

September 25, 2026

Mr. J'Que C. Jones
National Agricultural Engineer
Conservation Engineering Division
USDA-NRCS
1400 Independence Avenue
Washington, DC 20250

Submitted via regulations.gov

Subject: Agricultural Group Comments Regarding Natural Resources Conservation
Service Proposed Revisions to the National Handbook of Conservation Practices
– Docket ID NRCS-2026-0100.

Dear Mr. Jones:

The undersigned state and national agricultural organizations appreciate the opportunity to provide comments to the USDA-Natural Resources Conservation Service (NRCS) on the proposed revisions to National Handbook of Conservation Practices released for public review in the above referenced docket.

Our organizations are members of the Agricultural Nutrient Policy Council (ANPC), a coalition of more than 50 state and national agricultural trade associations and agribusinesses committed to advancing sound water quality policy. Collectively, our organizations and members own and operate farms and ranches, as well as the businesses and organizations that support and serve agricultural producers. Together, we help farmers and ranchers produce and bring to market row crops, specialty crops, livestock, and poultry, while helping ensure Americans have access to a safe, affordable, and abundant supply of food, fiber, and fuel.

This letter builds on ANPC's July 9, 2026 comments on the prior batch of changes to the Conservation Practice Standards (CPS), as well as our April 2026 early-stakeholder comments. We have compared the August 2026 Federal Register draft against our earlier comments.

Overarching Principles

As NRCS finalizes this set of standards, we again encourage the agency to:

- Preserve site-specific flexibility and professional engineering and agronomic judgment.
- Keep mandatory Criteria limited to what is necessary for the practice to function. Move operational, weather-dependent, and documentation items to Considerations.
- Clearly distinguish technical practice criteria from Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Conservation Evaluation and Monitoring Activities (CEMAs)/Conservation Planning Activities (CPAs)/Design and Implementation Activities (DIAs), Concentrated Animal Feeding Operation (CAFO), or Regenerative Pilot Program

(RPP) rules. Program payment documentation should not be written into national Criteria.

- Avoid requirements that are not implementable on working livestock and row-crop operations (undefined forecast thresholds, dual product-approval processes, annual full reassessments on stable fields).
- Maintain economic feasibility at the farm gate. Added recordkeeping that offsets newly granted flexibility is not a net improvement.

While ANPC generally supports this batch of revisions, there are some very important elements that should be addressed prior to finalization of the CPS.

Nutrient Management and Pest Management CPS Review

CPS 590 remains of significant interest to ANPC members. We appreciate several changes from the June 2026 stakeholder draft that respond to our July 9, 2026 comments:

- Soil testing for a new nutrient management plan (NMP) is limited to tests no older than one year, and revised strategies follow land-grant university (LGU) soil-testing frequency. This matches what NRCS described in stakeholder discussions and should be retained.
- The 4R Nutrient Stewardship framework (right source, right rate, right time, right place) is restored in the Criteria. We continue to recommend also restoring 4R language in the Definition.
- The term “Annual Implementation Strategies” has been replaced with “annual application strategy,” which is clearer.
- References to “big gun irrigation systems” have not been singled out in odor and emissions language.
- Floodplain language no longer functions as a blanket prohibition; application may proceed with injection or timely incorporation and/or conservation practices, subject to state-defined setbacks.

Even with those improvements, the draft still shifts 590 toward a risk-assessment and annual-strategy system that will be used in EQIP, CSP, Comprehensive Nutrient Management Plans (CNMPs), and, in many states, CAFO permits. NRCS has long cautioned against using 590 as a regulation. That caution should be reflected in the text. Items that belong in Considerations should not be written as Criteria.

Risk assessments and review frequency. Nitrogen and phosphorus risk assessments have long been part of nutrient management planning. The problem is not that assessments exist; it is that the standard still does not clearly separate the initial assessment for a new plan from the frequency of later assessments on an implemented plan. High-risk phosphorus fields must run a P-risk tool annually and obtain Deputy Chief of Science and Technology approval for any deviation that increases P-runoff risk. That combination is not practical for producers on multi-year rotations or on typical four- to five-year CAFO planning cycles. Annual full reassessment of stable fields adds cost without a corresponding water-quality benefit.

Recommended revision: *State that a complete N and P risk assessment is required when a new NMP is developed. After that, assessment frequency should follow state conservationist or LGU*

guidance or be triggered by a material change in land base, manure volume or analysis, crops, or soil-test cycle. Delete the Deputy Chief approval requirement for site-specific high-P management that already includes a documented drawdown strategy and mitigation practices.

Narrative rate plans. The draft still does not recognize narrative rate nutrient management plans. Modeled after successful Illinois Environmental Protection Agency narrative rate plans, these plans allow adaptive, site-specific rates based on crop need, soil tests, manure credits, and weather and operational realities across a rotation. Explicitly describing narrative rate plans as an acceptable method of documenting the annual application strategy would give NRCS the risk-reduction framework it wants without forcing annual numeric re-planning on every field. This also brings this to the forefront for implementation on a state level with the minimum criteria for this method of nutrient planning.

Recommended revision: *Add under General Criteria or Considerations: “An annual application strategy may be expressed as a narrative rate plan that identifies crop sequences, soil-test-based rate ranges, manure credits, and adaptive decision rules consistent with LGU guidance, provided the plan remains consistent with the completed N and P risk assessments.”*

Enhanced efficiency fertilizers (EEFs). We support recognizing EEFs as a practical option for commercial fertilizer users. The draft still requires that an EEF be both defined by the Association of American Plant Food Control Officials (AAPFCO) and recommended by the state LGU. That dual, product-level approval will produce inconsistent, slow, and costly state-by-state lists and will delay adoption of tools that reduce nitrogen loss.

Recommended revision: *State: “When using enhanced efficiency fertilizer products, select products defined by AAPFCO as an EEF or recommended for use by the state LGU.” Do not require both. An EEF-specific conservation practice standard may be appropriate in the future; it should not be created by stacking two approval gates inside 590.*

Application timing and placement. Language prohibiting application under “high potential for runoff,” when a “large rainfall event” is forecast, when the top two inches are saturated, or when a storm is forecast within 24 hours remains in Criteria. Those terms are still undefined. In the Midwest, they will be read as seasonal land-application bans during ordinary spring and fall windows. Volatilization-control language and coordination of water-control structures with the NMP are operational considerations, not design criteria.

Recommended revision: *Move timing, forecast, volatilization, and water-control-structure coordination language to Considerations. If NRCS retains a runoff restriction in Criteria, define “large rainfall event” and acceptable forecast sources, and state that producers should take the forecast into account rather than treating a forecast as an automatic prohibition. Retain existing recognition that manure may be applied to an actively growing crop and that incorporation or injection is not always feasible.*

Soil testing, manure laboratories, and source water. We support the clarified initial-versus-ongoing soil-test rule. The Manure Analysis Proficiency (MAP) laboratory requirement remains. NRCS should publish the number of currently certified labs, allow equivalent state-approved

programs, and provide a reasonable implementation timeline so producers are not left without a testing option. Source-water testing “regularly” is still in Criteria and is overly broad for operations that are not fertigating.

Recommended revision: Keep MAP or an NRCS- or state-approved equivalent. Move source-water testing to Considerations except where irrigation water is a documented nutrient source.

Operation and Maintenance and other items. Requiring that nutrient management plans “will be reviewed annually (application strategy) or more frequently” is more burdensome than the current “periodically.” On years with no operational change, annual review by a planner is not warranted. PFAS/PFOS language in Considerations remains out of place in a national nutrient-rate standard and will confuse producers without a test method or action level. The Site Risk for Water Quality tool and related national procedures are still not available for stakeholder review inside the standard.

Recommended revision: Revise O&M to: “Review the nutrient management plan when the soil-test cycle is renewed or when a material change in crops, manure, land base, or management occurs.” Remove or relocate PFAS language unless NRCS provides a testable standard or defers to state authority. Identify the process and timeline for public review of national risk tools.

We respectfully request further dialogue on CPS 590 before the standard is finalized.

595 – Pest Management Conservation System

CPS 595 is newly revised standard with our first opportunity to comment. This standard functions as the pesticide counterpart to 590. ANPC members apply nutrients and crop protection products on the same acres, often under the same EQIP, CSP, and RPP contracts. The draft makes the Windows Pesticide Screening Tool (WIN-PST) and fixed mitigation scores mandatory Criteria.

- WIN-PST must be run for each significant soil/pesticide combination. Mitigation scores of 20, 40, or 60 (and separate pollinator scores of 20 outside the treatment area and 10 inside) then dictate additional practices from Agronomy Technical Notes.
- Scouting schedules, economic thresholds, resistance-management documentation, treated-seed handling, fumigant alternatives, and two-year restricted-use pesticide records are written into the CPS rather than left to the label, Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and state lead agencies.
- The standard will be paired with 590 on RPP and CSP contracts. Dual planning systems with different tools, scores, and recordkeeping will raise cost without a showing that label compliance is insufficient.

WIN-PST is a useful planning aid. It should not become a second pesticide label or an EQIP eligibility screen that overrides state lead-agency and EPA label decisions.

Recommended revisions: (1) Move WIN-PST scores and Technical Note point systems to Considerations or to program guidance. (2) State that pesticide selection, rate, timing, buffers, and recordkeeping follow the product label and applicable state and federal law. (3) Scale documentation to risk and complexity; do not require a WIN-PST report and mitigation worksheet

for every tank mix on every soil map unit. (4) Do not use 595 Criteria to require simultaneous 590 implementation unless a nutrient resource concern has been identified.

Additional Comments for New and Previously Revised Standards

309 – Agrichemical Handling Facility

NRCS improved portable-facility criteria (anchoring, sump, 1.25 × containment) and organized the Operation and Maintenance section. Professional Engineer justification and documented alternative protective measures may support setbacks below 100 feet. Those are constructive changes.

The 100-foot default from wells, streams, ponds, wetlands, and sinkholes remains. On existing farmsteads that distance is often unavailable. The text still does not clearly say that applicable state or local pesticide and fertilizer containment setbacks govern first.

***Recommended revision:** “Locate the facility to meet or exceed applicable Federal, Tribal, State, and local setback requirements. In the absence of more stringent or specific state or local requirements, locate the facility at least 100 feet from wells and from the top of bank of streams, ponds, wetlands, or sinkholes. Reduced setbacks may be used when they comply with applicable state or local regulations or when documented alternative protective measures provide equal or greater protection.” Expand portable-facility guidance on rinsate management during field use and secure storage when the unit is not in use.*

325 – High Tunnel System

Clarifications on natural soil profiles and raised beds still read as internally inconsistent. Confirm that framed raised beds that allow roots to enter the native soil profile are acceptable.

330 – Contour Farming

Considerations addressing intensified approaches on highly erodible land and specialized machinery remain vague. Provide examples or move the discussion to a technical note so Midwest planners can apply the language consistently.

336 – Soil Carbon Amendment

CPS 336 is also standard that we have not commented on previously. It is written as a carbon and soil-health practice, but the Criteria function as a nutrient and contaminant standard. Raw manure is excluded, which is appropriate if 590 remains the pathway for manure nutrients. Compost and other treated animal by-products are included and then run through 590-style N and P risk assessments, metal tables, pathogen limits, and a prohibition on feedstocks with a “high risk” of PFAS, PAHs, PCBs, or firefighting-foam debris — without a test method or numeric threshold.

- Amendment analyses must be no older than one year and must populate detailed Tables 1–3. Soil tests within three years are required, plus monitoring. That laboratory load will limit use of otherwise legitimate compost in EQIP and CSP soil-health contracts.
- If phosphorus risk is high or very high, application is limited to crop-removal rates with a drawdown strategy — duplicating 590. Producers should not have to satisfy two overlapping nutrient-rate systems for the same material.

Recommended revisions: (1) Accept current US Composting Council STA or International Biochar Initiative certification as meeting Tables 2 and 3. (2) Send all plant-available nutrient rate, timing, and risk-assessment questions to CPS 590 rather than restating them in 336. (3) Replace the qualitative “high risk of PFAS” prohibition with a testable standard or explicit deference to state authority. (4) Do not exclude manure-based compost that meets pathogen and metal limits solely because the feedstock is livestock manure.

342 – Critical Area Planting

Generalized purposes are an improvement. The practice should remain clearly available for construction and other disturbed sites, including livestock-facility construction, where erosion stabilization is the purpose. Seed labeling requirements should not restrict compliant local or custom mixes.

348 – Dam, Diversion and 402 – Dam

Addition of dry-dam conditions and vegetation and safety provisions is positive. We continue to recommend: a plans-and-specifications sheet for rerouting upstream tile or subdrains; annual mowing of embankments and earthen spillways; and fencing livestock off embankments and spillways when the pool is used for water supply.

360 – Waste Facility Closure

Expanded closure options and the tie to CPS 590 for waste utilization are practical. Residual ponding after closure should be acceptable where it meets state rules and does not defeat the closure purpose. Revegetation should allow agronomic crop establishment in addition to CPS 342 when the site will return to cropland or pasture.

371 – Air Filtration and Scrubbing

The draft still includes the Consideration: “For particle laden concentrated airflows, install a device or system to remove the particles from the airflow prior to the fan.” A fan inspection and maintenance plan was added. The pre-fan device language was not revised as we requested in July.

Exhaust air from swine, poultry, dairy, and beef facilities is inherently particle-laden. Fans commonly sit upstream of or within scrubbers and biofilters by design. A pre-fan collector adds cost, pressure drop, space, and another clogging point. Corrosion-resistant fans with safe access for cleaning are the workable approach and are already supported by the Operation and Maintenance section.

Recommended revision: Replace the current Consideration with: “For particle-laden concentrated airflows, evaluate options to minimize excessive dust accumulation on fan blades. Where space, pressure drop, and maintenance allow, consider an upstream particle-removal device. Alternatively, select corrosion-resistant agricultural fans and provide safe access for inspection and cleaning. In all cases, implement a fan inspection and maintenance plan consistent with the Operation and Maintenance section.”

382 – Fence

The “least intensive fence” principle is more prominent, and virtual-fence Operation and Maintenance and livestock-acclimation language have been added. Those changes are helpful. The draft still lacks design criteria for when virtual fencing is appropriate, how hybrid virtual/physical systems should be documented, and what monitoring is expected for EQIP payment. Wildlife language still includes “as appropriate,” which will be applied inconsistently.

Recommended revision: Add Additional Criteria for Virtual Fencing covering manufacturer specifications, hybrid boundaries, and monitoring protocols. Revise wildlife language to: “Design, locate, and install fences to minimize negative impacts on wildlife movement and habitat connectivity. Incorporate wildlife-friendly features where corridors, migratory routes, or sensitive habitats have been identified.”

570 – Stormwater Runoff Control

We support a distinct stormwater standard for developing or developed sites and appreciate the explicit statement that livestock-facility process runoff is addressed under Waste Storage Facility (313) and Vegetated Treatment Area (635), not 570. That boundary must be preserved.

The default 2-year, 24-hour pre-development peak, 72-hour drain-down, two-foot soil depth in filters, and saturated hydraulic conductivity greater than 0.2 inches per hour will be unworkable on many clay Midwest farmsteads if they are applied to access roads, feedlots, or roof-runoff systems that already have standards (560, 561, 558, 350).

Recommended revisions: Retain the livestock-runoff exclusion. Allow applicable local or state construction-stormwater and MS4 design storms to govern where they exist. Do not apply infiltration Ksat criteria to sites where soils cannot meet them; detention and stable conveyance should remain acceptable.

605 – Denitrifying Bioreactor

Oak chips may now be used only if they are no more than 50 percent of the media mix, and initial outflow must be diverted from receiving waters for 60 days. That is a clearer operating rule than the prior draft, but the standard still does not say what should be tested in the outflow or what concentration is acceptable before discharge begins.

Recommended revision: Identify the constituents to be evaluated during startup (for example, biochemical oxygen demand, tannins, or nutrients) and the resource or method designers should use to determine when diversion may end. If that determination is left to the state, say so.

634 – Waste Transfer

NRCS adopted several of our July 9 recommendations. Utilizing existing topography to generate gravity head is now in Considerations. Reception pits may be sized for one day’s waste plus freeboard, with the 25-year, 24-hour storm handled in the pit or by alternative stormwater management. Surge analysis is not required for buried pipelines that discharge freely without intermediate valves unless site conditions indicate elevated risk. We appreciate those changes.

Remaining concerns are practical design and operation issues that affect EQIP waste-system payments and CAFO transfer designs:

- The backup-power exception for reduced pit volume remains narrow and may not be usable on many farms.
- Pumped-system velocity is still locked at 3 to 8 feet per second.
- Operation and Maintenance still directs producers to flush pipes with clean water after each use. That is not realistic for many manure transfer lines and would generate additional wastewater.

Recommended revisions: Allow reduced pit volume when engineering analysis shows the system can manage the design storm without surface discharge, with or without backup power, if diversions or temporary storage are provided. Treat the 3–8 fps range and floor-opening dimensions as design starting points subject to professional judgment. Replace “flush with clean water after each use” with “provide a cleanout method appropriate to the waste consistency and pipe material, and describe that method in the O&M plan.”

641 – On-Farm Recharge

This practice applies periodic surface or stormwater to cropland connected to an unconfined aquifer. Conditions require that nutrient and pest management “have been historically limited,” that CPS 590 and 595 assessments be completed, that recharge water be pretreated, that the water table remain at least five feet below the surface, and that crops tolerate inundation.

Those conditions will exclude most Midwest livestock and row-crop ground. The “historically limited” nutrient and pesticide condition is circular: the standard both requires 590 and 595 and assumes those practices have already been limited. If NRCS intends 641 primarily for western irrigated systems, the Conditions section should say so rather than creating an unworkable national screen.

Recommended revision: Replace “historically limited” nutrient and pest management with a requirement to implement CPS 590 and 595 as needed to protect groundwater quality during recharge. Allow professional judgment on pretreatment intensity based on source-water quality and leaching risk.

Standards Reviewed with No Notable Remaining Concerns

We also reviewed the remaining proposed revisions in this docket. For the following standards that we previously commented on, NRCS adopted the substance of our recommendations or made reasonable clarifications that do not introduce new burdens for designers or producers:

- 350 – Sediment Basin. The draft now states that a full pool is preferred for sediment retention, but dewatering is allowed if site conditions, safety, or local law preclude a permanent pool.
- 558 – Roof Runoff Structure. The 25-year versus 10-year gutter capacity distinction is stated once. Ground-gutter flexibility and foundation protection are addressed.
- 560 – Access Road. Culverts, crossings, and low points may be designed to handle reasonable storms and maintain access in accordance with local or state road standards. Low points on private roads remain available.

- 561 – Heavy Use Area Protection. Plans and specifications may be scaled to traffic intensity, site sensitivity, and environmental risk. Geotextile use is tied to subgrade conditions and Technical Note 24.
- 580 – Streambank and Shoreline Protection. Bank treatment now extends to anticipated scour depth or to the top of toe protection where toe protection is installed.
- 584 – Channel Bed Stabilization. Wetland-function language now includes hydrologic connectivity, stable transition zones, and native vegetation.
- 607 – Surface Drain, Field Ditch. Capacity is based on climate, soils, and crop needs.

We would welcome the opportunity to answer any questions you might have about these comments or if further clarification is needed. If you should have any questions, please contact Lauren Lurkins, Senior Advisor to the ANPC at lauren@lurkinsstrategies.com or (309) 530-0398.

Sincerely,

Agricultural Retailers Association
 American Farm Bureau Federation
 American Horse Council
 American Society of Agronomy
 Crop Science Society of America
 Illinois Farm Bureau
 Illinois Soybean Association
 Indiana Pork Producers Association
 Iowa Farm Bureau Federation
 Ohio AgriBusiness Association
 Ohio Farm Bureau Federation
 Michigan Farm Bureau
 Minnesota Farm Bureau Federation
 Missouri Farm Bureau Federation
 National Association of Wheat Growers
 National Cattlemen's Beef Association
 National Council of Farmer Cooperatives
 National Milk Producers Federation
 National Pork Producers Council
 Nebraska Farm Bureau
 North Carolina Farm Bureau Federation
 Ohio Pork Council
 Soil Science Society of America
 The Fertilizer Institute
 U.S. Poultry & Egg Association
 United Egg Producers
 Virginia Farm Bureau Federation