

# CBP Management Board Decision

## Phase 5.3.2 Nutrient Mgt Expert Panel Report

- Decision: The MB approved the Tier II efficiencies for phosphorus. ...
- Further, for the approval of the Tier II phosphorus efficiencies, the MB concurs that acres being credited are conditional on the pending Agricultural Workgroup Taskforce's cross-walk and the on the states providing adequate compliance documentation for Tier II phosphorus.

# Crosswalk Utility

- **Definitions:** Shows how states determined what acres are eligible for each nutrient management tier.
- **Compliance Documentation:** Shows what data and documentation the states used to back up the reported acres.
- **Compliance Program Rigor:** Shows the level of rigor of the states' compliance programs and allows for evaluation of whether states are on par.
- **TF Flag Issues:** Allowed Task Force to flag areas for more discussions with states:

# ADEQUATE INFORMATION

## Questions to Pose – Data related

- Compliance documentation can be inadequate if:
  - Data and documentation are limited.
  - Heavy reliance on anecdotal information.
  - Lack of variety of sources of information.
  - Rigor is not on par with exemplary states.
  - Documentation does not substantiate high compliance levels or acres.
  - Other reports do not substantiate compliance levels.

# ADEQUATE INFORMATION

## Questions to Pose – Program Related

- Does the state have a good compliance assurance program (regardless of whether its voluntary or regulatory)?
  - Attains compliance
  - Maintains compliance
  - Increases compliance

# Elements of an Effective Compliance Program

- Known universe of operations covered under the state program(s).
- State agency field presence – regular inspections/assessments
- Thorough inspections/assessments – field component to confirm implementation.
- Timely and effective remedying of problems
- Credible threat of consequences that escalates over time and severity.
- Annual compliance reports (farmer and state agency reports)
- Documentation on program implementation and performance

# EPA Activities

- **Flag Issues for States to Remedy**
- **Encourage States to Adjust Acres to Something they Can Defend**
- **Evaluate Other Ways to Come up with a Defensible Number**

# Are there other Defensible Approaches?

- Animal Agriculture Program Assessments
  - Provides information on rigor/effectiveness of state compliance programs.
  - Provides compliance levels for animal operations in some states.
- CEAP
  - Request to NRCS: Run CEAP using Bay state standards to get watershed wide compliance level for nutrient application rates.
  - Could serve as a lower bound.
- Crosswalks
  - Compliance levels for exemplary states could serve as an upper bound.

# Path Forward

- TASK FORCE: Any Tier that doesn't meet the definitions cannot receive credit.
- MANAGEMENT BOARD: Credit for Tier 2 P acres are “conditional on the pending Agricultural Workgroup Taskforce's cross-walk and the on the states providing adequate compliance documentation for Tier II phosphorus.”



# Next Steps and Schedule

- **NRCS Conduct CEAP Analysis?**
- **Final discussions with States.**
- **Finalize Acres for Credit.** By next week at the latest.
- **Early March Final 2015 progress run** to share with Management Board and States, posted on line mid-April