

For further information contact Lorette Picciano, Farm and Food Policy Diversity Initiative at lpicciano@ruralco.org

June 8, 2009

VIA www.regulations.gov

Andree DuVarney
Conservation Technical Assistance Programs Division
United States Department of Agriculture
Natural Resources Conservation Service
Room 6015 South Building
1400 Independence Avenue SW
Washington, DC 20250-2890

Dear Mr. DuVarney:

Re: Comments on Standard Operating Procedures for State Technical Committees, 74 Fed. Reg. 15,673 (April 7, 2009).

The Farm and Food Policy Diversity Initiative, including the Rural Coalition and the undersigned partners and allies, submits these comments. They concern Standard Operating Procedures for State Technical Committees, 74 Fed. Reg. 15,673 (April 7, 2009).

The **Farm and Food Policy Diversity Initiative (FFPDI)** includes diverse partner organizations with deep roots in the civil rights, rural and urban movements to secure land and justice. They work to ensure that organizations serving people of color in the food system have the opportunity to develop and support their own initiatives to improve equity in food and farm policy. The Diversity Initiative has successfully advocated for policies to increase transparency and accountability at USDA, halt land and farm loss by eliminating the factors that cause it, and increase prosperity in the food system by expanding opportunities and access to agriculture programs for the nation's diverse farmers and farmworkers.

The Rural Coalition is an alliance of more than 80 regionally and culturally diverse organizations that works to build a more just and sustainable food system. Its programs include advocating for national policies which support these goals, economic development efforts such as bridging the digital divide, and helping our diverse members market their farm products.

In General, the Proposed Standard Operating Procedures are a Welcome Step to Make the Process of Appointing Members of the State Technical Committee More Transparent and Inclusive, And Also to Make the Meetings Themselves More Transparent and Inclusive

The undersigned organizations support the attention provided in the proposed standard operating procedures to the importance of ensuring representation of all interests. We appreciate that at section 501.14(b), the proposed SOP include a process whereby persons may nominate themselves for appointment to the state technical committee.

We also support the provisions which set forth SOP for scheduling meetings and allowing persons to submit comments in writing, or orally, or both orally and in writing.

We Support Naming Federally Recognized American Indian Tribal Governments and Alaskan Native Corporations as one of the Stakeholders That Should be Represented by Members of the State Technical Committee

Section 501.12(b) of the proposed SOP properly includes federally recognized American Indian tribal governments and Alaskan native corporations as one of the stakeholders from whom members of the state technical committee should be chosen. Inclusion of a representative of the tribes would likely be in addition to formal consultation with the tribes, as required under an operative Executive Order, though depending upon the position of the representative appointed, it is possible that this would provide one avenue for formal consultation.

We Urge the NRCS to Reconsider its Use of the Term “Historically Underserved Producer.”

Under the interim final rule for EQIP, NRCS defined “historically underserved producer” as an eligible person, joint operation, or legal entity who is a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher. 74 Fed. Reg. 2293, 2310 (Jan. 15, 2009) (to be codified at 7 C.F.R. sec. 1466.3). The Standard Operating Procedures suggest a different, and broader use of the term in sections 501.12(d) and 501.15(c). The undersigned groups had some reservations about “lumping together” such disparate groups as beginning farmers, limited resource farmers, and socially disadvantaged farmers for purposes of the EQIP regulations. However, we recognized the administrative convenience of using one term for the several groups made eligible under the statute for certain provisions. In the case of the SOP, however, rather than providing a convenient shorthand term for groups that must be treated the same way under the statute, use of the term “historically underserved producer” seems likely to add only confusion. The undersigned groups support a broad, diverse, and inclusive process for determining membership on the STC, but we believe that use of the term of art “historically underserved producer” may impede those efforts, rather than enhance them.

We Urge the Agency to Compile Program Participation Data for Socially Disadvantaged Farmers and Ranchers Who Either Apply or Participate on a State Technical Committee or Local Working Group

Under section 14006 of the 2008 Farm Bill, USDA is directed to annually compile program application and participation rate data for socially disadvantaged farmers and ranchers. We believe that state technical committees and local working groups are “programs” for purposes of this statutory directive, and urge the agency to collect this important data.

We Urge the Agency To Continue in the Transparent Way it Has Begun, and to Make Any Changes to the Standard Operating Procedures Through the Federal Register.

The undersigned groups appreciate the Agency’s publication of these proposed standard operating procedures in the Federal Register. On page 15,673 of the background to the standard operating procedures, the agency states that it reserves the right to update its policy on STC’s, including Standard Operating Procedures, without further notice in the Federal Register.

We urge the agency to commit to promulgating any and all changes to its policy on STC’s, including Standard Operating Procedures, via public notice in the Federal Register. While most farmers are unaware of the Federal Register, many farm organizations regularly monitor the Federal Register. It is one of the best ways to inform farmers of changes to agency policies, procedures, and requirements, and to ensure that the agency receives feedback from the public, and from the farmers and ranchers it serves.

Thank you for your consideration of these comments.

Sincerely,

FARM AND FOOD POLICY DIVERSITY INITIATIVE
Rural Coalition/Coalición Rural: Washington, DC