



**September 16, 2024**

**U.S. Department of Agriculture**

**Natural Resource Conservation Service**

**Re: Docket ID NRCS-2024-0014**

<https://www.federalregister.gov/documents/2024/08/16/2024-18348/request-for-public-input-about-implementation-of-the-sustainability-targets-in-agriculture-to>

The Institute for Agriculture and Trade Policy (IATP) welcomes the opportunity to submit comments on the implementation of the SUSTAINS Act. IATP is a 37-year-old non-profit organization based in Minnesota working for fair and sustainable food, farm and trade systems. IATP has long advocated for conservation programs that improve the environment and climate, are accessible for all farmers, and serve the public interest.

We have serious concerns about potential conflicts of interests with the active participation of private interests in the use of conservation programs designed to serve the public interest. We're concerned about private companies using public dollars and spending for their own gain, including through potential carbon offset schemes, or influencing state conservation priorities to support private interests. And we are concerned about potential legal risks and ownership questions in projects for farmers involved in projects with public and private contributors.

Below we answer specific questions asked by NRCS. Questions by NRCS are indicated in italics, and IATP's response is in plain text.

*Should USDA actively solicit the contribution of funds, and if so, how?*

No. Soliciting the contribution of funds for NRCS programs leads to the perception that NRCS is engaging in a "pay-to-play" scheme. There already exist opportunities within NRCS to engage



private dollars, through avenues such as match requirements for conservation activities through the Regional Conservation Partnership Program and other programs. In these situations, private organizations demonstrate their commitment to conservation by leading or co-leading conservation projects while reducing the financial burden on NRCS.

If NRCS actively solicits the contributions of funds, it would need to show that contributors would not have undue influence on decisions such as priority resource concerns, practices eligible for federal funding, or which applications are awarded funding. Even the perception that contributors have an outsized role in decisionmaking at NRCS would hamper the Service's ability to serve the public. It could also lead to more unwanted scrutiny of NRCS operations. This would be true for a pilot project or a permanent program. Scrutiny could be highest in the event of conditional financial support from outside entities, but even unconditional financial support could lead to questions of conflicts of interest.

*The SUSTAINS Act provides criteria that the Secretary should consider when determining whether to accept private funds, such as the source of funds; any natural resource concerns to be addressed; consistency with the Secretary's priorities; and "other factors determined by the Secretary to be relevant" ([16 U.S.C. 3841\(f\)\(3\)](#)). What other criteria or issues should the Secretary consider in determining whether to accept a contribution of private funds?*

While federal funding can change from Farm Bill to Farm Bill, funding trajectories at the very least are predictable within five year windows. Private donations are much more subject to economic conditions, financial status of donors, and much less transparent personal financial decisions. Additionally, opening NRCS to private donations would create pressure to reduce federal funding using the argument that private funds could fill in the gap.

*What processes should USDA establish to document contributions?*

As NRCS goes forward with implementing the SUSTAINS Act, it should make public all contributions, detailing the donor, the amount of money donated, the frequency of donations,



which practices were funded, how many farmers were served, how many acres conserved (or other relevant conservation metrics), and the amount of NRCS staff time occupied with the administration of these funds.

*How should USDA ensure that there is no conflict of interest or appearance of impropriety associated with accepting funds from certain sources?*

The issue of apparent conflicts of interest seems unavoidable, especially if eligible donors include corporations and previous USDA grant recipients. It is important to track whether any corporations which have donated funds to NRCS have used such donations to advertise any products or services. Additionally, companies should report whether and how they have benefited financial from NRCS-led projects. Such activities, merited or not, would contribute to the appearance of conflicts of interest.

*How should the environmental service benefits generated through the SUSTAINS Act be defined? Specifically, what type of parameters would need to be in place?*

This question is redundant. NRCS already has in place conservation practice standards that outline the environmental service benefits of various practices. These standards are up for public comment when proposed, as well as each time they are revised. Dedicating NRCS resources to creating a parallel structure would be wasteful and ill-advised, especially considering the understaffing and oversubscription issues NRCS faces.

*Should the environmental service benefits be consistently quantified, and if so, by which methods or protocols?*

At this stage, quantification would be ill-advised. It is likely that many contributors would wish to quantify carbon dioxide sequestration or other ways of “offsetting” emissions. There is not yet a reliable, consistent, and accurate method to measure carbon sequestration in a meaningful and sustained way. Different soil types across and within farms, growth rates of plants, weather and climate, and livestock production methods all affect carbon dioxide accounting, leading to



unreliable results. Lending USDA's support to such accounting methods could undermine greenhouse gas emission reduction strategies.

In the event that NRCS uses SUSTAINS funds to greenlight offset projects, it should be clear about rules involving ownership of data, legal liability, and ensure farmers understand the legal risks involved.

*Would you be interested in supporting NRCS conservation programs as a contributing entity through the SUSTAINS Act? If yes, would you also want to acquire environmental credits through the projects you support? If so, what type of credits (for example, carbon credits, water quality credits, etc.)?*

No. Voluntary carbon markets are currently tanking. Companies are pulling out and such markets like Nori are closing shop. We question why the acquiring of credits is relevant to NRCS in its implementation of the SUSTAINS Act. We would welcome feedback from NRCS on its need for this information and how it shapes implementation.

IATP thanks the USDA for the opportunity to comment on the SUSTAINS Act implementation and welcomes any questions or follow-up regarding our submission.