

**NCSL STANDING COMMITTEE ON NATURAL RESOURCES, ENERGY
& ENVIRONMENT
POLICY DIRECTIVES AND RESOLUTIONS**

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COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT

POLICY: BEGINNING FARMERS AND RANCHERS

TYPE: EXISTING RESOLUTION

WHEREAS, the USDA generally defines “beginning farmer or rancher” as an individual who, “has not operated a farm or a ranch” or “has operated a farm or ranch for not more than 10 years” or “meets such other criteria as the Secretary of Agriculture may establish”; and

WHEREAS, the USDA’s National Agriculture Statistic’s Service Ag Census data has found that approximately one third of all American farmers are 65 or older; and

WHEREAS, there is increasing risk and uncertainty in the agriculture industry due to the significant negative impacts of natural disasters on production, threats from domestic and foreign animal diseases, supply chain challenges, ongoing net agriculture trade losses and current uncertainty around tariffs and international trade; and

WHEREAS, the impacts of natural disasters, including flooding, hail, drought and wildfire, cost agriculture producers an estimated \$20 billion in 2024, making it increasingly difficult for agriculture producers, especially beginning farmers and ranchers to sustain their operations; and

WHEREAS, agriculture has high input costs and beginning farmers and ranchers need significant capital and resources to rent or acquire the land, equipment and the other items necessary to start their business and maintain vital profitability and sustainability during the first ten years of operation; and

NOW, THEREFORE, BE IT RESOLVED, the National Conference of State Legislatures calls on Congress, the administration and relevant federal agencies to continue to support the development of the next generation of the agriculture workforce by administering federal support programs and providing grants, loans, insurance, technical assistance and training to all Americans seeking to work in agriculture or become a farmer, forester or rancher; and

28 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures calls
29 on Congress, the administration and relevant federal agencies to continue to support
30 state level tax incentives, programs, grants and projects that support or administer
31 support to beginning farmers and ranchers and to reject any changes to federal
32 agencies, programs, grants or projects that would negatively impact how states receive
33 and administer federal assistance; and

34 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures calls
35 on Congress to regularly enact new farm bill legislation every five years, ensuring the
36 timely renewal of federal support for America's beginning farmers and ranchers; and

37 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures calls
38 on Congress, the administration, and relevant federal agencies to support agriculture
39 producers, especially beginning farmers and ranchers, recovering from the devastating
40 impacts of natural disasters.

1 **COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT**

2 **POLICY: DATA CENTER IMPACTS ON POWER GENERATION**
3 **AND GRID RESILIENCY**

4 **TYPE: EXISTING RESOLUTION**

5 **WHEREAS**, the increasing digitization of everyday life and technological innovations
6 such as artificial intelligence, cloud computing, cryptocurrency mining and more are
7 driving the construction of large-scale data centers.

8 **WHEREAS**, data centers are critical for the modern economy and can provide
9 significant economic development for regions through growth of local property tax
10 bases, job creation during and after construction, and attraction of other high-tech
11 businesses due to proximity to data centers;

12 **WHEREAS**, according to the U.S. Department of Energy and the Electric Power
13 Research Institute, total energy demand in the U.S. is expected to spike in coming
14 years, potentially increasing 15-20 percent in the next decade. Data centers could use 9
15 percent of all electricity generated in the country by 2030, up from 4 percent in 2023.

16 **WHEREAS**, existing and new data centers increase pressures on an overburdened and
17 aging power grid that requires large investments in new and existing infrastructure, as
18 well as significant permitting reform.

19 **WHEREAS**, when paired with smart planning and infrastructure investment, data
20 centers can help modernize the grid, accelerate integration of any and all energy
21 generation sources, and provide backup generation capacity during peak demand or
22 emergencies – supporting grid innovation,

23 **WHEREAS**, the increased demand for power caused by data centers can significantly
24 raise costs for rate payers and cause serious concerns about cost sharing among
25 residential users, small businesses and large companies, especially when companies
26 negotiate for “behind the meter” access to power.

27 **WHEREAS**, many data centers are already taking steps to increase sustainability and
28 mitigate potential environmental impacts, data centers can generate significant

sustainability and community concerns, including vast water consumption, greenhouse gas and heat emissions, noise pollution, and electronic waste.

WHEREAS, these large-scale building projects come with siting concerns, especially around grid connection and facility accessibility in areas that lack existing power or service infrastructure to support large facilities.

WHEREAS, many states share security concerns regarding companies owned by adversarial countries (as defined by the Department of Homeland Security) using domestic data centers, building their own data centers and connecting them to the existing domestic power grid.

WHEREAS, cooperation and collaboration between data centers, by states and regions is necessary to invest in infrastructure, improve energy management, and create cohesive and integrated systems and prevent interstate conflicts over cost burdens, power supply and transmission.

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures urges Congress and the administration to take the following actions with input and consultation from the states or their national associations to help states address this rapidly growing issue:

1. Include state policy makers in all stakeholder discussions regarding data center placement and energy usage and refrain from pre-empting states on siting, permitting, taxation and other regulatory issues relating to the construction and operation of data centers.
2. Recognize opportunities for data centers to contribute to grid stability and resiliency while mitigating the impact of data centers on rate payers and communities, as well as protect local consumers' need for power when disruptions limit the amount of available power
3. Develop incentives and/or implement requirements for data centers regarding onsite generation of power, integration of energy-storage and demand-management systems at new data center projects.

4. Require utility operators to file documentation related to data centers with appropriate state and federal regulatory agencies that detail terms and conditions of service and associated prices to facilitate transparency and protect rate payers.
5. In cooperation with states and localities, encourage regional planning for power generation, including building national infrastructure in a way that makes sense for states and localities, nuclear power generation and valuing the grid as a national asset. This approach could disincentivize states from engaging in undue and damaging competition.
6. Expand oversight of the process by which large customers—such as large data centers or manufacturing plants—obtain power while protecting smaller consumers equitable access to power and other limited resources.
7. In consultation with states and their national associations, establish guidance and oversight of sustainability practices, including reducing emissions, mitigating onsite water consumption, reducing noise pollution and other community concerns.
8. Provide funding and resources to states to help data centers optimize operations through power management, workload optimization and other innovations.
9. Require data centers to regularly report to the appropriate local, state and federal agencies on their electricity and water usage to ensure transparency and facilitate equity in costs.
10. Work with states to create cost allocation methods that help ensure large-scale energy users are paying their fair share of costs using the “cost causation” and “beneficiary pays” principles.
11. Provide funding and resources to Department of Energy labs and other relevant federal agencies to increase their capacity to work with states and provide technical assistance to help navigate future energy needs and supplies.
12. Promote best-practice cybersecurity, physical security, and supply-chain security measures to protect U.S. data center operations from foreign adversary access or compromise.

COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT

POLICY: ELECTROMAGNETIC PULSES AND SOLAR FLARES

TYPE: EXISTING RESOLUTION

WHEREAS, protecting the nation's electric power grid and ensuring a reliable and affordable supply of energy are key priorities for the electric power sector and state and federal governments; and

WHEREAS, the power grid is a complex, interconnected network of generation, transmission, distribution, control, and communication technologies that can be impacted by natural events-including weather, earthquakes and geomagnetic disturbances (GMDs) like those caused by solar flares-and by malicious events, like cyber or physical attacks including electromagnetic pulses (EMPs); and

WHEREAS, the electric and nuclear sectors are critical infrastructure providers with mandatory and enforceable standards to help protect the reliability and security of the power and grid assets they own and operate; and

WHEREAS, standards can ensure that every electric utility meets a baseline level of security and the electric industry also relies on close coordination and partnerships with federal law enforcement and security agencies to help defend against hostile nation-states or other attacks against the United States, including EMP threats from a nuclear device; and

WHEREAS, intentional, manmade EMPs, such as those from directed energy weapons or high-altitude nuclear blasts, and naturally occurring GMDs, such as those caused by solar flares, need to be assessed and addressed with appropriate mitigation and protection strategies implemented for each; and

WHEREAS, preventing an EMP event is a national security issue, as the planning and launching of a nuclear attack on U.S. critical infrastructure constitutes an act of war or terrorism, thus the federal government is primarily responsible for preventing a high-altitude EMP as a matter of national security; and

28 **WHEREAS**, reasonably cost-effective technological solutions are emerging to protect
29 from EMP threats that could be implemented in phases, starting with the greatest risks
30 first; and

31 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
32 Legislatures urges members of Congress and the President of the United States to
33 initiate and coordinate efforts with state governments and the electric power sector to
34 implement plans and preparation for the protection of electric power generation,
35 transmission and distribution assets from EMPs and geomagnetic disturbances (solar
36 flares); first addressing those sectors most vulnerable and with the longest lead times
37 for repair, and then by using a risk based assessment approach to harden the
38 remainder of nation's electric production, transmission and distribution systems for
39 resilience against, and recovery from, all types of malicious or naturally occurring events
40 that could adversely impact the electric power grid.

1 **COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT**

2 **POLICY: FORESTRY**

3 **TYPE: EXISTING RESOLUTION**

4 **WHEREAS**, in the United States 800 million acres, approximately one third of its land
5 mass, is covered in forests and of that acreage, Federal and state and local
6 governments, owned and managed approximately 238.4 million and 82.7 million acres
7 respectively as of 2012; and

8 **WHEREAS**, direct federal forest management responsibilities are carried out by the
9 U.S. Department of Agriculture's Forest Service, the Bureau of Land Management, the
10 U.S. National Park Service and the Department of Defense across 43 states and the
11 territory of Puerto Rico; and

12 **WHEREAS**, federal agencies provide several vital programs, technical expertise and
13 funding to help with nationwide forest management and local and regional issues; and

14 **WHEREAS**, federal, state and local government and private forests can be used for
15 production, conservation and recreation, outdoor recreation in federal forests contribute
16 at least to \$13 billion to the American economy annually and in 2012 approximately
17 67% of U.S. forests predominantly focused on production; and

18 **WHEREAS**, the forest-based economy exists in every U.S. state and generates more
19 than \$280 billion worth of forest products annually in the U.S.; and

20 **WHEREAS**, the stability of American forestry currently faces numerous threats including
21 development, droughts, wildfire, extreme weather events, outbreaks of disease and
22 invasive species and pests, which the Forest Service has indicated could lead to net
23 forest loss; and

24 **WHEREAS**, invasive species, such as certain bark beetles, emerald ash borers, spotted
25 lanternflies and many others have had devastating impacts on certain domestic tree
26 species and have been detrimental to American forest health more broadly; and

WHEREAS, threats to the forestry industry from natural disaster are rising, the Congressional Research Service found that in fiscal year 2022, 63 million acres of national forest system lands had a high or very high wildfire hazard potential and in 2024 there were over 35 individual fires that burned over 40,000 acres; and

WHEREAS, the National Interagency Coordination Center Wildland Fire Summary and Statistics 2024 Annual Report found that there were 64,897 wildfires reported across the United States in 2024, and they destroyed more than 4,500 structures and damaged 8,924,884 acres. These occurrences are statistically higher than the five- and ten-year averages; and

WHEREAS, as the threat of wildfires increases, so does the need for increased federal preparedness and response as wildfires do not recognize jurisdictional boundaries, in 2024 only one in five wildfires were on federally protected lands; and

WHEREAS, many states, including Western, Great Lakes and Appalachian areas, are comprised of significant tracts of federal land and should not be held solely responsible for wildfire preparedness and response; and

WHEREAS, several states have already taken and continue to take action to respond to the threat of wildfires, by increasing funding for forest management, creating or increasing state wildfire funds, joining inter-state wildfire fighting compacts and improving state firefighting workforces and equipment fleets; and

NOW, THEREFORE, BE IT RESOLVED, the National Conference of State Legislatures urges Congress and the administration to maintain and sustain the role, scope and adequate and appropriate funding and staffing levels of all federal forestry and wildfire agencies, programs, grants, technical assistance and projects that assist states and landowners with forestry, forestry management, timber production, reforestation and wildfire preparedness, mitigation, resilience, response and recovery and to reject any changes to federal agencies, programs, grants, technical assistance or projects that would negatively impact how states conduct forestry management or receive federal wildfire assistance; and

55 **LET IT BE FURTHER RESOLVED**, as state forestry agencies are the primary delivery
56 system for forest management activities nationwide, the National Conference of State
57 Legislatures opposes any federal action, activity or unwarranted preemption that would
58 undermine or usurp state forest management roles, responsibilities or regulatory
59 authority; and

60 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures calls
61 on Congress, the administration and relevant federal agencies to support and
62 encourage sustainable forestry practices, conduct forestry research, support industry
63 innovation and development, make wildfire reduction practices more economically
64 feasible and keep forestland working forestland; and

65 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures calls
66 on Congress, to regularly enact new farm bill legislation every five years, to ensure the
67 timely renewal of federal support for American foresters and forestry.

1 **COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT**

2 **POLICY: GROWING OUTDOOR RECREATION ON PUBLIC**
3 **LANDS**

4 **TYPE: EXISTING RESOLUTION**

5 **WHEREAS**, America’s public lands and waters comprise approximately 600 million
6 acres managed by federal, state and local entities; and

7 **WHEREAS**, according to the U.S. Department of Commerce’s Bureau of Economic
8 Analysis (BEA), outdoor recreation generated \$1.2 trillion in economic output and
9 accounted for 2.3% of U.S. gross domestic product in 2023; and

10 **WHEREAS**, BEA also found that outdoor recreation generated five million jobs across
11 the country and accounted for 3.1% of all U.S. employees in the same time period; and

12 **WHEREAS**, regular outdoor recreation is associated with economic growth, positive
13 health outcomes, and better quality of life, and many outdoor recreation businesses are
14 small, locally owned and operated businesses that are the cornerstones of rural
15 communities; and

16 **WHEREAS**, it is important that the federal government, in partnership with state and
17 local governments, ensure that access to outdoor recreation is available to all
18 Americans for generations to come; and

19 **WHEREAS**, the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE)
20 Act combined several existing bills—including the Recreation Not Red Tape Act and
21 Simplifying Outdoor Access for Recreation Act—with new concepts such as improved
22 broadband connectivity at developed recreation sites, online collection of recreation
23 fees, federal collaboration with state, local and Tribal governments in identifying and
24 assessing housing, municipal infrastructure and other needs of gateway communities to
25 expand visitation to federal lands and waters; and

26 **WHEREAS**, the EXPLORE Act passed both chambers of Congress unanimously; and

27 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
28 Legislatures urges members of Congress and the president of the United States to work
29 with states to effectively implement the provisions of the EXPLORE Act.

COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT

**POLICY: PER- AND POLYFLUOROALKYL SUBSTANCES
(PFAS)**

TYPE: EXISTING RESOLUTION

WHEREAS, Per- and Polyfluoroalkyl Substances (PFAS) are a class of over 15,000 synthetic chemicals that are resistant to heat, water and oil. PFAS have been defined by over 20 states as a class of fluorinated chemicals containing at least one fully fluorinated carbon atom. Perfluorooctanoic Acid, also known as PFOA, and Perfluorooctane sulfonate, also known as PFOS, are a subset of PFAS chemicals; and

WHEREAS, PFAS are sometimes referred to as “forever chemicals” because they break down very slowly and thus can build up in soil, water and air over time; and

WHEREAS, PFAS have been and continue to be widely used in modern manufacturing since the mid-twentieth century and they can be found in a multitude of consumer, commercial and industrial products; and

WHEREAS, humans and the environment can be exposed to PFAS via multiple sources, including but not limited to industrial products, personal care products, cleaning products, clothing, furniture, appliances, electronics, food packaging, in low levels in certain food products intended for human consumption, water, biosolids and more; and

WHEREAS, according to EPA research, PFAS have been found in human and animal blood throughout the country, additionally a Centers for Disease Control and Prevention report found PFAS in the blood of 97% of Americans; and

WHEREAS, scientific studies have identified links between exposure to PFAS chemicals and harmful health impacts in humans and animals; but scientific understanding of PFAS impacts on human and animal health remains limited; and

WHEREAS, public awareness about PFAS and concern around exposure sources and unknown human and environmental impacts has been rising; and

WHEREAS, thirty states have adopted over 100 policies to address PFAS and PFAS contamination; and

WHEREAS, the EPA finalized the first federal National Primary Drinking Water Regulation for six PFAS or mixtures in April 2024, setting legally enforceable maximum contaminant levels for drinking water; and

WHEREAS, current federal funding is likely insufficient to address the total remediation and clean-up of PFAS in drinking water and does not address PFAS remediation and clean-up in other sectors; and

NOW, THEREFORE, BE IT RESOLVED, current federal action on PFAS prevention and funding is likely insufficient to address the total remediation and clean-up of PFAS in drinking water and does not address PFAS remediation and clean-up in other sectors; and

LET IT BE FURTHER RESOLVED, the National Conference of State Legislatures urges Congress, the administration and relevant federal agencies to identify, study, test, and remediate PFAS, including but not limited to drinking water and the domestic food supply; and

LET IT BE FURTHER RESOLVED, the National Conference of State Legislatures calls for Congress, the administration and relevant federal agencies to make all federal PFAS and PFAS response legislative and regulatory standards the floor and not the ceiling, and allow states to enact additional PFAS restrictions and regulations within their jurisdictions as deemed appropriate by state legislative and executive branches; and

LET IT BE FURTHER RESOLVED, the National Conference of State Legislatures urges Congress, the administration and relevant federal agencies to engage in state-federal intergovernmental communication, collaboration and coordination on PFAS and PFAS response, as well as to consult with states prior to implementing federal PFAS or PFAS response legislative or regulatory standards, including but not limited to proposed PFAS exposure limits or clean up requirements and the National Conference of State Legislatures strongly opposes any such federal legislation or regulation that enacts unfunded or burdensome mandates on states; and

57 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures
58 urges Congress, the administration and relevant federal agencies to provide appropriate
59 funding, resources and technical expertise to states and territories to help with state-
60 level PFAS response capacity building, as well as assistance with PFAS studies,
61 prevention, transition to safer alternatives, source identification, treatment, mitigation,
62 remediation, clean-up removal and disposal in all areas of contamination, including but
63 not limited to drinking water and the domestic food supply; and

64 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures
65 supports continued clear and accurate communications about federal PFAS findings.

COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT

POLICY: WASTE MANAGEMENT

**TYPE: EXISTING DIRECTIVE WITH AMENDMENT
INTRODUCED BY COMMITTEE STAFF**

The National Conference of State Legislatures (NCSL) believes that the following principles should be followed during the reauthorization and subsequent amendments of waste management programs and policy to minimize the present and future threat to human health and the environment:

Superfund Reform

To assure the timely and effective clean-up of contaminated sites, NCSL recommends that the following principles should be followed during reauthorization of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly referred to as "Superfund:"

State Roles

- The federal government should grant states a greater role in all aspects of Superfund decision making.
- The U.S. Environmental Protection Agency (EPA) should be allowed to delegate federal program responsibilities to states. EPA should be expected to authorize states to operate a state Superfund program in lieu of the federal program. Reasonable costs of state operation of the program should be reimbursed from the federal Superfund Trust or other federal sources should the Trust's funds be depleted or exhausted. State delegation and state authorization should be allowed at both federal and non-federal sites.
- States should be authorized to participate in decision making and remedy selection at federal facilities that are Superfund sites.
- EPA should retain authority to engage in emergency response actions at any location it deems necessary but only after appropriate consultation with the state concerned.

- Congress should be mindful that the forced allocation of state resources to National Priority List (NPL) sites comes at the expense of state efforts to remediate non-NPL sites and should limit the state "cost-share" at Superfund sites to 10% of remedial action costs and 10% of total operation and maintenance costs. States should be reimbursed for the state cost share to the extent the federal government receives reimbursement for Superfund site cleanup.

Remedy Selection

- Risk assessment and cost\benefit analysis should be considered during the remedy selection process while also fully factoring in risks posed to sensitive subpopulations. Cleanup decision and remedy selection should be determined on the basis of public health and environmental protection and should not be pre-determined by requirements that mandate the selection of "lowest cost" cleanup options.
- Permanent solutions to improperly disposed of hazardous waste should be accorded preference over attempts to control access or exposure to such waste.
- Codification of EPA's administrative policy to establish presumptive, standardized cleanup remedies for sites that have common characteristics. Cleanup standards based on end use must specify "how clean is clean" to streamline the remedy selection process.

Review of Remedy Selection

- Any legislation should assume that final remedy selections, including a record of decision (RODs), consent agreements and allocations of costs will not be reopened unless essential to protect the health and safety of the public.

Compliance with State Laws, Regulations, and Standards

- No state laws or regulations should be preempted. States should continue to be allowed to impose stricter state cleanup standards at sites. Compliance with state laws and regulations should continue to be required and should never be conditioned upon state governments paying the costs of such compliance.

Liability

- The current retroactive, strict, joint and several liability scheme should be maintained unless a fairer and more cost-effective alternative can be developed. Any new liability scheme should maintain the "polluter pays" principle and provide, at a minimum, the existing level of private sector resources for cleanups. The private sector should remain the primary funding source for site cleanups. There should be no increase in the public share of funding for site cleanups.
- Any review of the current liability scheme should recognize the fact that 23 states have liability schemes that closely reflect or mimic CERCLA's "polluter pays" approach to site remediation financing.
- Non-responsible landowners, including state and local governments, renters, or lessees, and institutions or persons financing cleanup activities at a site previously contaminated by hazardous waste or petroleum products should be provided with liability protection. Protection should not be provided to entities for hazardous waste releases that occur on the property during their involvement.
- Final liability settlements should not be reopened.

Site Listings

- Congress should not limit or cap additions to the National Priority List (NPL) except to codify EPA's current policy of obtaining state concurrence to add new sites to the NPL.

Financing Superfund

- The Superfund taxes on industry that finance the Superfund Trust Fund should be reauthorized. The aggregate tax should be least equivalent to that allowed under the original taxing authority.

Fund Financed Emergency Response Actions

- The current limit on Fund financed emergency response actions should be raised from one year or \$2 million to two years or \$4 million.

Voluntary Response Programs

- Congress should create incentives for responsible parties to engage in voluntary cleanup efforts.

Natural Resource Damages

- States should be given the opportunity to assume primary management and enforcement responsibility for natural resource damage programs.
- States should be allowed to use Superfund Trust monies to assess natural resource damages to address discharges and releases pursuant to CERCLA and to remedy such damages.
- Congress should remain mindful that states are heavily dependent upon their groundwater reserves. In the absence of State or Federal standards for contaminants, groundwater cleanup remedies under Superfund should be consistent with the applicable use of that water.
- States should be given the opportunity to recover all costs, including administrative costs, associated with a claim for natural resource damages against those parties responsible for the damage. Trustees should be allowed to recover non-use and lost use costs.
- Funding should be made available to states from Superfund for natural resource damage assessment and restoration.
- Congress should not federally mandate a statute of limitation period for natural resource damages. In addition, Congress should not place arbitrary liability "caps" on restoration budgets or damages resulting from the destruction or impairment of natural resources.
- The federal government should be subject to all state laws governing the cleanup of waste materials and be held responsible for payment of natural resource damages to states for Federally caused damages. Payment by federal facilities for state natural resource damages should not come from the Superfund.

Resource Conservation and Recovery Act (RCRA) Reform

Recognizing the need to manage solid waste in an environmentally, economically, and politically acceptable manner, the importance of a state-federal partnership and in support of the objectives of the Resource Conservation and Recovery Act (RCRA), NCSL recommends:

- That the federal government should significantly increase technical assistance to state and local governments in developing comprehensive source reduction, source separation, reuse and recycling plans while fully recognizing the primacy of state and local governments in solid waste management. Due to this primacy, the federal government should restrict its role to reviewing these plans by setting performance standards.
- The revision of regulation, tariffs and transportation policies to remove artificial price supports in order to create regulatory parity between recyclable and reusable material and virgin material.
- Full implementation of the provisions of RCRA requiring the federal government to promulgate regulations for federal procurement of recycled products. The federal government should give priority consideration to the purchase of reusable and recycled products and allow a temporary price differential, where applicable, for goods made from recycled materials.
- Congress should provide for a limited waiver of the Commerce Clause to provide states with the greatest authority possible to manage solid waste. Such a waiver should allow states to restrict imported waste and to allow restrictions on the exportation of waste, including the imposition of differential fees.
- That funds received from any permits authorized by federal law and issued by states for purposes of management of solid waste shall be expended as determined by state legislatures.
- The U.S. Environmental Protection Agency (U.S. EPA) should be required to adopt policies that encourage both the hazardous waste content of products and industrial hazardous waste by-products be kept to a minimum, and that

hazardous waste materials be reused, recycled or made non-hazardous whenever possible.

- The work of the Agency for Toxic Substances and Disease Registry (ATSDR) should be supported and expanded. Such studies and work should be funded through disbursements from the Superfund Trust Fund or through appropriations from the general revenue fund. Any information gathered from either federal or private sources should be subject to peer review and made available as needed.
- The federal government should be required to adopt hazardous waste reduction policies applicable to federal activities and facilities to reduce waste and develop new and improved waste elimination technologies. Such policies should include federal procurement guidelines that permit suppliers to modify their manufacturing processes to accommodate pollution prevention practices.
- Congress should adopt policies that promote the availability of affordable environmental liability insurance, including economic incentives for industry to establish its own voluntary insurance pool or insurance fund.
- States should be allowed flexibility in devising their hazardous waste management plans and regulations, including the setting of priorities.
- The importation of hazardous waste from foreign countries should be controlled through treaties and other agreements.
- Federal policies and agreements that decrease the dumping of hazardous waste in developing countries should be established.
- Health effects studies conducted by the federal government should be comprehensive and based on established exposure standards and measurements and monitoring methodology to be admissible as evidence in victims' compensation court cases.
- The disincentives for reuse and recycling of electronics scrap or e-scrap must be examined and mitigated by all relevant stakeholders.
- NCSL encourages the full cooperation and assistance of the federal government in state efforts to promote responsible product stewardship and encourage the development of an infrastructure necessary to support the widespread recovery of a broad range of electronic equipment. Any legislative or regulatory action

taken at the federal level must recognize the importance of a state-federal partnership in managing the current stream of end-of-life electronics and promote future product stewardship of electronic equipment.

Oil Pollution Act of 1990 Reform

To assure the avoidance of oil spills and ensure the timely, effective containment and clean-up of said spills to minimize environmental damage, NCSL recommends:

- Continued efforts toward full implementation of all provisions of the Oil Pollution Act, particularly provisions dealing with spill prevention including, but not limited to, staffing standards, vessel traffic service systems, alcohol and drug policy, double hulls, equipping and inspection of vessels, pilotage requirements, and provisions for navigational safety.
- Adequate funding of the U.S. Coast Guard to assure full implementation of their responsibility under the Act such as periodic inspections of vessels and implementation of the national planning and response system, including, but not limited to, contingency plans, response units and local area communities.
- Full implementation of the preparation of response plans by tank vessels and onshore and offshore facilities, and also of the requirement for bulk vessels to carry clean-up equipment.
- Full implementation of the research and development provisions of the Act including the Coast Guard's conduct of oil pollution minimization projects. To prevent duplication, NCSL calls on the federal agencies with research funding to coordinate research projects with the states.
- Continued preservation of states' authority to impose additional liability or other requirements with respect to oil spills and removal activities and to establish state oil spill funds and penalties.
- Safety and operational requirements for vessels apply, where appropriate, to barges as well.
- Support for the federal responder immunity standard.
- Clarification of jurisdiction of federal and state natural resources trustees in areas pertaining to oil spill prevention, response and cleanup.

- 203 • The Federal Government streamline authorization of states' plans and to
204 expedite state action to prevent and clean up spilled oil during times of crisis.
- 205 • The Federal liability limit for damages resulting from oil spills should be removed.

206 **Abandoned Mine Reclamation Fund Reform**

207 NCSL urges Congress to appropriate the entire amount of money annually deposited in
208 the Abandoned Mine Reclamation Fund. NCSL also urges Congress to expand the
209 program to include hard rock mines, incorporate funding from all mining activity and
210 require the U.S. Department of Energy to clean up abandoned uranium mines used for
211 defense purposes.

212 **Microplastics Research**

213 The National Conference of State Legislatures urges the United State Environmental
214 Protection Agency to increase research efforts on microplastics.

COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT

POLICY: AMERICAN WILDLIFE

TYPE: NEW DIRECTIVE (REP. RICK HANSEN & SEN. CATHY KIPP)

The National Conference of State Legislatures (NCSL) believes that maintaining strong and resilient American wildlife is critical to our nation's identity. Furthermore, protecting American wildlife helps ensure significant benefits for both the public and industry, including biodiversity, resilient ecosystems and future cultural value. NCSL recognizes that decisions affecting American wildlife must reflect a working partnership of the federal government with the states in both the formulation and implementation of policy.

Recovering America's Wildlife

NCSL recognizes that habitat loss, wildlife diseases, invasive species, pollution and the impacts of climate change pose significant threats to fish and wildlife species. There are over 1,600 United States' native species are federally protected under the Endangered Species Act and estimates suggest one in five native species is at risk of extinction. Additional funding could help states to address at-risk wildlife before they require protection under the federal Endangered Species Act which can be more costly and disruptive. The Recovering America's Wildlife Act would provide the additional funding to state wildlife agencies that is necessary to accelerate implementation of State Wildlife Action Plans. NCSL urges the President of the United States and Members of Congress to act to pass and sign into law the Recovering America's Wildlife Act.

Chronic Wasting Disease

Chronic Wasting Disease (CWD) affects cervids such as deer, elk, and moose and has been detected in at least 36 states, according to the Center for Disease Control's (CDC) August 2025 data. This disease creates great suffering and death of wildlife and threatens to infect more animals and impact ecosystems and economies. Furthermore, recent research indicates CWD may be spread by ticks, and has the potential to jump into human populations. States currently grappling with CWD are incurring significant costs to respond to the disease, often requiring the wildlife management agencies and

30 research universities to divert limited resources from other vital activities. NCSL urges
31 Congress to provide states with additional flexible federal funds for research and
32 response to emerging wildlife diseases, in order to effectively address this and other
33 multi-state wildlife disease crises and enable states to assure their wildlife populations
34 are healthy. These funds must be provided without federal mandates on state wildlife
35 management. Furthermore, NCSL supports National Institutes of Health funding to
36 examine human health impacts from CWD.

COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT

POLICY: INVASIVE SPECIES

TYPE: NEW DIRECTIVE (REP. RICK HANSEN & SEN. CATHY KIPP)

WHEREAS, the U.S. Department of Agriculture’s National Invasive Species Information Center has identified over 6,500 species commonly known as “invasive, noxious, prohibited, or otherwise harmful or potentially harmful” that have become established in the United States; and

WHEREAS, there is no set federal standard for managing all invasive species and their management and regulations are left primarily to state and local governments. What legislation that has been passed by Congress on this subject has historically been narrowly focused on a specific invasive species or impact; and

WHEREAS, there are a multitude of state, local and Federal entities, including the National Invasive Species Council, the U.S. Department of Agriculture and the White House, involved in the management and regulation of invasive species, which can make effective management and coordinated prevention, mitigation, management and eradication challenging; and

WHEREAS, invasive species have significant negative impacts on the U.S. economy, and can be detrimental to national security, food security and natural resources. Impacts can include devastating native plant and animal populations, further jeopardizing threatened or endangered species, harming biological diversity and ecosystems, impairing or destroying crop, livestock, fishery and timber production, denigrating valuable investments including property values, damaging vital infrastructure, disrupting recreational activities and threatening human health; and

WHEREAS, in 2025, the U.S. Forest Service estimates that invasive species cause over \$138 billion in economic losses annually; and

WHEREAS, invasive species can be introduced to the U.S. intentionally by bad actors or unintentionally through a number of natural and manmade pathways including being

transported via people or goods, including on vehicles and watercraft, due to international and domestic trade and travel, via living industries such as exotic pets, plants, and food, and via natural spread or other miscellaneous routes; and

WHEREAS, current federal action on invasive species management and funding is insufficient to address the total prevention, management and eradication of invasive species; and

NOW, THEREFORE, BE IT RESOLVED, the National Conference of State Legislatures urges Congress, the administration and relevant federal agencies to increase funding and develop new funding opportunities, including grants, for invasive species research, as well as the prevention, mitigation, management and eradication of both endemic and novel invasive species; and

LET IT BE FURTHER RESOLVED, the National Conference of State Legislatures urges Congress and the administration to maintain and sustain the role, scope and adequate and appropriate funding and staffing levels of all federal programs, grants, technical assistance and projects that assist states, local governments, businesses and landowners with invasive species prevention, mitigation, response and eradication and to reject any changes to federal agencies, regulations, funding, programs, grants, technical assistance or projects that would negatively impact how states conduct invasive species management or receive federal assistance; and

LET IT BE FURTHER RESOLVED, the National Conference of State Legislatures urges Congress, the administration and relevant federal agencies to continue engagement in state-federal intergovernmental communication, collaboration and coordination on invasive species management, as well as to consult with states prior to implementing federal legislative or regulatory standards for invasive species management; and

LET IT BE FURTHER RESOLVED, the National Conference of State Legislatures supports ongoing and improved good neighbor practices lead by the federal government that helps improve state-to-state and state-to-federal communication and

57 coordination on invasive species prevention, mitigation, management, response and
58 eradication; and

59 **LET IT BE FURTHER RESOLVED**, as state and local governments are the entities
60 primarily responsible for the legislative and regulatory management of invasive species
61 nationwide, the National Conference of State Legislatures opposes any federal action,
62 activity or unwarranted preemption that would undermine or usurp state invasive
63 species management roles, responsibilities or regulatory authority and the National
64 Conference of State Legislatures strongly opposes any such federal legislation or
65 regulation that enacts unfunded or burdensome mandates on states; and

66 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures calls
67 on Congress, the administration and relevant federal agencies to support and
68 encourage sustainable invasive species management practices, conduct research into
69 the prevention, mitigation, response and eradication of endemic and novel invasive
70 species, support industry innovation and development to protect against the adverse
71 effects of invasive species, make invasive species management practices more
72 economically feasible and help protect the American economy, national security,
73 infrastructure and vital industries.

COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT

**POLICY: RECOGNIZING THE IMPORTANCE OF FAIR
COMPETITION, STRONG SUPPLY CHAINS, AND
ECONOMIC OPPORTUNITY IN GROCERY RETAIL
AND MEAT PROCESSING**

TYPE: NEW RESOLUTION (REP. RICK HANSEN)

WHEREAS, a competitive grocery retail and meat processing sector is essential to ensuring affordable food, resilient supply chains, economic opportunity, and consumer choice; and

WHEREAS, farmers, ranchers, workers, consumers, independent businesses, and local communities all benefit when markets remain competitive and accessible; and

WHEREAS, increasing consolidation in grocery retail and meat processing has concentrated economic power among a small number of large corporations, reducing competition throughout the food supply chain; and

WHEREAS, several major retailers have expanded their ownership and control of meat processing facilities, including investments in poultry and beef production and processing operations; and

WHEREAS, greater vertical integration may create efficiencies but can also raise concerns regarding market access, competitive fairness, pricing transparency, and the ability of independent producers and businesses to compete on equal terms; and

WHEREAS, robust competition helps ensure that farmers and ranchers receive fair market opportunities, workers have access to quality jobs, consumers benefit from competitive prices, and local businesses can participate in regional economies; and

WHEREAS, federal laws, including the Robinson-Patman Act and the Packers and Stockyards Act, were enacted to prevent unfair preferences and discriminatory practices that distort markets and undermine competition; and

27 **WHEREAS**, policymakers at all levels of government share a responsibility to promote
28 fair and open markets, support economic opportunity, and prevent anticompetitive
29 conduct that harms consumers, producers, workers, and small businesses; and

30 **WHEREAS**, preserving diverse and competitive food supply chains strengthens
31 economic resilience, food security, and local economic development; therefore, be it

32 **NOW, THEREFORE, BE IT RESOLVED**, NCSL recognizes the importance of
33 maintaining competitive grocery retail and meat processing markets that provide
34 opportunities for workers, farmers, ranchers, consumers, and independent businesses;
35 and

36 **LET IT BE FURTHER RESOLVED**, NCSL supports policies that promote fair
37 competition, transparency, market access, and economic opportunity throughout
38 grocery retail and meat processing industries; and

39 **LET IT BE FURTHER RESOLVED**, that copies of this resolution be transmitted to the
40 Attorney Generals of all 50 States, the Federal Trade Commission, the Antitrust Division
41 of the United States Department of Justice, and the United States Department of
42 Agriculture for their consideration and action.

1 **COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT**

2 **POLICY: SUPPORTING FEDERAL LEGISLATION TO BAN THE**
3 **SALE AND TRADE OF EJIAO AND DONKEY HIDES**

4 **TYPE: NEW RESOLUTION (DEL. MARTY MARTINEZ)**

5 **WHEREAS**, ejiao (also known as "gelatina nigra") is a gelatin derived from donkey
6 hides that is used for alternative medicine, beauty and cosmetic products, and other
7 luxury goods. However, the use of ejiao is unnecessary since gelatins from other meats,
8 fish, plants, or seaweed may be used instead.

9 **WHEREAS**, the domestic Chinese and international demand for ejiao requires
10 approximately 8–10 million donkey skins per year, but the annual supply in China is less
11 than 1.8 million. This demand has led to the slaughter of massive numbers of donkeys
12 across the globe, decimating donkey populations, most notably in Africa and Latin
13 America (particularly in Kenya, Ethiopia, Botswana, Brazil, and other nations in the
14 Global South).

15 **WHEREAS**, stakeholders estimate that between 2.3 million and 5.9 million donkeys are
16 slaughtered annually for their hides to support ejiao production. At the current rate, the
17 present global donkey population of 44 million could be halved over the next several
18 years.

19 **WHEREAS**, when not sold to ejiao companies – donkeys are regularly stolen and killed
20 illegally for their hides. This has had devastating effects on already
21 struggling/impoverished families who depend on donkeys for their livelihood. Among
22 other things, these donkeys are used for farming, construction, and carrying
23 water/goods for miles.

24 **WHEREAS**, the United States is the third-largest importer of ejiao behind Hong Kong
25 and Japan, with \$12 million in imports each year.

26 **WHEREAS**, the sale and trade of ejiao is completely unsustainable. Moreover,
27 increasing sales of ejiao in the U.S. deepens the crisis affecting donkeys and the poorer
28 communities who rely on them for their livelihoods.

29 **WHEREAS**, the bipartisan Ejiao Act (H.R. 5544) before Congress would ban the sale,
30 transport, or purchase of products containing ejiao, as well as donkeys and donkey
31 hides for the purpose of making ejiao. Like the Shark Fin Sales Elimination Act (enacted
32 in 2022), the Ejiao Act would ensure that the United States does not contribute to the
33 decimation of this animal species.

34 **WHEREAS**, the Ejiao Act is endorsed by the nation's leading animal and equine welfare
35 organizations, including the Brooke USA Foundation, Animal Welfare Institute, the
36 American Association of Equine Practitioners, the American Wild Horse Campaign,
37 ASPCA, Humane World for Animals (formerly the Humane Society), Species Unite, and
38 the EQUUS Foundation; and

39 **WHEREAS**, state legislatures have a strong interest in animal welfare, global
40 humanitarian concerns, and ensuring the United States does not contribute to the
41 decimation of the global donkey population; now, therefore, be it

42 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
43 Legislatures supports federal legislation to ban the sale, transport, and purchase of
44 ejiao products and donkeys or donkey hides for the purpose of ejiao production;

COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT

**POLICY: OVERTURNING MONSANTO COMPANY V. DURNELL
DECISION AND OPPOSING FEDERAL INSECTICIDE,
FUNGICIDE, AND RODENTICIDE ACT
AMMENDMENTS**

**TYPE: NEW DIRECTIVE (REP. RICK HANSEN & SEN. CATHY
KIPP)**

A resolution memorializing Congress to overturn the United States Supreme Court decision Monsanto Company v. Durnell and oppose efforts to amend the Federal Insecticide, Fungicide, and Rodenticide Act to further preempt state law.

WHEREAS, in a federalist system both the Federal Government and the States wield sovereign powers and the improper preemption of state law represents an intrusion on state sovereignty in violation of our constitutional structure; and

WHEREAS, throughout our nation's history the States have exercised their police powers to protect the health and safety of their citizens, including protecting state citizens from, and remedying harms caused by, dangerous products through state tort law; and

WHEREAS, through the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) the Congress granted significant power to the United States Environmental Protection Agency (EPA) while also establishing a relatively decentralized regulatory scheme for pesticides that recognized and preserved a broad role for the states; and

WHEREAS, consistent with a posture of cooperative federalism, through FIFRA the Congress narrowly preempted state pesticide labeling or packaging requirements that are in addition to or different from those required under FIFRA but, importantly, did not preempt state laws that are fully consistent with FIFRA's requirements including state laws that require product manufacturers to provide the consumer adequate warning of a product's dangers; and

WHEREAS, in Monsanto Company v. Durnell, the United States Supreme Court overturned its own FIFRA precedent and upended this delicate federal-state balance by

significantly expanding the scope of FIFRA's preemption of state law and leaving citizens without a remedy for harm caused by a manufacturer's failure to adequately warn of a pesticide product's known health risks; and

WHEREAS, Congress has considered, but not enacted, legislation that would further expand FIFRA's preemption of state laws.

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures requests that Congress respect the vital role that states play in protecting the health and safety of their citizens and the salutary effect that state tort liability has on the production and sale of safe and effective pesticide products by:

1. Overturning *Monsanto Company v. Durnell* by amending FIFRA to clarify that state laws that provide a damages remedy for failure to warn consumers of known product health risks are not preempted; and
2. Opposing efforts to expand FIFRA's intentionally narrow preemption of state laws.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to all Senators and Representatives in Congress.

1 **COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT**

2 **POLICY: PARAQUAT BAN**

3 **TYPE: NEW DIRECTIVE (REP. RICK HANSEN & SEN. CATHY**
4 **KIPP)**

5 **WHEREAS**, the pesticide paraquat is one of the most dangerous commercial pesticides
6 still available for use and purchase on the US market to treat weeds; and

7 **WHEREAS**, paraquat is highly linked to causing Parkinson's disease, with the
8 Environmental Protection Agency (EPA) finding that those exposed to paraquat face an
9 elevated risk of developing Parkinson's disease. Paraquat's harm to human health has
10 now led it to being banned in over 70 countries including the European Union, China,
11 and Brazil; while states such as Vermont are now banning its use domestically; and

12 **WHEREAS**, paraquat was classified as a restricted use pesticide in 1978 by the EPA
13 due to concerns over its high toxicity in humans. Despite being only available to certified
14 applicators, the EPA introduced additional use restrictions for paraquat in 2021 due to
15 new evidence of the harm applicators face. Yet, enforcement of restrictions and
16 penalties for misuse is limited due to capacity restraints.

17 **WHEREAS**, paraquat can persist in soil for up to seven years after application. Rainfall
18 then carries the herbicide into surrounding soils and freshwater systems where it
19 threatens non-target plants, freshwater fish, and aquatic invertebrates. Paraquat
20 contaminated vegetation can expose birds and mammals to reproductive harm, while
21 the loss of non-target flowering plants reduces food sources for bees and other
22 pollinators;

23 **WHEREAS**, the recent decision by the Supreme Court in *Monsanto Co. v Durnell* has
24 significantly limited legal remedies for our constituents to seek justice after being
25 harmed by the use of pesticide products. State action to restrict the overuse of
26 pesticides and ban the most dangerous pesticides such as paraquat is now more
27 essential than ever in our history; and

28 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
29 Legislators urges the President of the United States and Member of Congress to
30 empower states to act with further authority to ensure their constituents are protected
31 from pesticide overuse, while ensuring state lands and waters remain free from
32 pesticide contamination; and

33 **BE IT FURTHER RESOLVED**, that if state-level efforts to protect public health are
34 deemed ineffective or preempted, a federal ban on the production, sale, and use of
35 paraquat shall be necessary; and

36 **BE IT FURTHER RESOLVED**, that copies of this resolution be immediately transmitted
37 to the President of the United States, the President of the United States Senate, the
38 Speaker of the House of Representatives, and each member of Congress.