



Conservation Technical Assistance

Due to an increased need for conservation measures on farms and ranches across the country, and decreased funding from Congress, demand for the U.S. Department of Agriculture's (USDA) conservation programs far exceeds USDA's capacity to provide technical and financial assistance. Some groups estimate that underfunding results in demand for conservation support going unmet on 13.8 million acres of US farmland.¹ That is 13.8 million acres worth of land where producers want to adopt practices that increase resiliency and improve environmental outcomes but lack the support they need to design and implement those practices.

Conservation Technical Assistance (CTA) is a crucial entry point for all of USDA's conservation programs for landowners and producers who wish to opt into voluntary conservation practices. Through CTA, USDA's Natural Resource Conservation Service (NRCS) provides landowners and farmers with conservation plans tailored to the needs of their specific operation. These plans are a prerequisite for eligibility in other conservation programs and, in the case of an operation on highly erodible land, a prerequisite for receiving other farm program support. Despite CTA's pivotal role as an entry point into USDA conservation programs, the lack of resources dedicated to CTA creates barriers to effectively providing conservation plans. This Issue Brief identifies those barriers and suggests recommendations for improving CTA.

QUICK SUMMARY

- Demand for USDA conservation programs is going unmet on 13.8 million acres of U.S. farmland.
- CTA is a key conservation planning program that opens the door to USDA's conservation financial assistance programs.
- Increased funding and training; streamlined processes for TSPs; and expanded programming for critical environmental issues can improve CTA and help meet the demand for assistance.

BACKGROUND

What is CTA?

According to NRCS, the primary purposes of CTA are to:

- Reduce soil loss from erosion;
- Solve soil, water quality, water conservation, air quality, and agricultural waste management problems;
- Reduce potential damage caused by excess water and sedimentation or drought;
- Enhance the quality of fish and wildlife habitat;
- Improve long-term land sustainability; and

¹ Letter from Am. Fisheries Soc'y et al. to Debbie Stabenow, Chairwoman, U.S. Senate Comm. on Agric., Nutrition, and Forestry, et al., (Apr. 27, 2021), <https://fisheries.org/2021/07/afs-urges-more-investment-in-farm-bill-conservation-programs/> [<https://perma.cc/DAN4-LFD5>].

- Assist others in facilitating changes in land use as needed for natural resource protection and sustainability.²

CTA achieves these purposes by providing one-on-one conservation planning assistance to producers and landowners who voluntarily implement conservation practices on their land.³ Either NRCS field staff or certified Technical Service Providers (TSPs) can develop conservation plans.⁴ These plans are tailored to the participant's specific conservation needs and recommend site-specific conservation practices.⁵

To participate in conservation programs like the Environmental Quality Incentives Program (EQIP) or the Conservation Stewardship Program (CSP), both of which provide financial assistance for implementing and maintaining conservation practices,⁶ a landowner must first develop a conservation plan with a certified conservation planner (i.e., NRCS field staff or a certified TSP).⁷ Because these conservation plans are paid for through CTA, Congress must sufficiently fund CTA in order for these other conservation programs to succeed.⁸

CTA Funding & the Inflation Reduction Act

CTA is a farm-bill authorized program with discretionary funding, meaning that Congress sets a level for funding through the annual appropriations process rather than through the farm bill. As a result, discretionary programs like CTA are not always funded to the level Congress may have initially intended when it passed the farm bill or to the level that USDA requests.

In FY2022, Congress funded CTA at \$759.8 million.⁹ In August 2022, Congress provided an additional \$19.5 billion over five years to support oversubscribed USDA conservation programs—including \$1 billion for CTA—in the Inflation Reduction Act (IRA).¹⁰ These funds are specifically for NRCS Climate-Smart Mitigation Activities—conservation practices which reduce greenhouse gas emissions and sequester carbon (e.g., planting cover crops and restoring wetlands).¹¹ There was widespread

² See *Conservation Technical Assistance Program: Purpose*, NATURAL RES. CONSERVATION SERV., <https://www.nrcs.usda.gov/getting-assistance/conservation-planning/purpose-of-the-conservation-technical-assistance-program> [https://perma.cc/559B-YUUJ].

³ See *id.*; MEGAN STUBBS, CONG. RSCH. SERV., R40763, AGRICULTURAL CONSERVATION: A GUIDE TO PROGRAMS 7 (2022), <https://crsreports.congress.gov/product/pdf/R/R40763> [https://perma.cc/B8V6-4SEN].

⁴ See *Technical Service Providers*, NATURAL RES. CONSERVATION SERV., <https://www.nrcs.usda.gov/getting-assistance/technical-assistance/technical-service-providers#services> [https://perma.cc/WGR3-2HSN].

⁵ NAT'L ASSOC. OF CONSERVATION DIST., CONSERVATION TECHNICAL ASSISTANCE 1, <https://www.nacdnet.org/wp-content/uploads/2017/03/NACD-CTA-Educational-Two-Pager.pdf> [https://perma.cc/B8W9-4G6X].

⁶ STUBBS, R40763, *supra* note 3, at 19, 14.

⁷ NAT'L ASSOC. OF CONSERVATION DIST., *supra* note 5, at 1.

⁸ *Id.*

⁹ STUBBS, R40763, *supra* note 3, at 7.

¹⁰ *Inflation Reduction Act*, NATURAL RES. CONSERVATION SERV., <https://www.nrcs.usda.gov/about/priorities/inflation-reduction-act> [https://perma.cc/H35D-HVU5].

¹¹ NATURAL RES. CONSERVATION SERV., NRCS CONSERVATION PROGRAMS AND THE INFLATION REDUCTION ACT, <https://www.nrcs.usda.gov/sites/default/files/2023-02/nrcs-conservation-programs-and-the-inflation-reduction-act.pdf> [https://perma.cc/MKS4-8XUD]. For a list of climate smart activities eligible for IRA funding in FY2023 see NATURAL RES. CONSERVATION SERV., CLIMATE SMART ACTIVITIES



support to increase funding for conservation programs leading up to the IRA, including from conservation advocacy groups¹² and commodity groups.¹³ For the reasons discussed below, increased funding in the IRA and beyond will be crucial to empower more producers and landowners to develop conservation plans with NRCS.

KEY ISSUES IN CTA

The primary obstacles to providing meaningful CTA to those who request it relate to the lack of resources. First, a decline in Congressional appropriations over the last ten years for the Conservation Operations (CO) account has resulted in reduced staffing levels at NRCS.¹⁴ The CO account funds nearly half of NRCS staff¹⁵ and CTA funding comes directly out of the CO account.¹⁶ Future appropriations must fund CO at a robust level to support NRCS field staff and TSPs who provide conservation planning.

In addition to understaffing, a second key concern expressed by stakeholders is that NRCS employees lack on-farm experience.¹⁷ "While the issues [and programs] have increased in scope and complexity, the funding to ensure adequate on-the-ground technical assistance field staff has not. Simply put, NRCS does not have enough trained and experienced personnel to meet all of its TA demands."¹⁸ With IRA funds earmarked for specific climate smart conservation practices, there is a risk of poor implementation or under-implementation of conservation planning for climate strategies where field staff lack expertise in the relevant practices.

AND FORESTRY (CSAF) MITIGATION ACTIVISTS LIST FY2023, https://www.nrcs.usda.gov/sites/default/files/2023-01/CSAF%20Mitigation%20Activities_2023.pdf [<https://perma.cc/RV4U-KN92>].

¹² *Inflation Reduction Act of 2022: A Deep Dive on an Historic Investment in Climate and Conservation Agriculture*, NAT'L SUSTAINABLE AGRIC. COALITION (Aug. 19, 2022), <https://sustainableagriculture.net/blog/inflation-reduction-act-of-2022-a-deep-dive-on-an-historic-investment-in-climate-and-conservation-agriculture/> [<https://perma.cc/Z33L-MA8V>]; *Farm Aid Joins More Than 600 Allies to Protect Climate-Resilient Agriculture Funding*, FARM AID (Feb. 28, 2023), <https://www.farmaid.org/issues/industrial-agriculture/farm-aid-joins-more-than-600-allies-to-protect-climate-resilient-agriculture-funding/> [<https://perma.cc/AS53-L5S7>].

¹³ See, e.g., *Soybean Growers Approve 2021 Resolutions*, AM. SOYBEAN ASSOC., (Feb. 25, 2021), <https://soygrowers.com/news-releases/soybean-growers-approve-2021-resolutions/> [<https://perma.cc/42TR-4DHQ>].

¹⁴ MEGAN STUBBS, CONG. RSCH. SERV., R46971, AGRICULTURAL CONSERVATION: FY2022 APPROPRIATIONS I (Apr. 28, 2022), <https://crsreports.congress.gov/product/pdf/R/R46971/4> [<https://perma.cc/TBC9-BVXX>].

¹⁵ *Id.*

¹⁶ STUBBS, R40763, *supra* note 3, at 7.

¹⁷ EMMA SCOTT ET AL., FARM BILL LAW ENTER., CLIMATE & CONSERVATION 14 (Aug. 2022), <https://www.farbilllaw.org/wp-content/uploads/2023/03/Climate-and-Conservation-Report.pdf> [<https://perma.cc/TQ6H-EK8B>]; NRCS Water Quantity Listening Session, Colo. Ag News Network (Dec. 17, 2020) (31:12 of afternoon session) <https://barnmedia.net/2020/12/17/12-17-20-listen-to-the-usda-nrcs-western-states-public-listening-session-from-today-online-inside-the-barn/> [<https://perma.cc/6S5A-QG9J>]; Phillip Brasher, *Biden's CSP Expansion Could Face Hill Resistance, Staffing Questions*, AGRIPULSE (Sep. 30, 2020), <https://www.agripulse.com/articles/14572-bidens-csp-expansion-would-face-hill-resistance-staffing-questions> [<https://perma.cc/5RZC-P254>].

¹⁸ KEITH CAMPBELL, FOUND. FOR THE ENV'T, EXPANDING AND INCREASING CONSERVATION TECHNICAL ASSISTANCE TO AMERICA'S WORKING LANDS PRODUCERS (2023), <https://www.agripulse.com/ext/resources/2023/02/28/1523Full-Assessment.pdf> [<https://perma.cc/VKY2-8FLT>].

Third, NRCS' conservation programs are oversubscribed.¹⁹ In a letter to Senator Debbie Stabenow, Chair of the Senate Committee on Agriculture, Nutrition, and Forestry, dozens of conservation organizations urged Congress to increase funding for conservation technical assistance.²⁰ The conservation organizations explained that landowners want to implement conservation practices on an additional 13.8 million acres, but there is inadequate funding to do so.²¹

Oversubscription is made worse by the fact that CTA funding is subject to the annual appropriations process, which makes planning for a backlog more difficult due to the uncertainty of funding year-to-year. For example, in FY 2007 Congress' year-long continuing resolution failed to earmark money for technical assistance entirely.²² Programs in the farm bill authorized with mandatory funding, by contrast, are not subject to annual appropriations decisions. Thus, authorizing mandatory funding for CTA would protect funding levels over the duration of the farm bill.²³

Finally, even where resources are available, the process to access resources is opaque for producers. One TSP explained that the application process for landowners to receive funding is complicated to navigate and typically necessitates guidance, but NRCS field offices do not always have staff with time to help people through the application process.²⁴ As a result, farmers who want to adopt conservation practices may be discouraged from seeking the funding and expertise necessary to follow through on developing and implementing a conservation plan. The process may be especially daunting for farmers from historically underserved communities, who were previously discriminated against when they tried to participate in USDA programs.²⁵

This shortfall of resources prevents many producers who are willing to adopt conservation measures from accessing the expertise they need to develop conservation plans and implement practices that would increase resiliency on their farms, improve local environmental outcomes like clean water, and reduce national greenhouse gas emissions. Because CTA is an entry point into USDA's broader conservation programs, failing to meet demand for CTA means that those producers who are left behind are unable to access other USDA programs that would financially support implementation of expensive conservation measures.²⁶ The following section offers recommendations to not only address the budget shortfalls in CTA but to also improve the efficacy of the program.

RECOMMENDATIONS

The primary shortfall for CTA is a lack of resources resulting from underfunding, as discussed above. While CTA funding increased to \$883 million in 2023, its funding remains discretionary under the farm bill, and still does not meet the current demand

¹⁹ *Inflation Reduction Act*, NATURAL RES. CONSERVATION SERV., <https://www.nrcs.usda.gov/about/priorities/inflation-reduction-act> [<https://perma.cc/H35D-HVU5>].

²⁰ Letter from Am. Fisheries Soc'y et al. to Debbie Stabenow, *supra* note 1.

²¹ *Id.*

²² CONG. RSCH. SERV., RL34069, TECHNICAL ASSISTANCE FOR AGRICULTURE CONSERVATION 16–17 (2011), <https://crsreports.congress.gov/product/pdf/RL/RL34069> [<https://perma.cc/BP64-ZVL9>].

²³ *Id.* at 4.

²⁴ Zoom Interview, Anonymous (Apr. 19, 2023).

²⁵ ALYSSA CASEY, CONG. RSCH. SERV., R46969, RACIAL EQUITY IN U.S. FARMING: BACKGROUND IN BRIEF (2021), <https://crsreports.congress.gov/product/pdf/R/R46969>.

²⁶ NAT'L ASSOC. OF CONSERVATION DIST., *supra* note 5.



for CTA.²⁷ While increasing funding is the most concrete way to bolster CTA, advocates have offered more nuanced solutions to help increase funding, and adjustments to CTA that would help increase the efficacy and reach of existing resources.

1. Increase funding through baseline mandatory funding

As noted, CTA funding remains discretionary under the farm bill, and as such, has seen a decline in funding between 2004 and 2020.²⁸ This decline has coincided with a decline in staffing at NRCS, which has contributed to many of the resource constraints discussed above.²⁹ While Congress and the Biden-Harris Administration have increased this funding, both through appropriations and through new investments in the IRA, this volatility jeopardizes the long-term efficacy of CTA.³⁰ Lack of clarity on funding makes it difficult for NRCS to effectively plan long-term due to fluctuating staffing levels and availability of funds for TSPs. In order to increase certainty within the program, Congress should provide mandatory funding for CTA and increase the current funding levels to both meet the demand for existing conservation programs and ensure that in the future there will be no lapses in staffing due to inadequate funding.

As part of the increase in funding, Congress should seek to tie some of the funding to climate change mitigation programs.³¹ The National Sustainable Agriculture Coalition has proposed creating a requirement in the farm bill that would set aside one percent of mandatory conservation program funding to help producers with climate change mitigation and adaptation through CTA, using existing mechanisms to enhance agricultural resilience.³²

2. Fund and promote cross-training among NRCS staff and producers

USDA should fund information sharing programs that encourage NRCS staff and farmers to train each other on best practices and share technical expertise.³³ For NRCS staff, USDA should require staff to seek out additional training, either from NRCS peers or third-party opportunities, which staff can then share with farmers.³⁴ For farmers, NRCS should compensate those who train other farmers in conservation practices, in order to facilitate and incentivize knowledge sharing by practitioners who have

²⁷ See Comm. Print of the Comm. on Appropriations U.S. H. R. on H.R. 2617/P.L. 117-238 Book 1, 81, <https://www.congress.gov/117/cprt/HPRT50347/CPRT-117HPRT50347.pdf> [<https://perma.cc/YD38-XZPP>].

²⁸ MEGAN STUBBS, CONG. RSCH. SERV., R46011, FY2020 APPROPRIATIONS FOR AGRICULTURAL CONSERVATION 4-5 (2020), <https://crsreports.congress.gov/product/pdf/R/R46011/4> [<https://perma.cc/MX98-7KD8>].

²⁹ *Id.*

³⁰ *Inflation Reduction Act Investments in FPAC Loan and Conservation Programs*, U.S. DEP'T OF AGRIC., <https://www.farmers.gov/inflation-reduction-investments> [<https://perma.cc/8L86-592F>].

³¹ SCOTT ET AL., *supra* note 17, at 14-15.

³² NAT'L SUSTAINABLE AGRIC. COAL., 2023 FARM BILL PLATFORM 26 (2023), <https://sustainableagriculture.net/publications/2023-farm-bill-platform/> [<https://perma.cc/4VQ4-DQTA>].

³³ *Id.* at 26.

³⁴ *Id.*

practical experience.³⁵ An international survey of farmers engaged in knowledge sharing of sustainable practices found greater adoption of those practices when farmer-to-farmer education was used, which indicates that a peer-to-peer model could not only alleviate resource constraints but could also increase uptake of more sustainable farming practices.³⁶

3. Streamline the process for Technical Service Provider certification

TSPs are third-parties from the private sector, non-profit organizations, and public agencies beyond NRCS that are authorized to provide CTA on behalf of USDA.³⁷ Once certified, TSPs are reimbursed for services rendered to farmers through funds that the farmer receives from USDA for participating in the conservation program.³⁸ The process for certification requires compliance with relevant qualification standards set by NRCS³⁹ and applicants must provide documentation to validate their qualifications.⁴⁰ Congress can help increase the number of TSPs available to meet the demand for CTA by directing NRCS to improve the application process and allow qualified service providers to more easily receive certification.⁴¹ The process could be improved by reducing paperwork, elevating experience-based education to be on par with formal education to qualify as a TSP, and offering resources to help TSPs more easily register.

NRCS can also increase its capacity for CTA by partnering with outside organizations with their own certification processes. NRCS recently announced a Memorandum of Understanding (MOU) that streamlines the process for individuals in the American Society of Agronomy's International Certified Crop Adviser (ICCA) program to become TSPs based on their expertise in areas including nutrient management, soil health, and organics, among others.⁴² Similar MOUs with other organizations can continue to increase the capacity for CTA. NRCS could also draw on TSPs who already work with state agencies to implement state conservation programs, which could provide a larger pool of experienced TSPs to supplement NRCS resources.

4. Expand access for farmers impacted by PFAS

With the realization that decades of applying municipal sludge waste to cropland has led to widespread PFAS contamination, there is now national demand for technical

³⁵ *Id.*

³⁶ See M. M. Kansanga et al., *Does participatory farmer-to-farmer training improve the adoption of sustainable land management practices?*, 108 LAND USE POLICY 1054-77 (2021), <https://www.sciencedirect.com/science/article/pii/S0264837721002003> [<https://perma.cc/3ERT-DNBS?type=standard>].

³⁷ U.S. DEP'T OF AGRIC., BECOMING A TECHNICAL SERVICE PROVIDER: SOUTH DAKOTA FACT SHEET (2022), https://www.nrcs.usda.gov/sites/default/files/2022-10/Becoming_a_Technical_Service_Provider_SD-FS-BTSP.pdf [<https://perma.cc/LVG9-MYAM>].

³⁸ *Id.*

³⁹ U.S. DEP'T OF AGRIC., NRCS PRACTICE AND CONSERVATION ACTIVITY LIST AND CERTIFICATION CRITERIA-FY 2023 (2022), <https://www.nrcs.usda.gov/sites/default/files/2022-12/NRCS-Practice-and-Conservation-Activity-List-and-Criteria-2023.pdf> [<https://perma.cc/HK6Q-HG9N>].

⁴⁰ BECOMING A TECHNICAL SERVICE PROVIDER: SOUTH DAKOTA FACT SHEET, *supra* note 37.

⁴¹ NAT'L SUSTAINABLE AGRIC. COAL., *supra* note 32.

⁴² *American Society of Agronomy announces partnership with Natural Resources Conservation Service*, AM. SOCIETY OF AGRONOMY (Apr. 18, 2023), <https://www.agronomy.org/news/media-releases/releases/2023/0418/1479/> [<https://perma.cc/TK49-6PKK>].



assistance for dealing with the newfound crisis.⁴³ While NRCS has committed to testing soil and water samples in agricultural operations, more resources are necessary.⁴⁴ In order to meet the emerging need, Congress should require NRCS to develop capacity to assist farmers to develop new practices, management plans, and other mitigation strategies to help affected farmers deal with widespread PFAS contamination in soil.⁴⁵

CONCLUSION

CTA plays a key role in the implementation and efficacy of USDA's many conservation programs. In order to access USDA funding and implement the array of conservation programs that USDA administers, farmers need access to the technical assistance necessary to develop and implement conservation plans. Moreover, as extreme weather events and other environmental crises continue to impact American agriculture, farmers are increasingly seeking assistance in mitigating and adapting to the new challenges they face. Existing staffing and funding fall short of the extensive national demand for CTA, but Congress and USDA can take important steps within the farm bill and beyond to increase the availability and improve the content of CTA to meet the evolving needs of farmers.

ACKNOWLEDGEMENTS

This brief was written by Naima Drecker-Waxman (Clinical Student, JD '23), Luca Greco (Clinical Student, JD '23), and Trevor Findley (Clinical Instructor) of the Harvard Law School Food Law and Policy Clinic. Additional support and review provided by Emma Scott (Associate Director & Clinical Instructor, HLS Food Law & Policy Clinic).

⁴³ *Id.*

⁴⁴ WHITE HOUSE COUNCIL ON ENV. QUAL., BIDEN-HARRIS ADMINISTRATION PROGRESS ON PER- AND POLYFLUOROALKYL SUBSTANCES: STEPS TAKEN AND ONGOING ACTION (2023), <https://www.whitehouse.gov/wp-content/uploads/2023/03/CEQ-PFAS-Report-March-2023.pdf> [<https://perma.cc/D7TM-VE2C>].

⁴⁵ *American Society of Agronomy announces partnership with Natural Resources Conservation Service*, *supra* note 42.