Top Stories

2/21/19 – The U.S. Department of Agriculture’s (USDA) chief economist noted during a presentation at USDA’s annual Agriculture Outlook Forum that the economic outlook for farms in 2019 is cloudier than any year since the mid-1990s. “There are questions about trade, policy, weather and market information,” and that "all of these have an impact of course on what farmers are planning to do this coming year. It makes the outlook less certain than perhaps any time since the first year of the Freedom to Farm Act in 1996."

2/14/19 – The Federal Reserve Bank of Kansas City reported that farmland in parts of the Midwest and Plains regions largely held their value at the end of last year, although the continued downturn in the agricultural economy could cause values to fall in the short term. Overall, land values dropped 3 percent in 2018, in Colorado, Colorado, Kansas, Nebraska, Oklahoma, Wyoming, and parts of Missouri and New Mexico, although ranchland values saw a slight bump for the second consecutive quarter. The report also notes that "In addition, continued deterioration in farm finances and credit conditions could put further pressure on values for farm real estate," and "looking into 2019, bankers' expectations for farmland values were slightly weaker than a year ago."

2/14/19 – Congress approved a $328 billion fiscal year 2019 appropriations bill, 300-128 in the House and 83-16 in the Senate, which includes funding through Sept. 30 for the nine appropriations bills that were affected by the partial-government shutdown. Within those nine appropriations bills is funding for four of the major federal departments—Department of Transportation (DOT), the U.S. Department of Agriculture (USDA), the Department of Interior (DOI), and EPA—covered by NCSL’s Natural Resources and Infrastructure (NRI) Committee. Overall, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies title provides just over $23 billion in discretionary funding, $32 million above the FY 2018 enacted level, but above President Donald Trump’s request. Within that title, the Natural Resources Conservation Service saw a decrease of $55 million from FY 2018 to $819 million; USDA’s Farm Service Agency is funded at $1.711 billion for all of its programs, an increase of $84 million from FY 2019; rural development programs were allocated a total of $3.64 billion for FY 2019 including $625 million in funding dedicated for infrastructure investments in rural areas—$1.84 billion above the president’s request. Also included in the package is funding for DOI, which will see a $14 million increase from FY 2018 to $13 billion. The Fish and Wildlife Service will see a $17 million reduction from FY 2018 to $1.58 billion but will see a slight increase to State and Local Wildlife Grants. The Payments in Lieu of Taxes program is funded at $500 million, and the Land Water Conservation Fund is funded at $435 million, $10 million above FY 2018 enacted levels. Additionally, within the Bureau of Land Management, $80.5 million is allotted for wild horse and burro management—a slight increase from FY 2018, with conferees reporting that “significant management changes need to be made within the near future in order to control costs, improve range conditions and humanely manage wild horse and burro populations.” For a full summary of the areas under NRI jurisdiction, please read NCSL’s Info Alert.

2/8/19 – The Environmental Protection Agency (EPA) filed a status update with the United States Court of Appeals for the District of Columbia regarding its plans for finalizing a replacement to the Clean Power Plan, the update was delayed due to the partial-government shutdown. EPA noted in its
update that it is working "as expeditiously as practicable" to finalize its replacement rule for the Clean Power Plan, and that "while EPA's intention continues to be that the Agency will take final action in the second quarter of 2019, EPA is evaluating the impacts that the recent lapse in appropriations has had on the Agency's schedule for taking final action."

2/7/19 – Commerce Secretary Wilbur Ross stated that the United States intends to withdraw from a six-year-old trade agreement with Mexico on tomatoes to clear the way to impose new duties. The withdrawal will take effect on May 7, 2019. Previously, a bipartisan coalition of 46 members of Congress wrote to Ross urging him to withdraw, and to also note that Mexico’s share of the U.S. tomato market had grown to 54 percent, from 32 percent in 1996.

2/7/19 – Representative Alexandria Ocasio-Cortez (D-N.Y.) and Senator Ed Markey (D-Mass.) released a “Green New Deal” resolution. The non-binding resolution calls for a 10-year mobilization to move the country towards achieving net-zero greenhouse gas emissions, creating jobs, providing for a just transition, securing clean air and water and affordable housing that involves significant investments across a range of industries, including energy, transportation and manufacturing. Although the resolution calls for 100 percent “clean, renewable, or zero-emission energy sources,” the resolution does not ban fossil fuel development. It calls on the government to work with farmers and ranchers to remove pollution from the agricultural sector. The preamble establishes that there are two crises, a climate crisis and an economic crisis of wage stagnation and growing inequality, and that the resolution can address both. The resolution is highly unlikely to be approved by Congress.

2/6/19 – USDA’s Natural Resources Conservation Service, which runs the department’s conservation programs is implementing an interim Highly Erodible Land and Wetland Conservation rule, which aims to codify internal standards for determining what qualifies as a wetland. Specifically, the rule would require USDA officials to consider several factors such as precipitation data and aerial photographs, to determine what constitutes a wetland. The determination of whether a given piece of land is considered a wetland by USDA could prevent farmers from qualifying for crop insurance and subsidies if they have drained designated wetlands on their land. It is unclear if USDA will make any further changes after they received comments from several environmental organizations and the American Farm Bureau that the rule needed significant changes, albeit for very different reasons. In public comments, the Farm Bureau said the proposal gives USDA too much leeway to designate wetlands, while a coalition of environmental groups said the interim rule would make it too easy for farmers to drain wetlands.

2/5/19 – A panel for the U.S. Second Circuit Court of Appeals directed the New York Department of Environmental Conservation to expand on its April 2017 decision denying a water quality permit to the National Fuel’s Northern Access pipeline project, prohibiting the project from taking place.

2/4/19 – The United States and the United Kingdom have signed a pair of agreements to ensure that the trade of wine and distilled spirits between the two countries will not be disrupted when the U.K. leaves the European Union. The U.K. was the fourth-largest export market for U.S. wine products in 2017, with a value of $227 million.

2/4/19 – President Donald Trump announced his plans to nominate Acting Department of Interior (DOI) Secretary David Bernhardt to the full Senate-confirmed position. The acting secretary became deputy secretary in 2017 when former DOI Secretary Ryan Zinke stepped down in January following a December 2018 announcement that he would leave the administration.

1/31/19 – President Donald Trump signed an executive order encouraging federal agencies to require, as currently permissible by existing law, the use of more American-made iron and aluminum as well as steel, cement and other manufactured products in any infrastructure projects receiving federal financial assistance, which primarily consists of loans, loan guarantees and federal grants.

1/31/19 – Federal Energy Regulatory Commission (FERC) Commissioner, Cheryl LaFleur announced she will leave the agency this year, and that she is no longer seeking a third term. She has been at the agency since 2010 and plans to stay at the
agency at least through June, when her term officially ends, although she could stay until December unless the president nominates—and the Senate confirms—a new commissioner.

1/31/19 – The Department of Energy (DOE) revealed in public court filings that it shipped a half metric ton of plutonium from the Savannah River Site in South Carolina to the Nevada Nuclear Security Site in November 2018 without the state’s consent. DOE maintained the shipments were needed to address a separate court injunction stemming from proceedings in South Carolina tied to the Mixed Oxide Fuel Fabrication Facility. DOE also stated that its lack of disclosure originated from the national security concerns attached to the nuclear material.

1/31/19 – The North American Electric Reliability Corporation issued a $10 million fine, its largest ever, to Duke Energy for 127 violations between 2015 and 2018 of its cyber and physical security standards. FERC will now review the fine and make a final determination as to whether to formally issue it.

From Congress

2/14/19 – A group of bipartisan senators, including Senator Rob Portman (R-Ohio), Mark Warner (D-Va.), Lamar Alexander (R-Tenn.) and Angus King (I-Maine), with 21 additional co-sponsors, re-introduced legislation that would create a dedicated revenue stream to fund the nearly $12 billion national parks maintenance backlog. The Restore Our Parks Act, would require 50 percent of revenues collected from onshore and offshore energy development not otherwise obligated to other uses but would cap contributions at $1.3 billion each year for the next five years.

2/13/19 – Senate Agriculture Committee Chairman Pat Roberts (R-Kan.) and ranking member Debbie Stabenow (D-Mich.), along with and Senator Tom Udall (D-N.M.) re-introduced the Pesticide Registration Improvement Act, which would reauthorize EPA’s pesticide approval program through FY 2023. The bill allows EPA to collect user fees from companies seeking authorization to sell their product to fund the approval process. The program expired in 2017 but has been continued through short-term extensions.

2/6/19 – A bipartisan coalition of Senators and House members introduced the Trade Security Act, which aims to reassert congressional authority over trade and tariff policy by reforming Section 232 of the Trade Expansion Act of 1962, which the president has used to issue the tariffs on steel and aluminum. The Senate version was introduced by Senators Rob Portman (R-Ohio); Doug Jones (D-Ala.); Joni Ernst (R-Iowa); Lamar Alexander (R-Tenn.); and Dianne Feinstein (D-Calif.); while the House bill was introduced by Representatives Ron Kind (D-Wis.); Terri Sewell (D-Ala.); Jackie Walorski (R-Ind.); and Darin Lahood (R-III).

2/5/19 – On a party-line vote, the Senate Environment and Public Works Committee approved Andrew Wheeler’s nomination to be EPA administrator, 11-10. He is currently serving as acting administrator after being confirmed as deputy administrator in 2017.

From the Administration

2/15/19 – USDA proposed three changes to the list of substances allowed for use in organic production. Specifically, the proposal would allow the use of elemental sulfur for certain activities while also reclassifying magnesium chloride, moving it from the list of allowed synthetic substances to the list of non-synthetic substances allowed in organic handling. The proposal seeks to implement recommendations made by the National Organic Standards Board in April 2018.

2/14/19 – The Tennessee Valley Authority (TVA), a federal entity, voted to retire a pair of coal-fired power plants (Paradise No. 3 plant in Kentucky and the Bull Run plant in Tennessee) despite a formal request from President Donald Trump to keep one of the plants open. TVA CEO Bill Johnson said neither were financially viable. The Paradise No. 3 plant will close in 2020 and the Bull Run plant will close in 2023.

2/13/19 – USDA and the Department of Commerce released a report, the American Broadband Initiative, outlining six short
term steps the agencies plan to take to increase the availability of broadband connections in rural areas. The report’s recommendations are grouped into three categories: streamlining federal permitting processes to speed broadband deployment, leveraging federal assets to lower the cost of broadband buildouts and maximizing the impact of federal funding—which includes $600 million approved last year.

2/8/19 – USDA projects U.S. soybean production to reach 123.7 million metric tons (or 4.54 billion bushels) for the 2018-19 year, a slight decrease from the previous forecast in December. The 2018-19 average soybean farm price is projected at $8.10 to $9.10 per bushel—a decline from the 2017-18 estimate of $9.33/bushel.

2/7/19 – The Food and Drug Administration (FDA) finalized guidance outlining when food companies and other manufacturers regulated by the agency should issue public warnings about recalls. Specifically, the guidance discusses scenarios under which public warnings may be appropriate, including active foodborne illness outbreak or when a recalled product is likely to be consumed by a particularly vulnerable population, such as infants or the elderly. Although the agency notes that each situation is different, it generally recommends that companies should issue public warnings within 24 hours of being notified by FDA that such a warning is “appropriate.” The document also discusses what kind of information should be included in recall notifications, among other things.

2/6/19 – DOE proposed to rescind two previously finalized rules concerning lightbulb efficiency standards that are scheduled to take effect in January 2020. Specifically, the existing rules would set higher efficiency levels for traditional shaped bulbs, cone-shaped bulbs, three-way bulbs, reflector lights and other types of fixtures. Passed by Congress in 2007, the standards were updated in 2017 to include a wider range of lightbulbs. DOE’s own research, published on its website shows that the more efficient bulbs do cost more initially but they last up to 25 times longer, reducing overall cost in the long run. NCSL previously commented to the department on its National Appliance Efficiency Standards. DOE also released a proposed rule that would overhaul the larger efficiency standards program. Specifically, the proposal would make several changes to DOE's current procedures, including setting an energy-saving "threshold" that updated or new rules must meet while also requiring the use of industry-set test procedures for appliances. Additionally, the rule states that a standard is not “significant” unless it would save 0.5 quadrillion British thermal unit (quad) of energy over three decades, a noticeable increase from the current standards.

1/31/19 – USDA Secretary Sonny Perdue told members of the National Cattlemen’s Beef Association that cell-based meat products would be closely regulated and urged audience members to be transparent about their production practices to satisfy changing consumer expectations in the marketplace. He specifically referenced the administration’s plan for USDA to regulate the production and certification of cell-based meats while FDA handles laboratory-focused aspects.