



Top Stories

9/21/17 – The 10th Circuit Court of Appeals [dismissed](#) litigation over the U.S. Department of Interior’s (DOI) [hydraulic fracturing rule](#), without addressing whether the federal government has authority over the extraction process. Notably, the Court vacated a lower court’s 2016 ruling that struck down the regulation, thus allowing the regulation to take effect. The Trump administration is currently at work to rescind the rule.

9/18/17 – A [leaked](#) memo revealed that the Fish and Wildlife Service (FWS) has asked DOI to update regulations regarding geological and geophysical exploration of the Arctic National Wildlife Refuge in Alaska. Specifically, affected are regulations that restrict the dates when an application of an exploration plan can be submitted. The agency was asked to develop an environmental assessment and proposed rule by Sept. 30. If finalized, the rule could allow for seismic studies on the 1.5 million-acre northern plain of the refuge.

9/17/17 – U.S. Secretary of Energy Rick Perry [stated](#) that massive storms that battered the Gulf Coast in recent weeks show the need for the Strategic Petroleum Reserve (SPR), in contrast to the president’s Fiscal Year 2018 budget proposal calling for the sale of half the SPR to raise funds. The statement came weeks after Perry [authorized](#) the release of 1 million barrels of oil from the Strategic Petroleum Reserve to ease pressure on refineries hit by Hurricane Harvey. The release was set up as an oil exchange, so refineries receiving the oil must contribute back to the reserve with more oil than received.

9/17/17 – In June 2017, Secretary Perry testified regarding the Department of Energy’s (DOE) budget request for Fiscal Year 2018. In questions submitted to the hearing record he [stated](#)

that DOE would not pre-empt state renewable portfolio standards (RPS), writing that “there is no national renewable portfolio standard authority that could serve as a basis under which the department could pre-empt state SPS.”

9/8/17 – The president signed a three-month continuing resolution funding the government through Dec. 8, into law ([H.R. 601](#)). In addition, the bill included \$15 billion in aid funding for those impacted by Hurricane Harvey, and an increase in the national debt limit through Dec. 8, as well as an authorization for the National Flood Insurance Program through the same date. A provision was included in the bill to allow the U.S. Forest Service and DOI to retroactively cover the cost of wildfires in 2017. The package passed the Senate [80-17](#), and the House [316-90](#).

9/7/17 – USDA [released](#) a study of potential issues with electronic disclosure of GMO ingredients in food, in compliance with the National Bioengineered Food Disclosure Act. Areas of concern included better education consumers on the technology, in-store internet access, and technological capabilities of retailers.

From Congress

9/19/17 – The Senate Agriculture Committee held a [confirmation hearing](#) on the nominations of Steve Censky as USDA deputy secretary of agriculture, and Ted McKinney as undersecretary of trade and foreign agricultural affairs. Censky, is currently the chief executive officer of the American Soybean Association, and McKinney is the Indiana agriculture director.

9/19/17 – The Senate Energy and Natural Resources Committee confirmed a series of nominations by unanimous voice vote: [Ryan Nelson](#) was confirmed to serve as DOI's Solicitor; Federal Energy Regulatory Commission (FERC) Chairman nominee [Kevin McIntyre](#) was confirmed; and nominee [Rich Glick](#) was also confirmed to the commission. [Joe Balash](#) was confirmed to serve as DOI's assistant secretary for land and minerals management and [David Jonas](#) was confirmed to serve as general counsel of the Department of Energy. The nominations must now go before the full Senate.

From the Administration

9/22/17 – The Environmental Protection Agency (EPA) [released](#) new labeling and education standards for herbicide producers and users. In two guidance documents, the agency stated that pesticide product labels should include a section on recommendations for resistance management, and requested that herbicide producers provide growers with detailed information on how to slow the spread of resistant weeds.

9/21/17 – The U.S. Department of Agriculture's (USDA) [2016 Certified Organic Survey](#) found that organic farmland in the U.S. grew to more than 5 million acres for the first time, a 15 percent increase over the number of certified acres in 2014, and up 23 percent from the first reporting in 2008.

9/20/17 – USDA's Risk Management Agency (RMA) published a [report](#) which found that 72 percent of crop insurance indemnities paid to farmers and ranchers between 2001 and 2015 were due to losses from drought and flooding. Hail and low prices were each the cause of 7 percent of payouts, and cold temperatures accounted for 6 percent.

9/19/17 – EPA's Office of Inspector General (OIG) [determined](#) that the agency failed to develop reliable emission estimation methods to determine whether animal feeding operations comply with Clean Air Act and environmental emergency response statutes. In April, a federal court vacated a rule that exempted large animal farms from emissions reporting requirements.

9/18/17 – USDA's OIG [found](#) that the Agricultural Marketing Service (AMS) needs to strengthen its controls over the approval and oversight of international trade arrangements and agreements for the import of organic products in the U.S. The OIG found that AMS' process lacked transparency, didn't disclose results to stakeholders, and that some imported agricultural products marked organic are fumigated at U.S. ports of entry, and make their way into the market.

9/15/17 – DOI Secretary Ryan Zinke [signed](#) a secretarial order to expand "hunting and fishing, enhance conservation stewardship, improve wildlife management, and increase outdoor recreation opportunities for all Americans."

9/14/17 – The White House Council on Environmental Quality published a [notice](#) in the Federal Register announcing a list of actions it will take to enhance and modernize the federal environmental review and authorization process for infrastructure projects. The notice includes: developing a framework for implementing "one federal decision," coordinating with various agencies in regard to high priority projects; issuing guidance to simplify and accelerate the national environmental policy act (NEPA) process and lead an interagency working group to identify impediments to the processing of environmental review and permitting decisions. This list was developed by the Council pursuant to Executive Order 13807, ["Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects."](#)

9/12/17 – The Food and Drug Administration (FDA) [proposed](#) extending compliance dates (for produce other than sprouts) and agricultural water standards for the Growing, Harvesting, Packing and Holding of Produce of Human Consumption rule, required by the Food Safety Modernization Act (FSMA). Specifically, the agency is proposing to extend compliance dates to address the "practical implementation of compliance with certain provisions," and to consider ways to reduce "regulatory burden." The water standards are aimed at preventing harmful pathogens from coming into contact with fresh produce.

9/12/17 – DOE [announced](#) awards of up to \$50 million in grants to DOE's National Laboratories to support early state research

and development of next generation tools and technologies to improve the security and resiliency of the grid.

9/7/17 – The Foundation for Food and Agriculture Research, established by Congress in the 2014 farm bill, [awarded](#) a \$1 million matching grant to AeroFarms to study methods to improve the quality of leafy greens in urban agriculture operations.

9/1/17 – President Donald Trump nominated [Bill Northey](#), Iowa Agriculture Secretary, to serve as undersecretary for farm production and conservation, and [Gregory Ibach](#), director of Nebraska’s Department of Agriculture, to serve as undersecretary of agriculture for marketing and regulatory programs.

8/30/17 – USDA’s Economic Research Service released the [2017 Farm Sector Income Forecast](#), which indicates that net farm income is projected to increase for the first time in three years. The increase to \$100.4 billion is a 12.6 percent increase compared to 2016. The growth is attributed to U.S. producers selling their crop inventories, as well as large quantities of livestock and livestock products.

8/30/17 – EPA issued a [waiver](#) to 12 states and the District of Columbia allowing the sale of gasoline with 15 percent ethanol due to Hurricane Harvey’s impact on refinery closures and the disruption of the Colonial Pipeline.

Other

8/30/17 – The U.S. District Court for the Northern District of California [ruled](#) that DOI violated the Administrative Procedures Act (APA) by delaying the effective dates for a [rule](#) that set new requirements for reporting production and royalty payments for coal, oil and natural gas extraction on federal land. The Court ruled that Section 705 of the APA cannot be used to postpone a rule after it has already taken effect. Prior to the Court’s decision, DOI repealed the valuation rule.