



Top Stories

3/26/18 – A North Dakota federal court will [resume](#) hearing litigation over the 2015 Clean Water Rule after granting states' request to lift a stay that had been in place since May 2016.

The court rejected the administration's arguments for extending the stay. This follows a Feb. 28 decision by the U.S. Court of Appeals for the 6th Circuit, which has [lifted](#) its nationwide stay of the 2015 Clean Water Rule, otherwise known as Waters of the United States. In January 2018 The Supreme Court of the United States found that challenges to the rule belonged in federal district courts, not circuit level federal courts, prompting the 6th Circuit to lift its stay. To ensure the rule did not go into effect in certain parts of the nation and not others, the Environmental Protection Agency (EPA) finalized a two-year extension of the rule's applicability date to 2020. For more information, read [NCSL's Info Alert](#).

3/23/18 – Congress enacted, and the president signed the [Consolidated Appropriations Act, 2018](#), more commonly referred to as the FY 2018 omnibus. The bill provides FY 2018 funding levels for all federal agencies. For more information on funding levels for energy and agricultural programs, read [NCSL's Info Alert](#).

3/23/18 – In response to new tariffs on steel and aluminum imports, China, the second largest purchaser of U.S. agricultural products, released a [list](#) of \$3 billion worth of products on which it is considering raising tariffs, including pork, nuts, fresh and dried fruits, and wine.

3/15/18 – The Department of Homeland Security [announced](#) that Russian government cyber actors "since at least March 2016" had "targeted multiple U.S. critical infrastructure sectors,

including the energy, nuclear, commercial facilities, water, aviation, and critical manufacturing."

3/15/18 – Bloomberg [reported](#) that Bayer AG's plan to win antitrust approval for its acquisition of Monsanto Company hasn't satisfied U.S. officials who are worried the merger could harm competition. The Department of Justice's antitrust division wants the chemicals company to divest more assets to resolve its concerns.

3/13/18 – The Federal Motor Carrier Safety Administration [granted](#) a limited 90-day waiver from the federal hours of service regulations pertaining to electronic logging devices. This waiver was further extended until Sept. 30, 2018 as part of the [Consolidated Appropriations Act, 2018](#).

3/12/18 – The Environmental Protection Agency (EPA) Administrator Scott Pruitt [stated](#) he would sign a waiver allowing blends of 15 percent ethanol gasoline, if he could legally do so. Many states can currently sell E-15 for three-quarters of the year with restrictions on summertime selling.

3/1/18 – The Nuclear Regulatory Commission (NRC) formally [docketed](#) an application from Holtec International Incorporated to build an interim storage facility for spent nuclear fuel in New Mexico. NRC expects to complete the review by July 2020. If approved, the Department of Energy (DOE) would require funding and authorization from Congress to send waste to such a facility.

2/27/18 – The Senate confirmed [Bill Northey](#) by voice vote to serve as the U.S. Department of Agriculture's (USDA) undersecretary for farm production and conservation. Northey

who previously served as the Iowa agriculture secretary, will lead the farm production and conservation mission area, a newly formed section under Secretary Sonny Perdue's reorganization of the agency.

2/26/18 – The White House Office of Management and Budget (OMB) [released](#) its annual report on the costs and benefits of federal regulations showing that the benefits of major rules from the previous administration exceed the annual costs of the rules. The report found the annual benefits of major federal regulations from 2006 to 2016 were between \$219 and \$695 billion, while the annual costs were between \$59 billion and \$88 billion. The report is congressionally mandated and looks at the cumulative costs and benefits of major rules, or rules that have an annual effect on the economy of \$100 million or more, over the last decade. For example, annual benefits of rules via the Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy were between \$23 and \$39 million, and only cost between roughly \$8 and \$12 million.

From Congress

3/20/18 – The House passed legislation, [S. 2030](#), to streamline rules for ceiling fan manufacturers that aligns compliance dates for new ceiling fan standards with those for ceiling fan light kits. Currently, the two standards have compliance dates that are about a year apart, which critics say adds unnecessary timing challenges for manufacturers. The bill would set the compliance dates for both appliances on Jan. 21, 2020.

3/15/18 – A bipartisan group of four senators Jodi Ernst (R-Iowa), Sherrod Brown (D-Ohio), Chuck Grassley (R-Iowa), and Bob Casey (D-Penn.) introduced the "[Give Our Resources the Opportunity to Work Act of 2018](#)", the [Grow Act \(S. 2557\)](#), that aims to update conservation programs under USDA, potentially previewing how these programs could appear in the upcoming farm bill. Specifically, the bill would maintain existing funding levels for the three largest programs in the conservation title of the farm bill – Conservation Reserve Program Grasslands Initiative, the Conservation Stewardship Program and Environmental Quality Incentives Program. The measure would put greater emphasis on the adoption of cover crops,

crop rotation and rotational grazing in the Conservation Stewardship Program while doubling the number of acres that could be enrolled in the Conservation Reserve Program Grasslands Initiative, which provides funding to farmers who take certain erodible and environmentally sensitive land out of production for at least a decade. It also aims to provide more access to these programs for beginning and socially disadvantaged farmers.

3/14/18 – DOE Secretary Rick Perry noted at a Senate Commerce Committee [hearing](#) that he'll continue to advocate for funding to restart the licensing process for the Yucca Mountain nuclear waste repository, though he acknowledged political resistance will make that difficult. Congress did not include funding in the FY 2018 omnibus.

3/13/18 – Senate Environment and Public Works Chairman John Barrasso introduced the [Agriculture Creates Real Employment Act](#) that combines eight individual pieces of legislation into one package aimed at reducing a number of environmental regulations impacting farmers. Included in the package is [S. 340](#), by Senator Mike Crapo (R-Idaho), which would allow application of certain pesticides near waterways, as long as the pesticide has been approved by EPA. This requirement was put in place following a 2009 court ruling requiring a permit for such applications. Other bills in the package include the [Farmer Identity Protection Act](#) by Senator Chuck Grassley (R-Iowa); the [Farmer's Privacy Act of 2012](#) by Representative. Shelley Capito (R-W.Va.); [S. 1206](#), by Senator Angus King (I-Maine), to ensure fair treatment in licensing requirements for the export of certain echinoderms; the [Hunter and Farmer Protection Act.](#) by Senator. Tom Cotton (R-Ark.); the [Safeguard Aquaculture Farmers Act.](#) also from Cotton; and the [Farmers Undertake Environmental Land Stewardship Act.](#) by Senator Deb Fischer (R-Neb.).

3/7/18 – The Senate passed the [Nuclear Energy Innovation Capabilities Act of 2017 \(S. 97\)](#), which is aimed at boosting the research and development of advanced nuclear reactor designs at DOE.

3/7/18 – Secretary Ryan Zinke [unveiled](#) legislation creating the National Park Restoration Fund that would receive 50 percent

of excess federal revenue from onshore and offshore energy production that is not already allocated to other resources.

From the Administration

3/23/17 – A White House official [announced](#) the president's plans to name [P. Wells Griffith, III](#) as a top advisor for international energy affairs and climate change on the National Economic Council. Griffith is currently the principal deputy assistant secretary at the DOE's Office of International Affairs.

3/21/18 – The Bureau of Ocean Energy Management's latest sale for offshore oil leases in the Gulf of Mexico only [received](#) 148 bids for over 14,000 blocks available for lease, continuing the recent trend of low bidding on available offshore blocks.

3/20/18 – A new report from USDA's Economic Research Service [found](#) that family farms account for 99 percent of all U.S. farms. Even among the largest farms that report at least \$5 million in sales, family operations account for 78 percent. Advancements in technology are the driver of ramped-up consolidation across crop production and livestock as developments have allowed farms to manage more acres and animals, the report states.

3/20/18 – The Department of the Interior (DOI)'s Bureau of Safety and Environmental Enforcement [released](#) new safety rules aimed at making inspections more efficient. The agency anticipates the rules will reduce taxpayer spending by nearly \$20 million over 3.5 years. As part of the rules, beginning April 1, the agency will increase physical inspection time offshore, "ensuring safety at more than 2,200 facilities in the Gulf of Mexico," where 98 percent of all Outer Continental Shelf energy is produced.

3/15/18 – The Federal Energy Regulatory Commission [approved](#) guidelines for utilities and pipeline owners to lower their tax rates in the wake of last year's corporate tax cut.

3/15/18 – USDA [announced](#) an agreement with South Korea that would allow for trade restrictions on the state level instead of the country level involving future cases of highly pathogenic avian influenza. The agreement will limit trade restrictions only

to states that have positive cases, allowing U.S. producers of poultry, poultry products and eggs in other states to continue shipping to South Korea.

3/5/18 – The Department of Transportation [released](#) a 61-page report on the president's infrastructure initiative, which includes an overview of the "infrastructure problem" in the U.S. The details of the plan remain the same as those [released](#) in February. For more information, please read [NCSL's Info Alert](#). It remains unclear if Congress will pass legislation by the end of the year that resembles the president's plan.

3/2/18 – Agriculture Secretary Sonny Perdue [announced](#) that USDA would make payments to cotton growers to subsidize their ginning costs for the 2016 crop. The department [implemented](#) a similar program for the 2015 crop, which cost an estimated \$300 million.

2/28/18 – A DOI advisory committee unanimously [approved](#) a broad set of recommendations to Secretary Zinke calling for reducing the royalty rate paid on oil and gas produced on federal lands. The Interior Department's royalty policy panel, which includes a number of industry representatives, urged the department to reduce royalties from 18.75 percent to 12.5 percent.

Other

3/14/18 – The U.S. Court of Federal Claims [issued a trial opinion finding](#) that a 2006 decision by the Fish and Wildlife Service (FWS) that resulted in a shift in the Army Corps of Engineers' management of the Missouri River to benefit endangered species led to floods in five of the eight years between 2007 and 2014. This "taking" under the Fifth Amendment could put the federal government on the hook for more than \$300 million in damages. The decision, if it stands, would be one of the largest takings claims ever reached against the Army Corps of Engineers for flooding, and could set important precedent about who bears the cost when the operations are altered to accommodate the needs of imperiled species.

3/1/18 – The U.S. Court of Appeals for the D.C. Circuit [held](#) litigation surrounding the Clean Power Plan in abeyance for an additional 60 days as EPA seeks to repeal and replace the regulation. EPA is collecting comments to rescind the rule until April 26, and recently closed comment on an Advanced Notice of Proposed Rulemaking soliciting information from the public about a potential future rulemaking.

2/28/18 – The European Food Safety Authority, part of the European Commission, [reported](#) that most uses of three neonicotinoid pesticides, clothianidin, imidacloprid and thiamethoxam, represent a risk to wild bees and honeybees.

2/27/18 – The U.S. District Court for the Eastern District of California [placed](#) a preliminary injunction on a California state requirement that products containing glyphosate include warning labels that the ingredient causes cancer. The state requirement, which was set to go into effect in July 2018, is based on a 2015 conclusion from the International Agency for Research on Cancer that the chemical was a "probable" human carcinogen. The California Office of Environmental Health Hazard Assessment decided to list the herbicide glyphosate as a carcinogen under its Proposition 65 rule that requires businesses to disclose the presence of chemicals in products that are known carcinogens.