

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

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

2 **POLICY: BEGINNING FARMERS AND RANCHERS**

3 **TYPE: EXISTING RESOLUTION**

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

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

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

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

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

22 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures  
23 calls on Congress, the administration and relevant federal agencies to continue to  
24 support the development of the next generation of the agriculture workforce by  
25 administering federal support programs and providing grants, loans, insurance,  
26 technical assistance and training to all Americans seeking to work in agriculture or  
27 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

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

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

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

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

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

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

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

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

2 **POLICY: ELECTROMAGNETIC PULSES AND SOLAR FLARES**

3 **TYPE: EXISTING RESOLUTION**

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

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

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

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

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

24 **WHEREAS**, preventing an EMP event is a national security issue, as the planning and  
25 launching of a nuclear attack on U.S. critical infrastructure constitutes an act of war or  
26 terrorism, thus the federal government is primarily responsible for preventing a high-  
27 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

27 **WHEREAS**, threats to the forestry industry from natural disaster are rising, the  
28 Congressional Research Service found that in fiscal year 2022, 63 million acres of  
29 national forest system lands had a high or very high wildfire hazard potential and in  
30 2024 there were over 35 individual fires that burned over 40,000 acres; and

31 **WHEREAS**, the National Interagency Coordination Center Wildland Fire Summary and  
32 Statistics 2024 Annual Report found that there were 64,897 wildfires reported across  
33 the United States in 2024, and they destroyed more than 4,500 structures and damaged  
34 8,924,884 acres. These occurrences are statistically higher than the five- and ten-year  
35 averages; and

36 **WHEREAS**, as the threat of wildfires increases, so does the need for increased federal  
37 preparedness and response as wildfires do not recognize jurisdictional boundaries, in  
38 2024 only one in five wildfires were on federally protected lands; and

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

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

46 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures  
47 urges Congress and the administration to maintain and sustain the role, scope and  
48 adequate and appropriate funding and staffing levels of all federal forestry and wildfire  
49 agencies, programs, grants, technical assistance and projects that assist states and  
50 landowners with forestry, forestry management, timber production, reforestation and  
51 wildfire preparedness, mitigation, resilience, response and recovery and to reject any  
52 changes to federal agencies, programs, grants, technical assistance or projects that  
53 would negatively impact how states conduct forestry management or receive federal  
54 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.

1 **COMMITTEE: LAW AND PUBLIC SAFETY AND NATURAL**  
2 **RESOURCES, ENERGY & ENVIRONMENT**

3 **POLICY: NATURAL DISASTER MANAGEMENT**

4 **TYPE: EXISTING JOINT RESOLUTION**

5 **WHEREAS**, natural disasters impacting the United States, including hurricanes, storms,  
6 flooding, tornados, fires, wind, hail and extreme heat, are more severe, occurring more  
7 frequently, and at greater scale. According to the Federal Emergency Management  
8 Agency (FEMA), 44 of 50 states experienced a federal disaster declaration somewhere  
9 in their state in 2024; and

10 **WHEREAS**, the National Oceanic and Atmospheric Administration’s National Center for  
11 Environmental Information has identified 73 natural disasters, largely comprised of  
12 severe storms, tropical cyclones and winter storm events, between 2022 and 2024 with  
13 individual losses of over \$1 billion adjusted for inflation. Five-year average costs have  
14 spiked to \$151.2 billion in 2024 from \$19.1 billion in 1984, meaning states and local  
15 communities rely on federal assistance before, during and after disasters now more  
16 than ever; and

17 **WHEREAS**, in 2020 the National Institute of Building Sciences evaluated federal  
18 investments in disaster mitigation since 1995 and found that for every \$1 federal  
19 invested, communities saved \$13; and

20 **WHEREAS**, state and local governments own approximately 44% of public roads, 38%  
21 of national bridges, over 900 hospitals and directly support about a third of the nation’s  
22 airports. States are constantly working to improve disaster response and recovery  
23 systems and technology and federal funding and technical assistance enhances state  
24 investments in pre-disaster resiliency, disaster mitigation and preparedness and  
25 supports the rapid repair and replacement of damaged and destroyed infrastructure and  
26 quicker economic recovery; and

27 **WHEREAS**, given the severity of natural disasters in recent years, federal support to  
28 state activities and existing state funding mechanisms is vital to repairing damaged  
29 communities; and

30 **WHEREAS**, the majority of federal disaster funding is distributed to states through  
31 FEMA, which has obligated over \$160 billion in funding since 2017 as a result non-  
32 Covid-19 disaster declarations; and

33 **WHEREAS**, the primary role of the Federal Emergency Management Agency relied  
34 upon by the states is leading interagency coordination before, during, and after  
35 multijurisdictional disasters as a full-service federal partner; and

36 **WHEREAS**, state and local governments already have a 25% cost share with awarded  
37 FEMA funds unless specifically adjusted by the president. The majority of states lack  
38 sufficient funding, capacity and need for a full-time disaster-response staff, and are  
39 unable to replace federal disaster-response infrastructure and expertise; and

40 **WHEREAS**, federal assistance to states which provides and supports the delivery of  
41 basic services such as clean water, food and shelter to communities post-disaster is a  
42 necessity; and

43 **WHEREAS**, the dissolution of federal agencies addressing disasters and assistance for  
44 disaster preparedness, mitigation, resilience, response and recovery would result in the  
45 loss of a centralized federal research and innovation hub for new resiliency techniques  
46 and improved methods for protecting lives and property during emerging and  
47 increasingly worsening disaster threats, an increase in direct cost burdens on states by  
48 requiring states to spend more money on routine items and would adversely impact  
49 investments in other areas and a decrease in national security during times of crisis;  
50 and

51 **WHEREAS**, intergovernmental communications, ongoing federal-state partnerships and  
52 long-term staff relationships are vital to effective coordination and disaster  
53 preparedness and response; and

54 **WHEREAS**, according to the Congressional Budget Office, insurers covered \$80 billion  
55 in losses caused by natural disasters in 2023 and some insurers were rendered  
56 insolvent due to the impacts of and the resulting claims after natural disasters. Other  
57 insurance companies are reducing coverage and are pulling out of states like California  
58 and Florida – both of which experienced catastrophic disasters in recent years; and

59 **WHEREAS**, given the interconnectedness of the global economy, vulnerable supply  
60 chains and regionalized American industry, it is in America’s best economic interest to  
61 ensure expedient services and relief to states after disasters to assist with speedy local,  
62 regional and national economic recovery; and

63 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures  
64 urges Congress and the administration to maintain and sustain the role, scope and  
65 adequate and appropriate funding levels of all federal disaster agencies, programs,  
66 grants and projects, such as the Building Resilient Infrastructure and Communities  
67 (BRIC) grant program, that assist states with disaster preparedness, mitigation,  
68 resilience, response and recovery and to reject any changes to federal agencies,  
69 programs, grants or projects that would disrupt or decrease federal disaster assistance  
70 funding currently provided to states, create direct or indirect cost burden shifts to states,  
71 or create any new direct or indirect spending or other precondition requirements,  
72 including the implementation of a so called “disaster deductible,” for states to access  
73 federal funding for disaster preparedness, mitigation, resilience, response or recovery;  
74 and

75 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures  
76 urges Congress and the Administration to maintain a consistent schedule for disaster  
77 relief grant cycles to ensure states can adequately make informed planning and budget  
78 decisions without undue uncertainty; and

79 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures calls  
80 on Congress, the administration and relevant federal agencies to ensure that federal  
81 funding intended for shelter after disaster be continued, and ensure that the shelter and  
82 services issued meet the needs of all Americans, both urban and rural; and

83 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures  
84 urges Congress, the administration and relevant federal agencies to support the  
85 principles of state-to-state mutual aid and resource sharing as agreed to by the  
86 signatory states and territories of the Emergency Management Assistance Compact  
87 (EMAC) by continuing EMAC program funding, in addition too, rather than as a  
88 replacement of, federal financial and technical support and assistance; and

89 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures calls  
90 on Congress, the administration and relevant federal agencies to enhance  
91 intergovernmental partnerships; increase in-person assistance to states, including  
92 communication and coordination assistance and other on the ground support before,  
93 after, and during disaster response and recovery to better serve the needs of the  
94 American public; and bolster clear and accurate communications with all relevant  
95 stakeholders including state and local entities as well as the public about state and  
96 federal disaster preparation, response and recovery efforts, before, during and after  
97 disasters; and

98 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures calls  
99 on Congress, the administration and relevant federal agencies to maintain federal  
100 disaster resources for the public, including information to assist the public with  
101 preparedness and response, scientific databases and federal data tracking and  
102 collection programs; and

103 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures  
104 supports efforts by the federal government to improve community preparedness prior to  
105 disaster, including the federal government’s assistance with and facilitation of broad  
106 preventative actions that could be conducted across the nation, such as contracting for  
107 shelter in preparation for future disasters; and

108 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures calls  
109 on Congress, the administration and relevant federal agencies to provide financial and  
110 technical support for state resource sharing programs and disaster response systems  
111 and software; and

112 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures  
113 supports efforts by the federal government, in consultation with states, to improve,  
114 streamline, simplify, and increase the consistency, flexibility and transparency of federal  
115 disaster funding applications and distribution processes to states, who are responsible  
116 managers of federal dollars, to more quickly assist with disaster response and recovery;  
117 and

118 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures  
119 supports changes to the National Flood Insurance Program to ensure its solvency while  
120 also maintaining its affordability and availability to all Americans.

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

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

4 **TYPE: EXISTING RESOLUTION**

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

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

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

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

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

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

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

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

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

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

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

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

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

49 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures  
50 urges Congress, the administration and relevant federal agencies to engage in state-  
51 federal intergovernmental communication, collaboration and coordination on PFAS and  
52 PFAS response, as well as to consult with states prior to implementing federal PFAS or  
53 PFAS response legislative or regulatory standards, including but not limited to proposed  
54 PFAS exposure limits or clean up requirements and the National Conference of State  
55 Legislatures strongly opposes any such federal legislation or regulation that enacts  
56 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.

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

2 **POLICY: WASTE MANAGEMENT**

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

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

9 **Superfund Reform**

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

14 **State Roles**

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

- 29
- Congress should be mindful that the forced allocation of state resources to  
30 National Priority List (NPL) sites comes at the expense of state efforts to  
31 remediate non-NPL sites and should limit the state "cost-share" at Superfund  
32 sites to 10% of remedial action costs and 10% of total operation and  
33 maintenance costs. States should be reimbursed for the state cost share to the  
34 extent the federal government receives reimbursement for Superfund site  
35 cleanup.

### 36 **Remedy Selection**

- Risk assessment and cost\benefit analysis should be considered during the  
37 remedy selection process while also fully factoring in risks posed to sensitive  
38 subpopulations. Cleanup decision and remedy selection should be determined  
39 on the basis of public health and environmental protection and should not be pre-  
40 determined by requirements that mandate the selection of "lowest cost" cleanup  
41 options.  
42
- Permanent solutions to improperly disposed of hazardous waste should be  
43 accorded preference over attempts to control access or exposure to such waste.  
44
- Codification of EPA's administrative policy to establish presumptive, standardized  
45 cleanup remedies for sites that have common characteristics. Cleanup standards  
46 based on end use must specify "how clean is clean" to streamline the remedy  
47 selection process.  
48

### 49 **Review of Remedy Selection**

- Any legislation should assume that final remedy selections, including a record of  
50 decision (RODs), consent agreements and allocations of costs will not be  
51 reopened unless essential to protect the health and safety of the public.  
52

### 53 **Compliance with State Laws, Regulations, and Standards**

- No state laws or regulations should be preempted. States should continue to be  
54 allowed to impose stricter state cleanup standards at sites. Compliance with state  
55 laws and regulations should continue to be required and should never be  
56 conditioned upon state governments paying the costs of such compliance.  
57

## 58 **Liability**

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

## 74 **Site Listings**

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

## 78 **Financing Superfund**

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

## 82 **Fund Financed Emergency Response Actions**

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

85

86 **Voluntary Response Programs**

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

89 **Natural Resource Damages**

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

## 113 **Resource Conservation and Recovery Act (RCRA) Reform**

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

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

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

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

## 176 **Oil Pollution Act of 1990 Reform**

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

- 179 • Continued efforts toward full implementation of all provisions of the Oil Pollution  
180 Act, particularly provisions dealing with spill prevention including, but not limited  
181 to, staffing standards, vessel traffic service systems, alcohol and drug policy,  
182 double hulls, equipping and inspection of vessels, pilotage requirements, and  
183 provisions for navigational safety.
- 184 • Adequate funding of the U.S. Coast Guard to assure full implementation of their  
185 responsibility under the Act such as periodic inspections of vessels and  
186 implementation of the national planning and response system, including, but not  
187 limited to, contingency plans, response units and local area communities.
- 188 • Full implementation of the preparation of response plans by tank vessels and  
189 onshore and offshore facilities, and also of the requirement for bulk vessels to  
190 carry clean-up equipment.
- 191 • Full implementation of the research and development provisions of the Act  
192 including the Coast Guard's conduct of oil pollution minimization projects. To  
193 prevent duplication, NCSL calls on the federal agencies with research funding to  
194 coordinate research projects with the states.
- 195 • Continued preservation of states' authority to impose additional liability or other  
196 requirements with respect to oil spills and removal activities and to establish state  
197 oil spill funds and penalties.
- 198 • Safety and operational requirements for vessels apply, where appropriate, to  
199 barges as well.
- 200 • Support for the federal responder immunity standard.
- 201 • Clarification of jurisdiction of federal and state natural resources trustees in areas  
202 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.

1 **COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT**  
2 **POLICY: AMERICAN WILDLIFE**  
3 **TYPE: NEW DIRECTIVE (REP. RICK HANSEN & SEN. CATHY**  
4 **KIPP)**

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

11 **Recovering America’s Wildlife**

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

22 **Chronic Wasting Disease**

23 Chronic Wasting Disease (CWD) affects cervids such as deer, elk, and moose and has  
24 been detected in at least 36 states, according to the Center for Disease Control’s (CDC)  
25 August 2025 data. This disease creates great suffering and death of wildlife and  
26 threatens to infect more animals and impact ecosystems and economies. Furthermore,  
27 recent research indicates CWD may be spread by ticks, and has the potential to jump  
28 into human populations. States currently grappling with CWD are incurring significant  
29 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.

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

2 **POLICY: INVASIVE SPECIES**

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

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

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

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

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

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

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

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

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

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

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

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

54 **LET IT BE FURTHER RESOLVED**, the National Conference of State Legislatures  
55 supports ongoing and improved good neighbor practices lead by the federal  
56 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.

1 **COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT**  
2 **POLICY: OVERTURNING MONSANTO COMPANY V. DURNELL**  
3 **DECISION AND OPPOSING FEDERAL INSECTICIDE,**  
4 **FUNGICIDE, AND RODENTICIDE ACT**  
5 **AMMENDMENTS**  
6 **TYPE: NEW DIRECTIVE (REP. RICK HANSEN & SEN. CATHY**  
7 **KIPP)**

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

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

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

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

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

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

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

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

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

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

44 **BE IT FURTHER RESOLVED**, that a copy of this resolution be provided to all Senators  
45 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.

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

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

6 **TYPE: NEW RESOLUTION (REP. RICK HANSEN)**

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

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

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

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

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

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

24 **WHEREAS**, federal laws, including the Robinson-Patman Act and the Packers and  
25 Stockyards Act, were enacted to prevent unfair preferences and discriminatory practices  
26 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;

1 **COMMITTEE: NATURAL RESOURCES, ENERGY & ENVIRONMENT**  
2 **POLICY: SUPPORTING PRICE TRANSPARENCY, CONSUMER**  
3 **PRIVACY, AND FAIRNESS IN THE GROCERY RETAIL**  
4 **MARKETPLACE**  
5 **TYPE: NEW RESOLUTION (REP. RICK HANSEN, REP.**  
6 **SONYA HARPER, SEN. CATHY KIPP, REP.**  
7 **VERONICA PAIZ & SEN. SHEIKH RAHMAN)**

8 **WHEREAS**, affordable access to food and other necessities is essential to the well-  
9 being of American families and communities; and

10 **WHEREAS**, consumers benefit from transparent, predictable, and easily understood  
11 pricing practices that allow them to make informed purchasing decisions; and

12 **WHEREAS**, electronic shelf labels (ESLs) enable retailers to change prices remotely  
13 and instantaneously throughout a store; and

14 **WHEREAS**, advances in data collection, artificial intelligence, and automated pricing  
15 technologies have created new opportunities for retailers to adjust prices based on  
16 factors beyond ordinary market conditions; and

17 **WHEREAS**, consumers should be able to trust that prices displayed in stores are clear,  
18 readily understandable, and not influenced by the collection or use of personal  
19 information; and

20 **WHEREAS**, the use of technologies such as cameras, sensors, mobile applications,  
21 loyalty programs, and facial recognition systems may enable retailers to collect  
22 information about consumers in ways that are not always apparent to the public; and

23 **WHEREAS**, public confidence in the marketplace depends upon ensuring that  
24 consumers are treated fairly and that pricing practices are transparent and accountable;  
25 and

26 **WHEREAS**, policymakers have a responsibility to evaluate emerging technologies and  
27 establish appropriate safeguards before their widespread adoption creates risks for  
28 consumers, and communities; and

29 **WHEREAS**, protecting consumers from unfair or deceptive pricing practices and  
30 safeguarding personal privacy are principles that transcend political affiliation and enjoy  
31 broad public support; now, therefore, be it

32 **NOW, THEREFORE, BE IT RESOLVED**, that NCSL supports policies that promote  
33 transparent, consistent, and understandable pricing practices for consumers; and be it  
34 further

35 **BE IT FURTHER RESOLVED**, that NCSL encourages federal policymakers to ensure  
36 that emerging retail technologies are subject to appropriate oversight, transparency, and  
37 accountability standards in the retail marketplace.