



## Top Stories

**4/23/18** – The Environmental Protection Agency (EPA) [announced](#) that the agency will, going forward, treat biomass from managed forests that is being burned for energy production at stationary sources as carbon-neutral. The action follows a [letter](#) from EPA Administrator Scott Pruitt to Governor Chris Sununu of New Hampshire, outlining the agency's work to advance and promote "the responsible use of forest resources."

**4/13/18** – The 4<sup>th</sup> U.S. Circuit Court of Appeals [ruled](#) that gasoline spilled from a pipeline in South Carolina that then traveled through groundwater to reach the Savannah River, was a violation of the Clean Water Act (CWA) because the pipeline owner did not have a permit to pollute the Savannah River, a Water of the United States. The decision that a discharge of pollution into groundwater from a point source, which then travels to a body of water regulated by the CWA, without the required permit to pollute under CWA, is a significant expansion of the CWA. The ruling by the 4th Circuit follows a similar [decision](#) by the 9th U.S. Circuit Court of Appeals, which found Maui County, Hawaii, to be in violation of the CWA for injecting wastewater into underground wells that then leaked through groundwater to the Pacific Ocean without a Clean Water Act permit. These decisions come as EPA is requesting [comment](#) on the agency's previous statement regarding the CWA and whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to CWA regulation. The comment period closes May 21.

**4/13/18** – President Donald Trump [told](#) reporters during a White House meeting that the administration would allow year-round sales of 15 percent ethanol blends in gasoline, more commonly

known as E15. The Clean Air Act (CAA) restricts when the ethanol blends above 10 percent can be sold to exclude the summer months. A spokeswoman for EPA said the agency has been evaluating the "legal validity" of granting an E15 waiver since last summer.

**4/20/18** – The House Agriculture Committee passed, 26-20, H.R. 2, the [Agriculture & Nutrition Act of 2018](#) more commonly known as the House's 2018 Farm Bill. The bill reauthorizes several key agriculture and nutrition programs for five years, through fiscal year 2023. The Congressional Budget Office estimates \$867 billion in total farm bill spending, which includes nutrition, crop insurance, conservation and other farm programs. For more information, read [NCSL's Info Alert](#). Additionally, the committee adopted an amendment during markup to include the Protect Interstate Commerce Act of 2018. The amendment, strongly opposed by NCSL, would introduce a new type of federal pre-emption where state laws and statutes could be nullified if another state or locality had enacted a different law or statute covering the same agriculture production process. For more information, read [NCSL's letter of opposition](#).

**4/10/18** – Deputy Agriculture Secretary Steve Censky [confirmed](#) to reporters the administration would likely use the [Commodity Credit Corporation \(CCC\)](#) to purchase commodities to provide financial aid to farmers hurt by retaliatory tariffs from China. The CCC is a government-owned and operated entity that was created to stabilize, support and protect farm income and prices. CCC also helps maintain balanced and adequate supplies of agricultural commodities and aids in their orderly distribution.

**4/9/18** – CBO [released](#) its latest Budget and Economic Outlook for the years 2018-2028 finding that federal deficits will top \$1 trillion by FY 2020.

**4/9/18** – Twelve federal agencies—EPA, U.S. Department of the Interior (DOI), U.S. Department of Agriculture (USDA), U.S. Department of Commerce, U.S. Department of Housing and Urban Development, U.S. Department of Transportation, U.S. Department of Energy (DOE), U.S. Department of Homeland Security, U.S. Army Corps of Engineers, Federal Energy Regulatory Commission (FERC), Advisory Council on Historic Preservation, and Federal Permitting Improvement Steering Council—[signed](#) the One Federal Decision memorandum of understanding (MOU) to streamline the environmental permitting process. The MOU is intended to implement Trump's One Federal Decision policy established in [Executive Order \(E.O.\) 13807](#), and establish a process for improving the coordination and timeliness of environmental reviews of major infrastructure projects. Specifically, the memo outlines a process by which one federal agency will take the lead on permitting a specific infrastructure project, by issuing a single environmental impact statement for the entire federal government, as well as setting timetables for other agencies to act, with the goal of getting the entire process down to two years.

**4/9/18** – The Wall Street Journal [reported](#) that the Department of Justice approved the merger of Bayer and Monsanto. Under a deal with antitrust regulators, Bayer will sell additional seed and treatment assets to German chemical company BASF. It will also make compromises related to digital agriculture. Bayer and Monsanto's merger is part of several big ones announced in recent years: Antitrust officials have previously signed off on ChemChina and Syngenta's combination, as well as Dow Chemical and DuPont's merger.

**4/6/18** – USDA [announced](#) it will start making disaster payments of up to \$2.36 billion, as provided by Congress, to help America's farmers and ranchers recover from hurricanes and wildfires. The funds are available as part of the new [2017 Wildfires and Hurricanes Indemnity Program](#), and are to be used to offset losses from the natural disasters of 2017. Sign-

up for the new program, authorized by the [Bipartisan Budget Act of 2018](#), will begin no later than July 16.

**4/4/18** – The Chinese government [announced](#) more than \$50 billion in new tariffs on U.S. imports including soybeans, wheat, corn, beef, orange juice, sorghum, cotton and whiskey in retaliation for tariffs that Trump has proposed implementing against China. China is the largest buyer of U.S. soybeans, purchases more than 30 percent of U.S. soybean production, valued at \$14 billion each year. The tariffs, which have yet to take effect, come in addition to China's [previous](#) announcement that it was imposing duties on \$3 billion in U.S. exports such as pork, fresh and dried fruit, and wine. The U.S. shipped more than \$1 billion of pork products to China last year, making it the No. 3 destination for U.S. pork exports after Japan and Mexico. The U.S. was also China's top supplier of apples, cherries, walnuts and almonds.

**3/30/18** – Pruitt, the EPA administrator, [ordered](#) that EPA regional officials send requests concerning CWA jurisdiction to headquarters instead of issuing their own decisions. Specifically, the change applies to dredged and fill material permitting, which studies how mines, dams, levees, highways, housing developments and other major projects discharge pollutants into federal waterways. Although such permitting is formally carried out by the Army Corps of Engineers, EPA retains veto authority.

## From Congress

**4/18/18** – Senators Tammy Baldwin (D-Wis) and Joni Ernst (R-Iowa) introduced the [FARMERS FIRST Act](#). The bill aims to provide funding through USDA and the Department of Health and Human Services to state departments of agriculture, state extension services, and other nonprofits to help establish helplines and websites, re-establish the previously eliminated Farm and Ranch Stress Assistance Network to coordinate best practices and responses among the grantees assisting on the ground, and establish an assessment committee to develop a report on farmer stress. The bill would also establish mental health support and resources such as helplines, suicide prevention training for farm advocates and support groups.

**4/12/18** – The Senate confirmed Andrew Wheeler to be deputy EPA administrator by a [53-45 vote](#). Previously, Wheeler worked at the law firm Faegre Baker Daniels as a lobbyist, where his past lobbying clients included Murray Energy, Xcel Energy, Bear Head LNG and Energy Fuels Resources. Before that he served in the office of Senator Jim Inhofe (R-Okla.)

**4/9/18** – Five Midwestern senators—Chuck Grassley (R-Iowa), John Thune (R-S.D.), Roy Blunt (R-Mo.), Deb Fischer (R-Neb.) and Joni Ernst (R-Iowa)—[signed](#) a letter to Trump to end the issuance of waivers to small refineries from EPA's Renewable Fuel Standard. The letter came following news that EPA [granted](#) a “hardship” waiver for Andeavor’s three smallest refineries in Alaska, North Dakota and Utah, exempting it from requiring to blend ethanol into its gasoline or having to buy Renewable Identification Numbers from blenders to demonstrate compliance with Renewable Fuel Standards (RFS). Andeavor is one of the nation’s largest oil refining companies in the nation. Further, EPA and DOJ entered into a consent decree with bankrupt refiner Philadelphia Energy Solutions that would reduce the company's RFS compliance requirement.

## From the Administration

**4/24/18** – FERC [approved](#) new cybersecurity standards for laptops and thumb drives and other devices that frequently connect and disconnect from systems connected to different parts of the electrical grid. The commission also directed the North American Electric Reliability Corporation to develop standards to mitigate the risk of malicious code that could result from third-party transient electronic devices.

**4/19/18** – DOI [issued](#) a notice of intent to prepare an environmental impact statement (EIS) for possible oil and gas leases in the Arctic National Wildlife Refuge. The review kicks off the official process in what could eventually lead to oil and gas drilling in a 1.6 million-acre section of Arctic National Wildlife Reserve.

**4/18/18** – FERC [announced](#) it is seeking public comment regarding a potential update to its formal procedures for reviewing new natural gas pipeline applications. Specifically, the request focuses on gathering public input concerning the criteria it uses to determine whether there's a need for a project, the use of eminent domain in siting pipeline projects, evaluation of environmental impacts, and improving FERC's efficiency in its certification process.

**4/18/18** – USDA [announced](#) its plans to issue guidance detailing best practices for controlling pathogens such as salmonella and campylobacter on hog farms, and will also document its approach to setting new limits on pathogens allowed in meat and poultry products. The action follows the publication of a [report](#) from the Government Accountability Office, which found that USDA needed to take further action to reduce pathogens in meat and poultry products.

**4/16/18** – Japan finalized a [decision](#) to open its market to imports of a gasoline additive made from U.S. corn-based ethanol, an update to its 2010 sustainability policy, which had previously only allowed imports of the fuel additive ethyl tert-butyl ether, or ETBE, made from sugarcane-based ethanol. The decision means that U.S. ethanol can now meet up to 44 percent of Japan's total estimated demand for 217 million gallons of ethanol used to make ETBE, amounting to approximately 95.5 million gallons of U.S.-produced ethanol annually.

**4/13/18** – USDA has [determined](#) a wheat cultivar that’s gene-edited for higher fiber content does not need to undergo the deregulatory process for GMOs because it’s not a potential plant pest. In addition to confirming the cultivar is not regulated as a plant pest, the USDA has also determined the gene “knockout” will not increase the weediness of wheat or jointed goatgrass, a related species. Calyxt’s high-fiber wheat is the second gene-edited variety of the crop that USDA has cleared for commercialization without the environmental review required for deregulating transgenic crops.

**4/13/18** – The Bureau of Land Management (BLM) is [proposing](#) to establish a new leasing zone for solar power development in southern Nevada. The proposed Dry Lake East Designated

Leasing Area would cover 1,800 acres about 10 miles northeast of Las Vegas.

**4/12/18** – EPA sent to the White House for final review a supplemental proposal to clarify its repeal of the [Water of the United States 2015](#) definitional rule to the White House. The agency said in a statement that the move is meant to provide additional clarity on the scope of the repeal rule.

**4/11/18** – DOE is [taking public comment](#) on its use of emergency authority, via section 202(C) of the [Federal Power Act](#), to keep certain power plants operational. The request for comment comes following a [request](#) from FirstEnergy Solutions for DOE to provide all coal and nuclear plants in the PJM market with additional resources to allow them to operate economically.

**4/10/18** – EPA [approved](#) North Dakota's application for primary enforcement responsibility for Class VI wells located within the state. EPA will continue to directly implement the Class VI program within Indian lands. North Dakota is the first state to receive primacy for Class VI UIC wells. The Class VI Underground Injection Control program enables EPA, or primacy states, to approve wells that are used for long-term storage of carbon dioxide from coal plants and other industrial sources.

**4/10/18** – The National Academies of Science, Engineering and Medicine issued a [report](#) stating that a nearly decade-long research initiative on citrus greening disease has not resulted in a breakthrough discovery to control the disease that has ravaged orange and other citrus groves. Citrus greening, also known as Huanglongbing, was first detected in Florida in 2005 and has since caused citrus production to drop by 58 percent. The disease is spread by an insect and results in the gradual death of citrus trees that produce small and deformed fruits with bitter juice.

**4/10/18** – The president signed an [EO](#) directing federal agencies to review agency rules and guidance on work requirements for the assistance programs they administer and submit a report to the president within 90 days on "what they can do to get Americans back to work."

**4/6/18** – The Nuclear Regulatory Commission says it will issue licenses for Florida Power & Light Co.'s two proposed nuclear units at its Turkey Point power plant where two other nuclear units have been in operation since the 1970s. It remains unclear, however, if the two new proposed units will be built because of the current economic dynamics of the electricity market.

**4/4/18** – The U.S. Energy Information Administration [reported](#) that retail electricity sales fell 2.1 percent in 2017, but the decline was mostly driven by milder weather and not factors contributing to a longer-term trend of flat demand for power. Since 2010, retail sales have risen or fallen in a narrow range, after a sharp decline in 2009 during the Great Recession and a large jump in sales as the U.S. economy recovered.

**4/4/18** – DOI [requested](#) public comment regarding federal waters off the Atlantic Coast for potential wind power lease locations. If the agency chooses to move forward with an offshore lease, it would be the first renewable energy offshore lease for this administration.

**4/3/18** – The USDA Farm Service Agency [announced](#) it has implemented changes to the [Margin Protection Program \(MPP\)](#) for dairy farmers that Congress included in the budget deal earlier this year. The changes are designed to boost enrollment and disburse larger payments. The program triggers payments when the difference between the prices of milk and feed drops below levels producers decide to insure. USDA is reopening enrollment in MPP from April 9 to June 1.

**3/30/18** – USDA [estimates](#) indicate soybean acreage will reach near record levels this year to 89 million acres, surpassing the number of acres of corn planted by 1 million. Planted acreage intentions for soybeans are down or unchanged in 20 of the 31 estimating states. The largest increase is expected in Indiana with 6.10 million acres, an increase of 150,000 acres from 2017. If realized, the planted area of soybeans in Indiana, Kentucky, North Dakota, Pennsylvania and Wisconsin will be the largest on record.

**3/28/18** – USDA [published](#) a notice of solicitation for applications for the FY 2018 [Rural Broadband Access Loans and Loan Guarantees Program](#), announcing that the agency will now accept applications on a rolling basis, rather than in discrete application windows as in the past. The program furnishes loans and loan guarantees to provide funds for the costs of construction, improvement, or acquisition of facilities and equipment needed to provide service at the broadband lending speed in eligible rural areas.

**3/28/18** – The Bureau of Ocean Energy Management [published](#) a Call for Information and Nominations covering a proposed lease sale in Alaska's Beaufort Sea Planning Area in 2019. The proposed sale is listed in the draft proposed 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program.

**3/28/18** – The U.S. Forest Service [released](#) a draft environmental assessment weighing a potential 20-year mineral withdrawal on 30,370 acres in Montana, north of Yellowstone National Park that aims to bolster the case for a mining ban. The ban, initially [proposed](#) by the previous administration, is also supported by the Interior Secretary Ryan Zinke, a former Montana congressman.

**3/27/18** – Department of Commerce Secretary Wilbur Ross [declared](#) a commercial fishery disaster along the Texas Gulf Coast to help support Hurricane Harvey recovery efforts with federal financial assistance. Congress recently allocated \$200 million for fishery disasters in the 2018 appropriations bill. The disaster declaration allows financial assistance to be provided to fishermen and fishing communities in the form of grants, job retraining, employment, and low-interest loans.

**3/27/18** – EIA [reported](#) that U.S. liquefied natural gas exports quadrupled in 2017 due to rising demand from Mexico and Asia.

industry to comply with the [BLM's methane venting and flaring rule](#) while the agency is simultaneously working to undo the rule, effectively staying the implementation of rule provisions and staying any action pending finalization of the revision rule. Finalized in late 2016, the [regulation](#) aims to cut flaring, venting and leakage of the potent greenhouse gas on public and tribal lands, however, the rule is currently under review by the administration.

**4/2/18** – The 9<sup>th</sup> U.S. Circuit Court of Appeals [ruled](#) dam operations on the Columbia and Snake rivers must forego hydropower production during certain times of the year to protect endangered salmon when they migrate to the ocean as the hydropower turbines pose a threat to the fish. While the ultimate impacts are unclear, the federal government had argued that shutting down the turbines could cause electricity prices to spike and threaten the reliability of the grid. Subsequently on April 25, the House passed , [H.R. 3144](#), 225-189, which would override a recent decision by the 9th Circuit. If fully implemented, the court decision would require changes in the operation of hydroelectric dams in the Pacific Northwest to protect endangered salmon. The bill is unlikely to advance in the Senate.

## From the Courts

**4/6/18** – The U.S. District Court for the District of Wyoming [ruled](#) that it "makes little sense" to require the oil and gas