially on issues related to procuring domestically-grown food for schools, food banks, and other programs.

4. Food waste is an issue that can be addressed in multiple sectors, as it has implications for not only the climate crisis but also food security. How do you envision that the Office of Marketing and Regulatory Programs can contribute to USDA's ongoing efforts to reduce food waste in our country?

I believe that we as a country have a huge opportunity to reduce food waste. I know that USDA already has a Food Loss and Waste Reduction Liaison housed in the Office of the Chief Economist, and if confirmed, I would commit to working closely with that office as well as AMS and APHIS leadership to ensure that the Marketing and Regulatory Programs Mission Area participates fully in Departmental efforts to reduce food waste.

5. Dairy is our top commodity in Michigan, and an important driver of rural economies around the country. If confirmed, you will be responsible for overseeing USDA's Dairy Program after what has been an extremely volatile two years. Pandemic-related disruptions, combined with USDA purchases through the food box program and 2018 Farm Bill change to the Class I milk pricing formula have caused major losses for dairy farmers, and sparked new discussions around dairy pricing across the industry. USDA is working to implement a number of critical dairy initiatives like the new Dairy Product Donation Program that is under review at OMB, as well as additional support for dairy farmers to compensate for losses suffered last year. Will you commit to seeing these provisions through to completion as quickly as possible, and to work with the dairy sector

to ensure farms of all sizes across the country can remain viable? What was your past experience working with dairy farmers in California?

Like Michigan, dairy is the top agricultural commodity in California. Some of my experience includes working with dairy farmers in California in partnering with them to implement conservation and climate smart agriculture practices. This includes through the state's healthy soils program funding rangeland practices, funding water efficiency projects as well as manure management, such as compost production as well as digesters.

I have also heard about the continued challenges facing dairy producers and processors. In particular, I know the Dairy Donation Program, based on the Milk Donation Program that you established in the 2018 Farm Bill, was developed to help minimize food waste, ensure dairy farmers are compensated for the milk they produce, and help to feed hungry families and individuals. I am also aware of the many pricing related challenges that have come about in the last year because of pandemic related disruptions.

If confirmed, I would prioritize getting up to speed on these ongoing efforts to ensure that dairy farms of all sizes across the country get the help they need.

6. In this role, you will oversee the Agricultural Marketing Service, which houses the National Organic Program. As an organic farmer and CDFA Under Secretary, you have worked on organic issues. What are your priorities for this space? If confirmed, will you commit to working with the Farm Service Agency on organic issues?

My priority is for organic production to grow and thrive - to access new markets as well as to prioritize organic standards development and enforcement in order to provide consistent rules for organic producers to follow, to enable new markets, and to build consumer trust. This includes: integrating organic in USDA programming; support organic transition and organic production through assistance for producers and certifiers; working with the Farm Service Agency on crop insurance for organic producers; leveraging the Organic Systems Plans to identify ways to develop and open new markets; working with the National Organic Standards Board on organic standards as well as the National Organic Program to evaluate and implement standards that the board has recommended. If confirmed, I commit to engaging with the organic industry and consumers to understand their interests and hear their ideas to grow the industry, as well as to partnering with other mission areas and agencies at the Department, including the Farm Service Agency.

7. The 2018 Farm Bill provided \$300 million for three animal health programs: the National Animal Health Laboratory Network as well as a new National Animal Disease Preparedness and Response Program and National Animal Vaccine and Veterinary Countermeasures Bank. Each of these programs, combined with other APHIS initiatives, are critical for our ability to prepare for and quickly respond to zoonotic diseases that pose a grave threat to animal and human health and the U.S. economy. There is no doubt vaccines are a necessary component as an insurance policy in the event of an outbreak, but as the coronavirus pandemic has demonstrated, early detection and the ability to quickly respond to zoonotic diseases is foundational to preventing any outbreak from spiraling out of control. Congress provided USDA discretion in terms of how funds should be allocated between these three programs, and I have some concerns that the Department has not

committed enough resources towards detection/surveillance through the National Animal Health Laboratory Network and prevention through the National Animal Disease Preparedness and Response Program. Will you commit to reviewing these three animal health programs to ensure funds are being allocated responsibly to best prevent the spread of zoonotic disease into and within the U.S.? Do you have any ideas for new partnerships or creative ways to work with states, universities, and industry partners on education and outreach through the National Animal Disease Preparedness and Response Program to improve our outbreak prevention and response capabilities?

In my current role with the California Department of Food and Agriculture, I have seen firsthand how impactful an animal disease outbreak can be as our state weathered cases of Virulent Newcastle Disease in poultry over the last several years. I am aware of these important Farm Bill programs and also know that Congress provided additional resources through the American Rescue Plan to conduct surveillance of SARS-CoV-2, a disease of zoonotic origin. If confirmed, I fully commit to working with the technical leadership at APHIS to ensure we are leveraging all of the tools that Congress has provided to prevent and respond to animal pests and diseases.

This is an area that is of vital importance not only to agriculture, but also to the public at large. If confirmed, I look forward to further advancing the principals of "One Health" and the important interface between animal and human health. The linkage between zoonotic disease and impacts to economic imperatives and social issues is generally underappreciated by the American public. I look forward to serving as an amplifying voice on this topic.

8. USDA finalized a rule in January 2017 under Secretary Vilsack's previous tenure to strengthen enforcement of the Horse Protection Act to end the cruel practice of "soring" horses by ending industry self-policing and the use of devices used in soring. This proposal has broad bipartisan support in Congress and in the public, but unfortunately, delays at the Federal Register prevented the rule from being officially published before it was withdrawn by the Trump Administration. Will you commit to expeditiously advance a rule under the Horse Protection Act that is similar to the rule finalized in 2017?

I am aware of this important animal welfare concern, and if confirmed, I will prioritize being brought up to speed on this critical rulemaking.

9. AMS Market News is an important tool that is used throughout the food supply chain to assist with marketing and production of commodities. Ensuring that the data being collected is reliable and timely is critical to making accurate decisions. If confirmed, will you assess how Market News can be strengthened to ensure that the daily reporting reflects accurate import and production volumes?

If confirmed, I commit to being fully briefed on the activities at AMS Market News and assessing how the tool can be strengthened.

Ranking Member John Boozman

1. If confirmed, do you agree to reply promptly, with any requested information, to any request from me or my staff, and to notify me or my staff in advance of making public any significant policy positions USDA takes during your tenure?

Yes, if I am confirmed, I commit to replying to requests for information in a timely manner.

2. There is a longstanding history of USDA providing technical assistance to the Committee as we write legislation. This assistance has been provided to ensure the pragmatic workability of the legislation, without regard to whether or not the bill reflects the Administration's priorities. Will you commit to continuing to provide agency resources and subject matter experts towards any technical assistance requested by me or my staff?

If confirmed, I commit to continuing the practice of providing technical assistance to the Committee as it formulates legislation and provide agency resources and subject matter experts as appropriate.

3. The legislative process, for instance, the farm bill, sometimes yields results where the Secretary is delegated significant authority. During implementation of legislation, including when engaging in the rule-making process, will you commit to consulting with Congress if statutory language has rendered legislative intent unclear?

If confirmed, I commit to consulting with Congress should questions arise related to legislative intent.

4. If confirmed, will you commit to ensuring an exhaustive cost benefit analysis conducted by USDA's Office of the Chief Economist and reviewed by the Office of Management and Budget is completed and informs the development of the forthcoming rules under the Packers and Stockyards Act of 1921?

If confirmed, I commit to you that I will use all the tools available to me to develop the forthcoming rules under the Packers and Stockyards Act.

5. Animal disease outbreaks abroad are a very real threat for producers and government officials alike as it relates to foreign animal disease preparedness.
 - a. During your time leading the California Department of Food and Agriculture, what lessons did you learn from the animal health challenges faced by California farmers and ranchers?

In my time at the California Department of Food and Agriculture, I've learned that it is important to be proactive, to stay abreast of, and to aim to stay ahead of foreign animal diseases. The earlier that diseases are detected, the better likelihood of a successful outcome. I learned the importance of having multiple lines of defense, including: exclusion and preventing the diseases from entering the country; monitoring and detection; preparedness and training for emergency management; educating travelers and animal owners; and partnering with industry to maintain vigilance with biosecurity in their operations.

In May 2018, California had a confirmed case of Virulent Newcastle Disease, a highly contagious and fatal viral disease affecting birds and poultry. Because of the network of labs and early warning system, we were able to detect the disease before it had spread further than Southern California. Thanks to a trained joint incident command with APHIS and the state, swift action was taken to establish a quarantine to minimize the spread and work to eradicate the virus in the area. This was no easy task, the quarantine area of Los Angeles, western Riverside, and western San Bernardino Counties, is an area where millions of commercial and backyard poultry live. But thanks to a strong partnership with California Department of Food and Agriculture and the industry, an emphasis on public education, decision making supported by science and epidemiology, and partnership with local government and organizations, USDA was able to declare eradication of the disease in the area in May 2020.

- b. If confirmed, how will you carry those lessons forward in your role as Undersecretary for the Marketing and Regulatory Programs?

If confirmed, I will carry the lessons I learned of the importance of being proactive and prepared as well as the deep understanding and commitment to maintaining multiple lines of defense to address foreign animal diseases.

6. COVID-19 has demonstrated the profound threat zoonotic diseases pose to human health. While HHS is the agency tasked with leading response to zoonotic diseases and outbreaks, often times these diseases first begin with animals before making the jump to human populations. How do you envision coordinating with other agencies including HHS, DHS and the intelligence agencies to ensure the U.S. is prepared for, and has an integrated plan regarding the next zoonotic disease outbreak?

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 requires the Secretary of Health and Human Services, working through the Commissioner of Food and Drugs and the Director of the Centers for Disease Control and Prevention, and the Secretary of Agriculture to coordinate the surveillance of zoonotic diseases.

It is my understanding that Congress provided \$300 million through the American Rescue Plan to conduct zoonotic surveillance of SARS-CoV-2. If confirmed, I look forward to getting up to speed on APHIS's efforts in this area and to work to leverage existing authorities and activities to coordinate with State and Federal partners toward broader zoonotic disease prevention, surveillance, and response.

If confirmed, I also look forward to working in close cooperation with my colleagues at FDA, the CDC, and HHS, and the White House as well on these issues. The "One Health" approach has gained appropriate policy treatment among Executive Branch agencies in recent years. If confirmed, I would look forward to further advancing the One Health policies and further integrating the science of zoonotic interface into human health. Effective surveillance is the first step and should be fully leveraged with appropriate policies and deployment of response resources.

7. A March 2015 article in the Davis Enterprise, outlining your new position as the Deputy Secretary for CDAF, discussed California climate-change initiatives, specifically Assembly Bill

32. You describe it as a “cap-and-trade law”, and the article noted your excitement for growers, farmers and ranchers and those who grow cover crops as they will have credits to sell to entities who discharge more than allowable, which requires them to turn to those who discharge less. It seemed at the time to be an exciting way for producers to earn money for the practices they employed on their operations. This is similar to today’s push for “environmental credits” which would pay agriculture producers for credits generated by the implementation of climate oriented practices. However, as we have learned, this ecosystem of adopting a practice, implementing the practices, measuring and quantifying the practices and finally generating credits that a farmer or rancher is paid for is still in the dawning stages, wherein only a few of these credits, at the row crop level, have been bought or sold. While you made your comments six years ago, the current lay of the land for “environmental” or “carbon” credits seems to be riddled with the same obstacles from six years ago. What are your thoughts on the potential for these markets?

There is far more to be done to bolster markets for carbon and environmental credits. This Committee and the Senate have already taken an important step by passing the Growing Climate Solutions Act. But, more can be done to de-risk producer and landowner investments in climate smart agriculture and forestry and to improve the data and other information that producers and landowners have to make decisions about selling credits. If confirmed, I look forward to working with Secretary Vilsack and others at the Department to promote opportunities for new markets that reward producers and landowners for conserving the environment.

8. Much concern and opposition has arisen from farmers and ranchers in response to California’s Proposition 12, which requires that animals be housed in confinement systems that comply with specific standards for freedom of movement, cage-free design and minimum floor space. Further, meat and poultry products that are not produced in this manner, whether or not they were produced in the State of California or in another State, are prohibited from entering commerce in California. Proposition 12 has been proven to increase food prices for consumers and the California Department of Food and Agriculture stated that Proposition 12 would result in increased mortality among pregnant pigs and costs for farmers to comply while ensuring no benefit to consumers or food safety. If confirmed, what will be your approach as Under Secretary of MRP to attempts to prohibit certain animal husbandry or housing practices at the national level?

If confirmed, I look forward to learning more about the Department’s work in regulating animal husbandry and livestock housing practices and ensure that agency’s efforts are grounded in peer-reviewed science and animal health. I also believe that it is important for sound science to have a voice in the development of policy, both at the state and federal levels. If confirmed, I would want to ensure that our Department provides timely technical assistance on animal husbandry and livestock housing policy efforts.

9. In 2017, USDA initiated a reorganization of certain mission areas and agencies; this included realigning program areas previously under the agency formerly known as “GIPSA” into AMS. As a producer and a CDFA employee, what are your thoughts on this reorganization? If confirmed, do you plan to initiate additional reorganizations within MRP?

If confirmed, I plan to review all program areas and functions under the Marketing and Regulatory Programs Mission Area including the functions of the former Grain Inspection and

Packers and Stockyards Administration, to ensure they are serving the American people and function as intended by Congress.

10. There is much discussion among livestock and meat industry stakeholders regarding the confidentiality guidelines required under the Livestock Mandatory Reporting Act. One concern that has been expressed is that these guidelines hinder the accurate and timely reporting of prices. Another is that lax confidentiality guidelines could encourage anticompetitive behaviors. What do you believe the department can do to ensure Congressional intent of protecting confidential business information while ensuring these necessary reports to producers are delivered in a consistent and meaningful way?

I agree that it is critical to strike a balance between keeping private information secure and protecting competition in the industry. I appreciate the robust debate in Congress on the reauthorization of the Livestock Mandatory Reporting Act and look forward to working closely with the Committee to ensure that any Department action meets Congressional intent.

11. In December, Congress passed the SALE Act which created a Dealer Statutory Trust, which requires unpaid sellers of livestock to have priority to recover livestock or receipts from livestock sales when a livestock dealer fails to pay. If confirmed, will you commit to providing an update on USDA's implementation of the guidance and/or regulations needed to enforce this new law?

Yes. If confirmed, I commit to providing a status update on the implementation of the SALE Act.

12. Farmers and ranchers rely on the important work performed by the Animal and Plant Health Inspection Service's Wildlife Services (WS) division to resolve and prevent wildlife conflicts and damage to crops and livestock.
- a. Given your role as an agricultural official in a western state, please describe the role you envision WS playing in assisting producers in protecting their crops and livestock from wildlife damage?

Wildlife Services has a critical role to play in helping people and animals coexist. That work is broad and includes everything from managing birds at airports to mitigating rabies in wild animals. If confirmed, I am committed to engaging fully in Wildlife Services related issues, including those related to crop and livestock damages.

- b. Do you envision a change in the Administration's policy regarding the use of lethal measures, including the use of M44 devices, to manage predator threats to agriculture and wildlife habitat?

If confirmed, I will prioritize engaging in this issue, including briefings from USDA's Wildlife Services biologists engaged in this effort.

13. Professionally produced quality seeds have been the basis of a resilient and productive U.S. agriculture economy. Coming from California, you have a deep appreciation for the pressure that

the agriculture industry is under with regards to the various federal climate-related policy initiatives. Continuous improvement in seeds can help our farmers produce more on less land, be more efficient with inputs, mitigate pest pressure and extreme weather challenges. The ability to use advancements in plant breeding tools, such as gene editing, is vitally important in developing better seeds and varieties for all crops, from fruits and vegetables to row crops and ornamentals, to conservation seeds and cover crops. USDA-MRP-APHIS has made important strides in right-sizing its regulatory approach that positively impacts the use of plant breeding innovation. If confirmed as MRP Under Secretary, how will you ensure that policies and implementing actions at USDA continue to allow for continued innovation in plant breeding and accessibility of these tools?

I look forward to contributing toward the Biden Administration's climate agenda and serving as a voice for farmers and the agriculture supply chain. In addressing climate change, we need to consider at all opportunities. Crop innovation in breeding and agriculture technology, such as gene editing, can be a positive force in climate change mitigation and adaptation and provide a range of new opportunities for farmers and ranchers. Regulation of such existing and forthcoming technologies needs to be grounded in science and be mindful of market considerations and our trading partners. If confirmed, I commit to working with the experts at APHIS to ensure I have a deep understanding of these technologies and USDA's regulation of new and emerging technologies.

14. The seed industry is highly global and relies on a science-based phytosanitary regulatory system that facilitates seed imports, exports, and re-exports while at the same time providing phytosanitary security for the nation's agriculture and environment. At USDA, APHIS and FAS work closely with state agencies, as well as the seed industry, to address and resolve complex issues that impact the international movement of seed. If confirmed as MRP Undersecretary, how will you ensure the Department and the seed industry continue, and strengthen, efforts to address these numerous phytosanitary challenges together?

It is critical that we not only work to ensure strong partnerships to ensure we maintain a strong regulatory system but also to enable us to address and resolve complex phytosanitary issues that face the seed industry. If confirmed, I look forward to working to help form regulator to regulator relationships internationally to help facilitate the appropriate flow of commerce for new agricultural products.

15. In May of 2020, USDA's Animal and Plant Health Inspection Service announced availability of the Final Rule for its biotechnology regulations (7 CFR part 340), otherwise known as the SECURE rule. This was the first comprehensive revision of APHIS' biotechnology regulations since they were established in 1987. On August 31, 2020, the EPA published a proposed rule in the Federal Register (EPA-HQOPP-2019-0508) entitled Pesticides; Exemptions of Certain Plant-Incorporated Protectants (PIPs) derived from newer technologies to compliment the SECURE rule to ensure a more cohesive multi-agency regulatory approach for plant biotechnology. Until this rule is finalized in a workable manner, many new farming technologies are barred from being commercially viable to U.S. agriculture.
- a. If confirmed will you use your position to work with USDA's Office of General Counsel to legally defend the SECURE rule?

- b. If confirmed, will you actively encourage your counterpart in EPA's Office of Chemical Safety and Pollution Prevention to finalize a counterpart rule in a manner that is compatible with policies in the final USDA SECURE rule this calendar year, and which would be consistent with what was reported in the Office of Management and Budget's Spring 2021 Unified Agenda of Regulatory and Deregulatory Actions?
- c. If confirmed, will you use your position to prioritize encouraging your colleagues at EPA to send the counterpart rule to the Office of Management and Budget for interagency review in time for it to meet the December 2021 finalization deadline, as reported in the Office of Management and Budget's Spring 2021 Unified Agenda of Regulatory and Deregulatory Actions?

If confirmed, I will prioritize being briefed on the SECURE rule as well as any regulatory efforts on this important issue.

16. Advancements in biotechnology give agricultural producers a significant tool in fighting pests & diseases, increasing yield, producing more on fewer acres, and countless other benefits in between. For some time U.S. livestock producers have been frustrated with the: (1) lack of regulatory certainty of Food and Drug Administration's (FDA) in reviewing these technologies; (2) idea FDA would label these innovations or the animals themselves as "drugs"; and (3) our competitors around the world are actively working to make these technologies available to their livestock producers. The benefits from these technologies have the potential to help reduce methane emissions, protect against devastating animal diseases, and improve animal care practices. Unfortunately, our current regulatory system is confusing, misleading, and has a chilling effect on the development, review, and adoption of these critical tools. Last December, USDA and FDA executed a Memorandum of Understanding (MOU) to help modernize the Federal Government's regulatory oversight of certain gene-edited (GE) animals used for agricultural purposes. USDA also published an Advanced Notice of Public Rulemaking seeking the public's comments on how USDA should implement a predictable, science-based regulatory approach that will ensure the safe and timely review of these technologies. President Biden included this initiative in the Administration's Spring 2021 Regulatory Agenda.

- a. If confirmed, do you commit to continuing the effort of a predictable, science-based review of these technologies under USDA's jurisdiction?

If confirmed, I look forward to working closely with our General Counsel and others to ensure that USDA's science-based and risk-based regulatory approach is appropriately supported.

- b. If confirmed, do you commit to defending USDA's authority to regulate GE amenable animals used for agricultural purposes?

I am aware that a comment period on USDA's Advance Notice of Proposed Rulemaking for Regulatory Oversight of Certain Animals Developed Using Genetic Engineering recently closed. If confirmed, I will prioritize being briefed on the comments received as well as any regulatory efforts on this important issue.

17. The Secretary recently announced his intent to issue a new proposed rule revising organic livestock and poultry practices requirements. Given your extensive knowledge of the organic

program, what are your thoughts on existing organic requirements on livestock and poultry producers and what are your plans to engage all affected constituencies, if you are confirmed, as you work to develop this proposed rule?

In my opening statement, I stated that if confirmed, I will do whatever I can to bring people together to solve tough issues because I believe that we do our best work when we work together. If confirmed, I will listen, learn about, and seek to understand the concerns that all affected constituencies have with this proposed rule. I welcome the opportunity to meet with producers, see their operations, and hear their ideas. I know that the rulemaking process will include an opportunity to receive public comment and, if confirmed, I would encourage and welcome feedback. I will do all that I can to ensure that affected constituencies know of the opportunity to provide comment and I will take into consideration all public comment provided.

18. As required under the Agricultural Improvement Act of 2018 (Pub. L. 115-334), AMS promulgated a final rule in January 2021 establishing the Domestic Hemp Production Program. In addition to the final rule, AMS developed guidance documents related to Remediation & Disposal and Lab Registration & Disposal Enforcement Discretion.
- a. If confirmed, do you intend to seek any modifications to the final hemp regulations and/or guidance documents?

If confirmed, I look forward to being briefed on current hemp regulations and look forward to working with you on this issue in the future.

- b. If so, what modifications do you believe are needed?

If confirmed, I look forward to learning more about this issue.

- c. If confirmed, will you commit to prioritizing USDA's engagement with FDA to ensure any FDA regulations and/or guidance documents related to cannabidiol (CBD) are developed with full consideration from the grower community to ensure FDA's regulatory framework around CBD will facilitate, rather than stifle, this emerging crop and related industry?

If confirmed, I look forward to working with the Food and Drug Administration to ensure that regulations related to cannabidiol take into account parameters of the law and also work for producers, manufacturers, and consumers.

19. Since 1966, Congress has authorized industry-funded research and promotion (R&P) boards (Checkoffs) to provide a framework for agricultural industries to pool their resources and combine efforts to develop new markets, strengthen existing markets and conduct important research and promotion activities.
- a. What is your perspective on the value and importance of Checkoff programs?

As a former manager of a walnut farm, I have seen firsthand the benefits of a federal marketing order and how industry funded research has provided scientifically based information on the health benefits of walnuts. Thanks to promotion of that research, consumers now know that walnuts are good for heart health, brain health, and bone health. Producers benefit when they can pool their hard-earned dollars to fund marketing and research that benefits their industry as a whole. Checkoff programs have value to the producer as long as the check-off funds are invested transparently, in accordance with the law, and to the benefit of all producers.

- b. Do you believe certain production methods or practices, as opposed to distinct commodities, should be permitted to develop a new R&P?

The Commodity Promotion, Research, and Information Act of 1996 (the Act) provides USDA with broad authority for establishing research and promotion programs for various agricultural commodities, including products, but does not generally authorize programs based on production methods or practices. As part of the 2014 Farm Bill, Congress amended the Act to specifically authorize a promotion program based on organic production rather than a specific commodity. While the program ultimately was not established, Congress did provide this specific authority for a production practices-based checkoff program.

- c. If so, please explain how promoting certain production methods or practices is consistent with existing statutory authorities.

If confirmed, I would consult with the USDA Office of General Counsel on matters related to industry-funded research and promotion programs, including their applicability to products grown or raised under certain production methods.

Senator Amy Klobuchar

Question for Ms. Jennifer Moffitt, Undersecretary at the California Department of Food and Agriculture

The United States Department of Agriculture's Agricultural Marketing Service is responsible for working with dairy producers to develop and implement rules for Federal Milk Marketing Orders - or geographic regions with minimum prices for different classes of milk. The Minnesota Milk Producers are in the process of analyzing amendments to the Upper Midwest Federal Milk Marketing Order that would improve risk management and price discovery for Class III, which covers cheese products.

- If and when the Minnesota Milk Producers officially petition the United States Department of Agriculture for changes to the federal order, will you commit to working with me to ensure they receive a timely review and public hearing process?

A key hallmark of the Federal Milk Marketing Orders is the ability for producers to petition USDA to make changes to the system. Just a few years ago, I had a front row seat as dairy producers in California petitioned USDA to establish a new Federal Order for the state. If confirmed, I commit to ensuring that any Federal Order hearing petition receives a timely and thorough review.

Senator Kirsten Gillibrand

1. As you know, all certified organic farms and businesses must complete annual certification. Since 2008, the federal government has reimbursed up to 75 percent of organic certification fees paid by organic farms and businesses, with a maximum reimbursement of \$750 per certification scope per operation. Last year, USDA cut reimbursement rates to 50 percent, up to a maximum of \$500 per scope. This action leaves organic operations – who had been planning on being reimbursed for their certification costs at the same level as previous years – burdened with an unplanned expense, in the midst of a period of higher costs and disrupted markets caused by the pandemic.
 - a. Can you commit that you will work across various USDA agencies to identify the problem that led to this unexpected funding problem, ensure that improvements are made to the program to prevent this problem in the future, and restore the funding levels for this program mandated by Congress?

If confirmed, I will work with my colleagues in the Food Production and Conservation Mission Area to identify ways to strengthen organic cost share opportunities.

2. Last week, the President released an executive order highlighting steps USDA and other federal agencies will take to increase competition in the American economy. One of the items on USDA’s list is writing and implementing long-overdue rules to give livestock and poultry producers the full protection of the Packers and Stockyards Act. Another is to close loopholes about what meat can be labeled as a “Product of the US” under voluntary country of origin labeling standards. Both of these work areas fall under Marketing and Regulatory Programs.
 - a. Will you commit that you will ensure that these two rulemakings are completed as quickly as possible?

Yes, these are important actions and if confirmed, I will work to develop these rules in a timely manner.

Senator Tina Smith

1. African Swine Fever (ASF) has spread throughout Europe and Asia and poses a significant economic threat to the U.S. pork industry. The Animal and Plant Health Inspection Service (APHIS) has primary regulatory jurisdiction for animal health. The pork industry has had a positive working relationship with APHIS on ASF issues around preventing entry of the disease into the U.S. and a response plan in the event of an outbreak. Concerns remain though about surveillance and detection plans as well as sufficient laboratory capacity for testing in the event of an outbreak.
 - a. Have you been briefed by APHIS on ASF prevention, surveillance, and response plans?

If confirmed, I look forward to being briefed on many issues related to APHIS, including African Swine Fever prevention and mitigation efforts.

- b. Will you work with the American pork industry to ensure there are adequate resources in place for prevention, surveillance, and response plans?

If confirmed, I look forward to working with stakeholders on this important issue to ensure we are doing what we can to be prepared with prevention, surveillance and response plans.

Senator Richard Durbin

1. This Congress, I reintroduced the Puppy Protection Act, a bill that would strengthen caging, exercise, breeding, shelter, and care requirements for dog breeders. Although I think there is great need to build on our system of care requirements for breeders, we are falling short on enforcement of existing pet breeders. USDA OIG recently released its internal audit reviewing APHIS' oversight of dog dealers under the Animal Welfare Act. While OIG was unable to conduct a full audit to determine breeder compliance with the AWA due to the Covid-19 pandemic, they were able to identify reportable issues that were related to the audit objectives. The most significant finding is a disturbing one: the auditors found that the program "did not consistently address or adequately document 145 of the 322 complaints we reviewed," indicating that almost half of the complaints about dog breeders were handled inappropriately, if at all. As a result, the agency showed an inability to "ensure the overall health and humane treatment of animals at these facilities." Auditors further explained that some dog breeding facilities may be conducting regulated activity without a USDA license.

After OIG's prior dog dealer audit in 2010, OIG made numerous recommendations, including recommending the oversight of pet breeders who sell animals over the Internet. In 2013, that rule, known as the Retail Pet Stores Rule, was finalized. Congress expressed a desire for USDA to take this rule seriously, including language in the FY21 Appropriations bill encouraging the USDA to conduct robust enforcement to ensure that online dealers selling dogs have the necessary license under the Animal Welfare Act. But this year's audit report indicates this is not happening and recommends that to fix this error APHIS "develop and implement guidance, policies, and procedures to provide a consistent process for responding to complaints and documenting its response to complaints."

- A. Ms. Moffitt, what will you do to ensure that APHIS properly responds to complaints about unlicensed breeders and takes steps to ensure that dog dealers are properly licensed, including those that sell over the Internet?

If confirmed, I look forward to being fully briefed by agency staff regarding all aspects of Animal Welfare Act implementation, and specifically issues related to pet breeders. As Under Secretary, ensuring timely responses to complaints and ensuring appropriate follow-up will be a top priority.

2. Over the past few years, there has been a significant decline in Animal Welfare Act enforcement activity. According to its FY22 Budget Explanatory Notes, in FY20 APHIS initiated 30 cases for alleged violations of the Animal Welfare Act (AWA), issued 4 pre-litigation settlements resulting in the collection of \$115,500 in stipulated penalties, and obtained 24 administrative orders, assessing \$509,375 in civil penalties. This shows a significant decline from the numbers cited in the agency's FY15 Budget Explanatory Notes in which the agency notes that in 2013 with respect to alleged violations of the Animal Welfare Act, they initiated 325 cases, issued 295 Official Warnings, issued 55 pre-litigation settlements resulting in the collection of \$407,865 in stipulated penalties, and obtained administrative orders assessing an additional \$921,732 in civil penalties. Anecdotal evidence suggests this decline isn't the result of regulated facilities suddenly complying with the law, but rather it is because inspection standards and procedures have been dangerously weakened. Additionally, some licensees have repeatedly refused access to their facilities for inspections (before the pandemic) without being cited.

I am aware that APHIS finalized a rule last year that strengthens enforcement under the Animal Welfare Act including by requiring licensees to demonstrate compliance with the AWA in order to obtain a license, disallowing licenses for those with histories of noncompliance, and requiring veterinary care record keeping to be provided to USDA upon request. If confirmed, I commit to looking closely at the issues of AWA enforcement and unlicensed breeders, including those sold over the internet, and I would welcome a subsequent conversation with you on this important issue.

- A. Ms. Moffitt, what steps do you plan to take to re-establish USDA's commitment to vigorous enforcement of the Animal Welfare Act, including cracking down on chronic dog dealer violators?

USDA has an important role in protecting the welfare of animals. If confirmed, I will look closely at how USDA enforces the Animal Welfare Act and ensure that the Department uses every tool available to it to protect dogs, cats and other regulated animals.

Senator Cory Booker

Wildlife Services

1. The mission statement for Wildlife Services states that their mission is to "provide Federal leadership and expertise to resolve wildlife conflicts to allow people and wildlife to coexist." Unfortunately, Wildlife Services, often described as a rogue agency, is currently failing at their mission, and every year they oversee the unnecessary killing of millions of animals, often in cruel and inhumane ways (see attached article). The science has become very clear that not only does non-lethal management of wildlife cost less, but non-lethal management is also more effective than lethal management.
- c. If confirmed, will you commit that under your leadership Wildlife Services will not employ lethal management of wildlife until after non-lethal management has first been attempted?

Efforts to manage human/wildlife conflict must take into account multiple important priorities including animal welfare and human safety. If confirmed, I will fully review

policies related to wildlife management controls, including research and opportunities related to non-lethal management.

Concentration

2. President Biden's Executive Order on competition includes a focus on the consolidation of our food and farm system. Many of the reforms I have been pushing for, including fixing loopholes in the product of the USA labeling on meat and enforcement of laws like the Packers and Stockyards Act, are included. Your agencies will be directly in charge of taking much of the action outlined in the executive order.
 - a. If confirmed, will taking on the hyper consolidation in our food system be one of your top priorities?

I, too, was encouraged to see President Biden's Executive Order on competition across the American economy. If confirmed, I intend to carry out the President's Executive Order as it relates to the Marketing and Regulatory Programs Mission Area.
 - b. Concentration in the organic sector is becoming a challenge for new and small organic producers. Will you specifically focus on this issue?

If confirmed, I look forward to addressing consolidation across the agricultural industry.

Checkoff

3. You will also have oversight of the Commodity Checkoff Programs which were created with noble intention but in my opinion have become corrupted by the same multinational corporations that control so much of the market.
 - a. If confirmed, will you use your authority to create as much transparency and oversight as possible of the checkoff programs to ensure that farmers' hard-earned dollars aren't being used against them?

If confirmed, I will work to ensure that check-off funds are invested transparently, in accordance with the law, and to the benefit of producers. As a former manager of a walnut farm, I have seen firsthand the benefits of a federal marketing order and how industry funded research has provided scientifically based information on the health benefits of walnuts. Thanks to promotion of that research, consumers now know that walnuts are good for heart health, brain health, and bone health. Producers benefit when they can pool their hard-earned dollars to fund marketing and research that benefits their industry as a whole.

Senator Reverend Raphael Warnock

1. Last year, an organization in Georgia, the Federation of Southern Cooperatives, received a contract to deliver 19,000 fresh produce boxes to hungry communities across Georgia, Alabama, and Mississippi for the U.S. Department of Agriculture's (USDA) Farmers to Families Food Box program. While the underlying program was not perfect, this contract supported small-scale, predominantly Black farmers, across the Southeast during a very difficult time. When additional

contracts were awarded by the Agricultural Marketing Service (AMS), USDA refocused this program to prioritize efficiency and awarded contracts to larger operations. This left our smaller farmers behind.

- a. I believe USDA missed a critical opportunity here to support small-scale farmers while simultaneously building resiliency within our local and regional food systems. If confirmed, will you commit to working with me to expand opportunities and reduce barriers for small-scale farmers to participate in AMS programs?

It is important to hear about cases like this where programs achieve multiple important outcomes: providing healthy, locally grown food to hungry communities and provide new markets for struggling small and underserved farmers. If confirmed, I will commit to working with you and other Members of Congress, as well as stakeholders throughout the food system, to expand opportunities and reduce barriers to bring more small-scale farmers into AMS programs.

- b. USDA received \$4 billion in the American Rescue Plan to support agriculture supply chains. If confirmed, will you work with me to ensure funds are deployed to improve resiliency and strengthen local market infrastructure for our small-scale and socially disadvantaged farmers?

Yes, if confirmed, I will work with you and other Members of Congress, as well as stakeholders throughout the food system, to ensure funds deployed strengthen local market infrastructure for our small-scale and socially disadvantaged farmers.

- c. How can AMS better support our small-scale and socially disadvantaged farmers?

In my time at the California Department of Food and Agriculture, I have learned a great deal about listening to the people that I serve and engaging with them to ensure that programs developed truly meet their needs, especially during the COVID-19 public health crisis. In California, we heard from small-scale and socially disadvantaged farmers last year that, for many, state and federal COVID relief programs didn't address their full needs. They needed more inclusive, one-stop-shop type programming, including assistance with regulatory compliance, assistance developing and implementing marketing plans, and funding to implement these plans. We heard that technical assistance providers needed to be local and trusted by their community and they needed to provide support that was both culturally appropriate and in their language. We pulled that early learning together into a draft concept and in public comment, we heard many important suggestions to improve the program, specifically of the importance that the producers should not apply to the state for the micro-grants but rather trusted partners. So, we worked with our team and found a solution. This was important to me, as a public servant, I am keenly aware that I serve the public – all of the public. Plus, I know that equity must be at the center of policies for true economic recovery. So, while I have ideas based on my background and experience, if confirmed, I look forward to asking and hearing from small-scale and socially disadvantaged farmers about what they think AMS can do to better support small-scale and socially disadvantaged farmers.

Senator John Thune

1. The last few years have been especially challenging for cattle producers in South Dakota and across the country. Many are concerned about market integrity and meatpacking concentration. If confirmed, you would oversee the Packers and Stockyards Division of USDA.

What is your view on the enforcement of the Packers and Stockyards Act and ensuring transparency and integrity in the cattle market?

As someone who has personal experience with marketing my farm's products, I know how important it is for independent farmers to be able to access markets. The Packers and Stockyards Act was signed into law 100 years ago to help ensure farmers and ranchers get a fair shake. If confirmed, I would commit to working with USDA staff to understand what additional resources are needed to ensure full enforcement of the Act.

What ideas do you have for increasing marketing options for livestock producers?

Marketing opportunities need to come in the form of more and better markets. That means more local and regional competition so that farmers and ranchers have more than one place to sell their livestock. That also means helping producers who want to seek value-added marketing opportunities have the tools they need to succeed.

2. U.S. producers rely on science and innovation to maintain their leadership in agriculture and to increase production to meet the demands of the growing global population and to improve sustainability. I believe it's critical that the United States incentivize the adoption of innovative, sustainable technologies and practices and streamline and expedite regulatory pathways for breakthrough technology solutions.

If confirmed, what actions would you take to make sure there is a risk-based, efficient, and transparent regulatory process for products regulated by USDA to have a clear pathway to market?

If I am fortunate enough to be confirmed, I will work closely with the technical experts at USDA to ensure that our regulatory process is built on sound science and is communicated clearly to the public.

3. In May 2020, APHIS published its final SECURE rule reforming its Part 340 plant biotechnology regulations. In the rule and its timeline for implementation, APHIS indicated it would be transitioning to its new regulatory status review process for some crops on April 5, 2021, as well as providing guidance to the regulated community on that process. However, to date APHIS does not seem to have provided guidance on that implementation transition.

If confirmed, could you verify whether APHIS plans to issue guidance for the April 5 implementation transition outlined in the rule; when that guidance might be available; and report that information back to my office?

Yes, if confirmed, I commit to looking into where APHIS is in this process and will update your office..

4. Several weeks ago the Biden administration's unified regulatory agenda indicated that EPA would finalize its plant incorporated protectant (PIP) rules later this year to provide clarity for the regulatory pathway for gene edited plants containing PIPs. USDA finalized its own rule in 2020 on how it would treat gene edited plants. A lack in coordination between these rules and their

requirements could result in burdens for smaller developers and academics who might face increased regulatory costs to meet two different regulatory standards, resulting in reduced access to innovations for farmers.

If confirmed, would you commit, to the extent your office allows, to coordinating with EPA to ensure its final rule is workable for agriculture, small businesses, and our academic community?

Yes, if confirmed, and to the extent possible I will coordinate with EPA on this rule. I look forward to maintaining and building upon the long-standing positive working relationship between APHIS and EPA on the regulation of agricultural biotechnology products.

5. In late 2020, USDA published an advanced notice of proposed rulemaking for developing a regulatory pathway at USDA for agricultural applications of animal biotechnology. A proposed rule was also included in the administration's unified regulatory agenda several weeks ago. The agricultural stakeholder community has been largely supportive of USDA's efforts on this matter, as there has been a great deal of criticism that FDA's existing "animal drug" decades-long regulatory approach has stifled most agricultural applications of this technology.

If confirmed, would you commit to providing the committee an update on the ANPR process as well as USDA's current thinking on modernizing animal biotechnology regulations?

If confirmed, I would be happy to work with our career experts to facilitate a briefing for the Committee on this topic.

6. I'm concerned about a loophole that has allowed beef from cattle that were not born, raised, and harvested in the United States to be labeled as "Product of the U.S.A.". I've been advocating for USDA to address this labeling loophole, and I'm pleased with USDA's recent announcement that it is reviewing "Product of the U.S.A." labeling.

If confirmed, what actions would you take to ensure accurate labeling of meat and other agricultural products?

As someone who produced and marketed organic products, I know the importance of accurate labeling so that consumers have precise and transparent information to make informed purchasing choices. Whether it is "Product of USA" labeling or organic labeling, these labels are important for the consumer to have the information they need, as well as for producers to be able to market their product. If confirmed, I will make it a priority to engage on these important actions.

7. It is my understanding that the USDA Food Safety and Inspection Service (FSIS) intends to develop labeling standards for cell-cultured animal-based meat products in a forthcoming advanced notice of proposed rulemaking. I firmly believe the results of this process should result in labeling standards that will clearly distinguish conventional meat and poultry products from cell-based products and that the Agricultural Marketing Service's (AMS) grading, certification, and verification services may eventually play an important role in that regard.

Will you commit to working with FSIS and industry stakeholders to ensure new standards for emerging technologies are developed in a manner that does not undermine the intent or integrity of existing AMS programs?

If confirmed, I am committed to working with other USDA and Federal agencies to ensure the integrity of our commodity standards and grading programs remain intact, while taking into account new products emerging in the marketplace.

8. As you know, USDA's Food Safety and Inspection Service is charged with enforcing the Federal Meat Inspection Act's misbranding provisions and the Agency's mandatory pre-approval process is intended to prevent meat and meat food products from bearing a false or misleading label. Separately, USDA's Agricultural Marketing Service (AMS) oversees a number of grading, certification, and verification services that consumers trust and understand guarantees the quality of American food products, and in doing so, creates valuable marketing opportunities for US farmers, ranchers and agricultural producers. I continue to be concerned with labeling practices which arguably violate misbranding provisions outside the scope of USDA's statutory authority. For example, a soy-based, vegan product that imitates "wagyu" beef label-launched in North America this year. The substitute is labeled "Waygu" – as if swapping the letters G and Y appropriately differentiates this product from real meat counterparts labeled "wagyu" under one of USDA AMS's Certified Beef Programs.

Do you agree that deceptively misdescriptive labeling tactics such as this undercut the strategic marketing efforts USDA AMS is designed to facilitate?

I agree that we must ensure food labels are clear and accurate so that consumers have all of the information they need to make decisions, and farmers and ranchers are able to better market their products.

Will you commit to taking on a leadership role to ensure other agencies such as the Food and Drug Administration and Federal Trade Commission finally begin to take meaningful enforcement action against misleading product labels?

If confirmed, I look forward to working with other agencies charged with product labeling to guarantee label integrity.

9. As the EU seeks to implement a regulation affecting US export certificates for animal products to the EU, a number of U.S. agencies have been working together to try to meet the terms of these certificates, including the Animal and Plant Health Inspection Service (APHIS), and the Agricultural Marketing Service (AMS). However, not all agency staff have placed importance on finding solutions for the EU's requirements, and now beginning in mid-August a number of commodities face a total loss of the EU as an export market, as well as any markets requiring transshipment through the EU due to a lack of consensus on the requirements. While a number of factors play a role in the impending market loss – such as the European Commission's failure to respond to U.S. requests for an extension – reports that U.S. agencies have not appropriately prioritized the certificate negotiations and interagency collaboration is nevertheless troubling.

If confirmed, would you ensure the agencies under your purview place a high importance on facilitating foreign market access for our U.S. agricultural exporters, and if so, how?

If confirmed, I would take immediate steps to understand the current status of trade and diplomatic conversations underway with the EU. Based upon that assessment I would seek to ensure that agencies under the purview of MRP are both proactive and flexible in identifying appropriate statutory authorities that might be applicable to assist U.S. dairy producers deal with this situation. It is my hope that

technical discussions will ultimately lead to a resolution in due course, but I also understand that USDA agencies must be prepared to deal with all contingencies.

10. APHIS Wildlife Services plays a critical role in providing valuable assistance to control predators, particularly on pasturelands in western South Dakota.

If confirmed, what actions would you take to make sure that the department is taking necessary action to control predators affecting livestock production?

I fully appreciate the dedication, service, and commitment to excellence exhibited by the staff of the Animal and Plant Health Inspection Service. They perform a difficult job every day, often under adverse circumstances and sometimes facing logistical challenges. If I am fortunate enough to be confirmed, I will work closely with our APHIS Wildlife Services professionals to better understand the needs to manage livestock predation.

7/15/2021

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The Rogue Agency

A USDA program that tortures dogs and kills endangered species

By [Christopher Ketcham](#)

One morning in the fall of 1980, Rex Shaddox got a call from his supervisor at the Uvalde, Texas, office of Animal Damage Control. Shaddox had worked for Animal Damage Control, which was then a branch of the U.S. Fish and Wildlife Service, for seventeen months. His job was to trap and kill wild carnivores, coyotes in particular, that were said to prey on the flocks of local sheep ranchers.

The supervisor, Charles Brown, told Shaddox to meet with his fellow agents at the city dump outside town. "We're gonna do some M-44 tests," Brown said. "With dogs." The M-44, a spring-loaded device that is planted in the ground and ejects sodium cyanide when set off, was among the weapons used by Animal Damage Control to kill coyotes.

When Shaddox arrived at the dump, he found Brown and several colleagues standing over a pit of stinking garbage. A truck from the Uvalde city pound pulled up. It contained abandoned dogs of various breeds. The pound officer removed a small collie from the truck, and Brown took it by the neck. The animal, docile and quiet, stared at its captors.



Illustrations by Danijel Žeželj

Brown brandished an M-44 cartridge. He forced the dog's mouth open and, with his thumb, released the trigger on the device. It sprayed a white dust of cyanide into the collie's mouth.

The dog howled. It convulsed. It coughed blood. It screamed in pain. The animals in the truck heard its wailing. They beat against their cages and cried out.

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"All right," said Brown to his trappers. "See, this stuff may be out of date, but it still works." He opened a capsule of amyl nitrite under the collie's nose. Amyl nitrite is an immediate antidote to cyanide poisoning.

The collie heaved and wheezed. Brown then seized it and unleashed another M-44 dose. The dog screamed again. Shaddox started yelling, telling Brown to stop. Brown kicked the collie into the garbage pit.

"He and the other trappers thought it was funny," Shaddox told me. "It's convulsing and dying, and he's laughing. And this is what he's teaching his men. That was just a hell of a way to die. No sympathy, no feeling, no nothing. I'm no animal-rights guy. But heartless bastards is all they were. Right there, that's the culture. And these are federal employees. This is what your government is doing to animals."

Shaddox quit his job after a series of disputes with Brown over the incident in Uvalde. He went on to a long career in wildlife law enforcement, and spent not a small part of it investigating his former employer.

Over the years, Animal Damage Control has been known by many names. At its founding, in 1885, it was the Branch of Economic Ornithology. It became the Bureau of Biological Survey in 1905, and was known as the Division of Predatory Animal and Rodent Control in the 1920s. In 1985, the agency became a part of the U.S. Department of Agriculture, and in 1997, its name was changed from Animal Damage Control to Wildlife Services. The agency's purpose, however, has never changed. "The focus of a government trapper is protecting the livestock industry by killing predators," said Carter Niemeyer, a retired Wildlife Services agent. "Ranchers call us up, and the system kicks in, guns blazing."

Since 2000, Wildlife Services operatives have killed at least 2 million native mammals and 15 million native birds. Many of these animals are iconic in the American West and beloved by the public. Several are listed as endangered or threatened under the Endangered Species Act. In 2014, Wildlife Services killed 322 wolves, 61,702 coyotes, 2,930 foxes, 580 black bears, 796 bobcats, five golden eagles, and three bald eagles. The agency also killed tens of thousands of beavers, squirrels, and prairie dogs. The goal of this slaughter, according to the agency's literature, is to provide "federal leadership and expertise to resolve wildlife conflicts and create a balance that allows people and wildlife to coexist peacefully." The 1931 Animal Damage Control Act, the agency's enabling legislation, directs it to "conduct campaigns for the destruction or control" of any "animals injurious to agriculture."

By the time Niemeyer retired, in 2000, after twenty-five years at the agency, he had personally killed hundreds of coyotes and had overseen the deaths of thousands more. On some days, working in Montana, Niemeyer skinned ten coyotes an hour as helicopters hauled the heaped carcasses in from the backcountry. (The government sold the skins for revenue.) Wildlife Services gunned down coyotes from airplanes and helicopters. Its trappers used poison baits, cyanide traps, leghold traps, and neck snares. They hauled coyote pups from dens with lengths of barbed wire, strangled them, or clubbed them. Sometimes they set the animals on fire in the dens, or suffocated them with explosive cartridges of carbon monoxide. "We joked about using napalm," Niemeyer told me.

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Despite the agency's efforts to wipe out coyotes, they returned in larger numbers. "During my career, it was decades of the same thing repeated to no effect," said Niemeyer. "I think the word for this behavior is 'insanity.' But Wildlife Services has not changed, because their activities are under the public radar, and no one knows how to reform them. Their program fits the western states' obsession with killing predators."

Peter DeFazio, a Democratic congressman from Oregon, has repeatedly called for a congressional investigation of Wildlife Services, describing it as a "rogue agency" that is "secretive" and "unaccountable." He said that he considers the lethal control program a "wasteful subsidy" and has called the agency's practices "cruel and inhumane." DeFazio has proposed legislation to reduce government funding for lethal control, but Congress, under pressure from the livestock industry, rejected these attempts at reform.

"We have seen a host of credible leaked information from credible former employees about the inhumane practices," DeFazio told me recently. He said he has asked Wildlife Services for "detailed numbers about finances and operations, and they won't give us this information. I've served on the Homeland Security Committee, and Wildlife Services is more difficult to get information from than our intelligence agencies."

When I went to Idaho in June 2014 to document what Wildlife Services calls "control actions," I asked the agency if I could accompany its trappers in the field. I was told by a spokeswoman that this was not possible. She explained that "only wildlife-management professionals or persons directly involved are allowed on operations, in order to conduct a safe operation."

I called up Lynne Stone, a wildlife advocate who lives in Ketchum, Idaho, to ask about probable locations for control actions in the state that summer. Stone had cultivated sources – which she refused to disclose – who fed her this highly guarded information.

We met in a café in Hailey, ten miles south of Ketchum. Stone told me that the killing of wolves by Wildlife Services was "merciless and indiscriminate." In July 2012, for example, trappers discovered four wolf pups holed up in a culvert near Idaho City. The pups were killed immediately. The reason, according to Wildlife Services, was that a single sheep had been killed by one or several "offending" wolves from a pack in the area. "Wolves generally give birth around mid-April, so these four pups were likely just over three months old," Stone told me. "They were totally dependent on their pack to feed them. How can three-month-old pups be 'offending?'"

Stone had gotten word that a wolf named B450, a gray male that was the four hundred and fiftieth wolf to be radio-collared by the state's Department of Fish and Game, was on the move in the Sawtooth Valley, forty miles to the north. In 2009, B450 had survived the destruction of his father, mother, brothers, and sisters, who were alleged to have attacked livestock near the town of Stanley, Idaho, and were shot by Wildlife Services trappers in airplanes and helicopters. For two years, B450 had wandered central Idaho alone, but in the spring of 2012 he found a mate, who bore

him three pups. They formed a new pack. It was likely, Stone told me, that B450's pack would encounter cattle and sheep grazing on the valley's lush summer grass, and that Wildlife Services would be called in if the wolves opted to prey on the ready meat.

A day after talking with Stone, I drove to the Sawtooth Valley with Natalie Ertz, the founder of WildLands Defense, a nonprofit that monitors wolf packs and their habitats. As we traveled on a dirt road near the headwaters of the Salmon River, Ertz listened on her radio monitor, hoping for a transmission from B450's collar. A storm blew in from the west, the temperature plummeted, and the sky shook with snow. "Wait," she said. She got out of the truck to inspect a frozen pile of scat in the road. It was the leaving of a coyote.

We drove on, and passed a man on a horse who was herding several dozen bleating sheep. "Tasty little meals for a wolf," Ertz said. She admitted that she didn't like ranchers. "It's not personal," she said. "It's that ranchers, as a means of doing business, get Wildlife Services to kill wolves for them."

That night we found a campsite on a benchland under tall pines. We set our tents and built a fire and listened again for the chirrup of B450 on the receiver. Ertz stood up and howled in the night, but no answer came. Not even the coyotes sang.

We listened again for the signal in the morning, hiking through the wet forest after the storm had passed and the weather had warmed. Nothing. "That's good," said Ertz. "Farther away he is from people, the better."

Two weeks later, on June 29, after we were gone from the Sawtooth Valley, a calf was allegedly killed by one wolf or several. The calf's owner called Wildlife Services, whose agents set traps to kill "all offending wolves" in the area. By July 2, a yearling called B647, the son of B450, was found near death in a trap and was killed by an agent. On July 9, a subadult female from the pack, B648, was shot by Wildlife Services. It required two more days to bait and catch B450 in a leghold trap. A Wildlife Services agent killed him too.

John Peavey is a third-generation rancher in central Idaho who runs 7,000 sheep on Flat Top ranch, which lies fifty miles south of the Sawtooth Valley, and on tens of thousands of acres of adjacent public lands. He served for two decades in the Idaho state senate and worked from a young age at Flat Top. During his time in political office, Peavey was known never to appear in public without a cowboy hat on his head.

I told him I was doing an investigation of Wildlife Services. "I suspect this will be an ugly article," he said. "But Wildlife Services is pretty vital to our making do. Predators are a big problem for ranchers in the West. It's our number-one problem. We can't survive without taking care of the predation."

Peavey told me that he loses at least 200 sheep a year to predators and regularly calls Wildlife Services to his aid. In May 2013, he said, he lost more than thirty sheep to wolves. "We were range-lambing, and the wolves come and scatter them to hell and breakfast. One little lamb, about ten minutes old, was killed by a wolf. Really tragic, it just makes you cry — a ten-minute life span." At Peavey's request, Wildlife Services used one of the agency's Piper Cub airplanes to track and shoot six wolves from a pack that was roaming near Flat Top ranch.

Peavey has attempted to use nonlethal methods to dissuade wolves from attacking his sheep on the range, but he claims that they have had little effect. "My guys are out blaring their radios and flashing their lights and smoking pots — that's a fifty-five-gallon drum where we build a fire — and we have big guard dogs, one-hundred-pound Pyrenees and Akbash, though wolves often kill our dogs. We've probably lost ten to twelve dogs over the last six years." His wife, Diane Josephy Peavey, who in recent years has read essays on Idaho public radio praising the virtues of ranching, told me, "It's a little hard to be where we are, with sheep, and watch them get slaughtered, and we're supposed to put the money in to coexist nonlethally. That's fine, but it's a huge expense. Coexistence means the wolves live and all the other animals die."

John Peavey told me that range-lambing — in which ewes give birth on open public lands rather than in protected sheds on private land — is the only way for ranchers to make a profit. Shed-lambing requires a lot of hay, at great cost. "Six hundred thousand dollars is probably not enough money to outfit a hay crew," he said. "Shed-lambing is too expensive. Our business model is to range-lamb when the weather is warm and the grass is growing. And when the wolves come in, it's incredibly disruptive. We're very vulnerable."

Carter Niemeyer, the retired Wildlife Services agent, said that Peavey's range-lambing operation is also expensive, but the cost gets shifted onto the federal government. "The history of John Peavey over the years has been that when he's out range-lambing, it's led to a lot of calls to Wildlife Services for the removal of wolves and coyotes," he said. "His range-lambing is a long way from home, out there in sagebrush. When the sheep are lambing, the herders aren't supposed to crowd them. You leave them alone. So you've got sheep strung out for miles, ripe for the picking. All you're doing is inviting attack. In some cases, when you put livestock way out there in the backcountry where it's beyond the capability of the owner to protect them, it's a form of animal cruelty. Do we continue to reward this bad behavior by bringing in gunships to kill predators that are simply reacting to lambs on the range as predators should and must react?"

Niemeyer said that it was galling to watch stockmen use public lands for forage while refusing to accept the real price of their business model. He told me about a former Wildlife Services agent who described sheep ranchers as "cry boys and cheap men" — because, as Niemeyer put it, "they're always whining and they're incredibly cheap, demanding the public pay their costs."

I asked him about Peavey's claim that predators are the number-one problem facing ranchers. The most recent reports from the National Agricultural Statistics Service, a branch of the USDA, suggest that stockmen annually lose almost 500,000 head to predators nationwide. The USDA data, however, is based on self-reporting by ranchers.

Niemeyer told me I should also look at the methods Wildlife Services used to confirm depredations. The agency was supposed to conduct its own due diligence of ranchers' reports, but the investigations were farcical. "A rancher calls up and says, 'Goddamn wolves killed twenty-eight of my stock,' but he can't prove a thing. And we say, 'All right, Charlie, we'll get 'em.' The trapper shows up to the site and toes the carcass of the animal with his boot. 'Yep. Wolf did it.' And that's the investigation. Of course a wolf did it — the rancher says so, which makes it the truth."

After Rex Shaddox left Wildlife Services, in 1980, he worked as an undercover narcotics cop in Texas and Colorado, an investigator for the Humane Society of the United States, and a wildlife-crimes detective with the Texas Parks and Wildlife Department, where he is still posted. He has continued to follow Wildlife Services' activities as a part of his current job. "If you're a wildlife cop," he told me, "you constantly hear about Wildlife Services doing bad things."

Between January 1990 and September 1991, Shaddox led an undercover investigation into the illegal distribution and use of a poison called Compound 1080 in Wyoming. The tasteless, odorless toxin has no known antidote. A single ounce can kill 200 adult humans, or 20,000 coyotes, or 70,000 house cats.

Stockpiles of the poison were supposed to have been destroyed or turned over to the Environmental Protection Agency after it was banned in 1972, but the State of Wyoming never complied with the destruction order. Instead, Wildlife Services, along with members of the Wyoming Wool Growers Association, the Wyoming Farm Bureau, and the state's Department of Agriculture, secretly sold Compound 1080 to ranchers for use in what Shaddox described as a conspiracy for "the illegal poisoning of wildlife, the illegal lacing of cadavers with poisons on public lands, and the illegal killing of endangered species." Not one government official implicated in the conspiracy went to jail. "Some of these guys got better jobs in Wildlife Services," Shaddox said.

Doug McKenna, who retired in 2012 after twenty-five years as a wildlife-crimes enforcement officer at the U.S. Fish and Wildlife Service, worked with Shaddox on the Wyoming investigation. I asked McKenna whether he thought Wildlife Services had reformed its ways. "I don't believe it for a minute," he said. "The agency still disregards federal and state environmental, wildlife-protection, and resource regulations."

He told me about an Arizona rancher named Jose Manterola, who, in 2002, had poisoned — accidentally, by his account — bald eagles that were roosting on the public-land allotments where he was running sheep. "We went to Wildlife Services and asked them for help with the investigation. The trappers told us, 'We can't talk to you because this guy is a client of ours.' I was shocked. We're a federal agency asking another federal agency for help in a criminal investigation, and we were stonewalled. We eventually prosecuted the rancher, and his federal grazing lease was revoked, but we got no help from Wildlife Services."

When domestic pets were accidentally killed by poisons that had been distributed by Wildlife Services, Shaddox told me, the motto was "Shoot, shovel, and shut up." Shaddox said that Charles Brown, the supervisor who poisoned the collie with M-44, ordered him to "cover up the killing of these nontarget dogs, to remove the collars and bury the dead

animals, and make sure always to separate the collars and the bodies." (Brown, who is now the agency's eastern regional director, declined to comment for this article.)

I asked Shaddox whether he believed that Wildlife Services was acting extralegally today. "I know absolutely that it's still going on," he said. "I hear it from state and federal wildlife agents. I know absolutely that the cover-up of the illegal killing of domestic pets, the illegal poisoning of wildlife, and the illegal use of 1080 and M-44s is still going on."

Samuel Sanders, another former trapper I spoke with, worked for Wildlife Services in Nevada for seven years. He rose to the rank of supervisor before quitting in 2011. "Violating both federal and state law when it comes to the application of pesticides is encouraged by Wildlife Services," Sanders told me. Employees, he said, weren't properly certified for the use of poisons in the field. "The certification test was fixed so that employees always pass. The supervisor reads the answers off to employees."

Shortly before he quit, Sanders filed a complaint against Wildlife Services in the federal Merit Systems Protection Board court, charging that his higher-ups retaliated against him for whistleblowing about the agency's violations of federal and state law. The judge dismissed the case on a technicality.

"Although many employees have witnessed some of their co-workers and even supervisors violate laws," Sanders told me, "they say nothing, fearing the retaliation they've witnessed when others have reported the violations. They think it will just stop happening after time, but it doesn't. They know the supervisors are aware of the violations. When an employee does report violations by W.S. employees or management, upper management does a token investigation to cover up the incident. Even the national leaders in D.C. have been made aware of this, and they do the same thing."

In 2012, a Wildlife Services trapper named Jamie Olson posted a series of graphic photos to Facebook that appeared to depict his dogs attacking and killing a coyote caught in a leg trap in Wyoming. He included portraits of himself smiling beside a coyote's mutilated cadaver. (Olson declined to comment for this article.)

In response to the photos, Peter DeFazio wrote a letter to Thomas Vilsack, the secretary of the USDA, requesting an audit of "the culture within Wildlife Services." His letter stated that Olson "may have apparently committed acts of animal cruelty" that violated the agency's directives about trapped wildlife. Those directives include instructions that trapped animals "be dispatched immediately" and that employees "exhibit a high level of respect and professionalism when taking an animal's life."

An internal investigation by Wildlife Services concluded that the trapped coyote was being used by Olson to train his dogs "how to 'posture' when confronting a trapped coyote." Shaddox scoffed at this account. "I've read the report and findings and looked at the photos. The dogs are absolutely attacking and killing the coyote in the series of pictures," he told me.

Olson was not fired or reprimanded for his treatment of the coyote. His behavior, according to Wildlife Services documents, "violated no existing rules."

In September 2014, I drove into Idaho's Salmon-Challis National Forest with Natalie Ertz's brother, Brian, who had spent many hundreds of hours tracking Wildlife Services trappers to document their kills. We had gotten information about a pending lethal-control action against a pack of wolves in Moyer Basin, a remote valley of the Yellowjacket Mountains, where Wildlife Services agents, according to our source, would be out prowling the sky in one of the Piper Cubs, a noisy yellow single-prop known as the Killer Bee.

We camped on a forested bluff overlooking the valley. We'd have a fine view of the airplane's kill zone. The landscape was splendid. The soft-contoured mountains faded in distant blue shrouds, the great forests of conifers sighed in the breeze, the autumn aspens glowed in the slant light of the afternoon sun, and the rich bottomlands were flooded behind beaver dams. "Prime wolf habitat," Ertz said.

A September storm erupted during the night and bent our tents, pelting us with rain and sleet, and soaking our sleeping bags. Ertz awoke before me, keeping his ear to the sky at dawn. But no Killer Bee.

Over breakfast he recounted the two days he'd spent in the spring of 2010 looking for members of the Buffalo Ridge wolf pack, which he heard had been targeted with a kill order. The pack had been seen near Squaw Creek, a tributary of the Salmon River that ran seventy-five miles south of Moyer Basin. Ertz arrived before the trappers, ascended through an aspen grove, and found where the pack was denning. The adults were on a hunt, and had left their pups behind. The

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afternoon was overcast, Ertz said, and threatening rain. Each time the thunder rumbled, the pups, young and innocent, howled in response, volleying their high-pitched cries in a kind of conversation with the sky. "It was one of the most profoundly wild experiences of my life," Ertz told me.

Ertz and I set out in his car, driving up and down rough dirt roads for several hours until at midday we found a flatbed Ford parked in a meadow next to a stream. The decals on the door said USDA, and a ramp attached to the bed suggested that it had carried an A.T.V. whose driver was off in the backcountry.

There was a warning on a fence post nearby:

MECHANICAL DEVICES (TRAPS, SNARES, OR OTHER RESTRAINING DEVICES) HAVE BEEN PLACED IN THIS AREA TO CAPTURE ANIMALS CAUSING DAMAGE OR HARM. THESE DEVICES AND THE ANIMALS CAPTURED IN THEM ARE THE PROPERTY OF THE UNITED STATES GOVERNMENT.

The notice had been issued by Wildlife Services.

We waited. After two hours, an A.T.V. came trundling toward us, driven by a trapper in his thirties who wore a hooded sweatshirt and a trucker's cap. Strapped across the dashboard was a four-foot pole with a loop at its end. The loop is meant to cinch around a wolf's neck so that an animal can be killed without close contact.

The trapper wouldn't give his name. I asked him about the trapping of wolves in Moyer Basin. "I'm not supposed to be talking to you," he said. "Talk to Todd Grimm" — referring to the Idaho state director of Wildlife Services.

Indicating the nearby sign, I asked what kinds of traps he was using, where they were located, and whether they posed a risk to the public. "Talk to Todd," he said. "That sign has warned you, and that's all I'm going to say."

When I asked for a phone interview with Wildlife Services, Lyndsay Cole, an assistant director of public affairs at the USDA, asked me to provide all my questions in writing. I submitted thirty-five questions related to specific points in this article and to Wildlife Services policy as a whole. Cole didn't answer the questions; instead, she emailed me a single-page statement with links to various public-relations documents the agency had put out. "Wildlife Services experts use a science-based Integrated Wildlife Damage Management (IWD) decision-making model," the statement said. "Activities are conducted to minimize negative impacts to overall native wildlife populations." Cole eventually responded to questions sent by a fact-checker from this magazine. She stated, in part, "We aren't able to speculate on methods that may have been used against policy in the past," and called the examples of agency misbehavior "not representative." When I asked Wildlife Services if I could talk with Todd Grimm, the agency did not respond to the request.

Once, during Carter Niemeyer's time with Wildlife Services in Montana, a sheep rancher asked him whether coyotes killed for revenge. "Of course not," Niemeyer told him. "Why do you ask?" Wildlife Services had recently mounted an aerial-gunning campaign in the hills around the rancher's property to strike at coyotes before they could take sheep. The result of the cull, the perplexed rancher explained, was increased depredation.

Rob Wielgus, a wildlife ecologist at Washington State University, has an explanation for this paradox. In 2013, he examined data that showed that the hunting of adult male cougars led to more attacks on livestock by the remaining cat population. "Killing older resident cats resulted in a huge influx of teenage male cats," Wielgus told me. "The teenage males are the livestock depredators. The older cats were cops that kept the younger troublemakers out."

In 2014, Wielgus published a similar study of wolves and their attacks on livestock in Idaho, Wyoming, and Montana. He reviewed the number of wolves that were killed annually over twenty-five years and the number of depredations of livestock for each year, and declared that the livestock industry was "not going to be happy" with his conclusion: Kill more wolves, he said, and depredations on livestock increase.

Wielgus believes that lethal assaults on predators produce social chaos in their populations. "We've now seen this in grizzlies, black bears, cougars, leopards, and wolves. Social disruption is a huge negative effect. Why is the livestock lobby unhappy with this? Because they want to kill predators. They cannot believe the scientific evidence. They're convinced that the only good predator is a dead predator."

Niemeyer had told me to read the work of Robert Crabtree, an ecologist and the founder of the Yellowstone Ecological Research Center. Crabtree found that more coyote pups within a given litter survive if their numbers are culled. Not only are there more attacks on livestock following lethal control of coyotes — there are also more coyotes. Wildlife

Services has killed nearly a million coyotes during the past decade, but the number of coyotes in the seventeen Western states today has remained the same.

"We keep family units broken up, leading to a lot of dispersal, a lot of subadult coyotes moving into other country after their families are broken, and younger coyotes breeding sooner than they would if they weren't thrown into being alone," Niemeier said. "It's all very self-serving for the Wildlife Services program. You create steady work by steady persecution."

In 1998, Peter DeFazio sponsored an amendment to reduce funding to Wildlife Services by \$10 million, from a total budget of \$50 million. The bill passed in the House by a vote of 229 to 193. Then the American Farm Bureau went into action, bombarding members with phone calls and faxes. House Republican Joe Skeen, a New Mexico stockman whose ranch had been visited ninety-nine times by Animal Damage Control agents between 1991 and 1996, led the assault on the amendment. Within twenty-four hours, the House took the unusual step of revoting the bill. Thirty-eight lawmakers switched their votes from yes to no. "I've seen such a revote happen perhaps a half-dozen times in twenty-one years in Congress," DeFazio told me.

In 2011, he tried again. He sponsored an amendment to the House agriculture appropriations bill to cut \$11 million from Wildlife Services' budget. The amendment, which would have returned the money to the federal treasury for deficit reduction, was endorsed by Taxpayers for Common Sense, the Humane Society, and the Natural Resources Defense Council. It was defeated.

In 2012, DeFazio introduced a bill called the Compound 1080 and Sodium Cyanide Elimination Act, which would have banned the deployment of sodium cyanide for predator control and the use of Compound 1080 for any purpose. The bill died in committee.

Jonathan Lovvorn, the chief counsel at the Humane Society of the United States, says that he has tried and failed to rein in Wildlife Services through the court system. The agency's statutory mandate "just says, 'Kill wildlife,' without any restrictions," he told me. "There really is no law to apply that might restrain the agency, even with a sympathetic judge."

Recently, I spoke on the phone with Brooks Fahy, the executive director of Predator Defense, a nonprofit group based in Oregon. Fahy has spent more than thirty years monitoring Wildlife Services. He doesn't see much hope. "The political power of livestock is too strong," he said. I asked Fahy about the Wildlife Services Reform Act, which DeFazio drafted but failed to propose in the last session. It would have banned aerial gunning, along with the use of neck and foot snares and M-44 cyanide devices, and mandated the housing of livestock behind barriers during lambing and calving season. It would have also required that "all available and viable nonlethal management and control methods" be attempted before lethal control is implemented. The nonlethal methods include electric fencing to shock and dissuade predators; "harassment and scaring devices," namely "pyrotechnics and noisemakers, trained dogs, effigies, electronic devices such as recorded distress calls"; and "lights such as spotlights, strobe lights, and lasers."

The bill itself was a compromise, fashioned to be politically acceptable to ranching interests by promoting the idea that livestock and predators can coexist on public lands. Fahy was skeptical. "We can have more fencing, sirens, and strobe lights," he said, "but at what cost to the ecosystem and the wildlife?" And in the end it may be, as John Peavey's experience suggests, that these measures will not work. Wolves, after all, were designed to eat sheep.

In the meantime, the lethal-control methods continue to bear unintended consequences. In 1998, Bill Guerra Addington, a third-generation Texan, tripped an antiquated M-44 that was designed to fire a .38 Special cartridge. He nearly lost his hand to the bullet. "I equate these predator-killing devices to land mines designed to kill people," he wrote in a letter to DeFazio. In 2003, Dennis Slaugh, a rockhound from Vernal, Utah, pulled at an M-44 out of curiosity and was sprayed in the face with white poison dust. He began vomiting and rushed to a hospital. The cyanide has lingered in his system and is slowly starving his body of oxygen.

Brooks Fahy said that he has received several hundred reports from pet owners about the disappearance of dogs and cats owing to what the owners claim were Wildlife Services activities. He told me the story of a pit bull named Bella, who was killed in Texas, in 2011, by an M-44 trap. The trap was placed less than a thousand feet from the doorstep of Angel and J. D. Walker, the dog's owners. According to Fahy, the trapper had received special permission from Wildlife Services to kill coyotes outside his normally assigned duty areas as a favor to his father, who leased ranchland adjacent to the Walkers' property. The Walkers found Bella dead ninety feet from the trap. Her mouth was bloody. She had vomited. "She had a horrible, weird smell, not just a death smell," said Angel.

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The Walkers buried their dog, and the next day they complained to Michael J. Bodenchuk, the agency's Texas director. "He never responded to us at all," said Angel. The following week, the local trapper reset the M-44s that he had placed near the Walkers' house, including the one that had killed Bella. One afternoon, returning home from school with her sons, Angel found three freshly killed coyotes hung on the fence along the road, with wire tied around their necks. She considered it a message from Wildlife Services.

Christopher Ketcham is a fellow at MIT's Knight Science Journalism program. His most recent article for *Harper's Magazine*, "The Great Republican Land Heist," appeared in the February 2015 issue.

TAGS

21st century, Agricultural pests, Career as Oregon congressman, Career as sheep farmer, Career in wildlife law enforcement, Career in Wildlife Services, Carter Niemeyer, Control, Coyotes, Dogs, Endangered species, Government policy, John Deaver, Mortality, Natalie Ertz, Officials and employees, Pesticides and wildlife, Peter DeFazio, Pets, Poisoning in animals, Predator animals, Public lands, Rex Shaddock, Samuel Sanders, Sheep farmers, Sodium cyanide, Trappers, United States, Views on wolf control, Wildlife denredation, Wildlife management, Wildlife pests, Wildlife Services (U.S.), Wolves

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The Business of Scenery

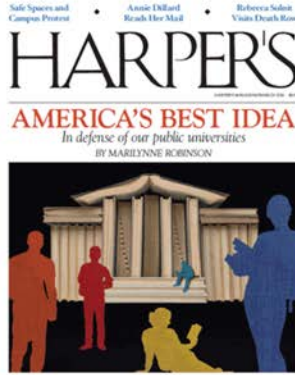
Why America's national parks need new management



A Play with No End
What the Gilets Jaunes really want

Ramblin' Man

From *This Land*, which will be published this month by Viking, Ketcham is a journalist who reports on the American West. His most recent article for *Harper's Magazine*, "The Rogue..."

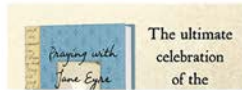


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