Top Stories

3/21/19 – The Federal Energy Regulatory Commission announced the formation of two studies that will examine current incentive structures for electric transmission infrastructure and whether the existing structure should be updated to better assess project benefits and any corresponding incentives that are needed to ensure grid reliability and reduce congestion.

3/21/19 – The Energy Information Administration reported that electricity generation from U.S. nuclear power plants set an annual record in 2018, slightly more than the previous peak in 2010. Although several nuclear power plants have closed since 2010, a combination of added capacity through uprates and shorter refueling and maintenance cycles allowed the remaining nuclear power plants to produce more electricity.

3/19/19 – The U.S. District Court for the District of Columbia froze oil and natural gas drilling on 303,000 acres of federal land that the Department of Interior's (DOI) Bureau of Land Management (BLM) leased for oil and gas development in Wyoming between May 2015 and August 2016, noting that DOI did not adequately account for the climate effects. The judge noted that BLM “failed ... to provide the information necessary for the public and agency decision makers to understand the degree to which the leasing decision at issue would contribute to those [climate change] impacts,” and "In short, BLM did not adequately quantify the climate change impacts of oil and gas leasing."

3/14/19 – The Food and Drug Administration's (FDA) Deputy Commissioner for Food Policy and Response Frank Yiannas told reporters, after a speech to the Consumer Federation of America Food Policy Conference, that FDA will delay the water quality standards rule for large produce enterprises under the Food Safety Modernization Act for two years, because “the science” under which the original rule was developed was flawed. The following day, the agency issued a final rule that delays implementation until January 2022 for large farms, until January 2023 for small farms, and until January 2024 for very small farms.

3/11/19 – The administration withdrew its appeal efforts regarding its 2017 attempt to delay the implementation date for EPA’s 2015 Clean Water Rule. Two different federal courts had ruled that EPA’s delay was unconstitutional. As a result, the 2015 rule will now be in effect for 22 states, the District of Columbia and U.S. territories. Previous regulations, issued in the 1980s are in effect in the remaining 28 states. EPA is in the process of rescinding and revising the 2015 rule. For a complete analysis of Waters of the United States, read NCSL’s timeline.

3/8/19 – FDA approved the sale of genetically engineered salmon in the U.S. for the first time since it had previously approved it for human consumption in 2015. Specifically, the agency will rescind the alert it issued in 2016, following a provision enacted by Congress preventing the product from being introduced into commerce until labeling guidelines had been finalized.

3/8/19 – The U.S. Department of Agriculture (USDA) and FDA released a joint agreement outlining how the two agencies will share jurisdiction over cell-based meat and poultry products. Cell-based meat involves the replication of animal cells into tissues to create edible meat and poultry products. Specifically, FDA will oversee cell collection, cell banks and growth with the
regulatory responsibility shifting to USDA “during the cell harvest stage.” USDA’s Food Safety and Inspection Service will then have oversight of production and labeling, although FDA and USDA will work together to develop “joint principles” on labeling. Industry groups representing cell-grown and traditionally-grown animal meat praised the agreement.

3/7/19 – USDA’s Economic Research Service released its latest farm income forecast, projecting farm debt to climb by nearly 4 percent this year, to $426.7 billion, which would mark the highest level of debt since 1982. The report also forecast farm income to increase to $69.4 billion, which would represent an 8 percent increase over 2018, adjusting for inflation, when income fell 18 percent and remains well below the $90 billion average since 2000.

3/5/19 – FDA Commissioner Scott Gottlieb announced he will step down from the agency within a month. He was confirmed by the Senate, 57-42 in May 2017 and since went on to work to “discourage teen use of e-cigarettes, address the opioid epidemic and improve access to generic drugs.”

2/27/19 – USDA Secretary Sonny Perdue anticipates that the agency will unveil the new dairy programs created in the 2018 Farm Bill my mid-June. The Farm Bill included an increase in support for dairy farmers, which have recently struggled with low prices due to significant increases in supply. The new or rebranded Margin Protection Program, is now called Dairy Margin Coverage allowing dairy farmers to purchase higher levels of insurance protection at much lower premiums. They also can pair this program with other insurance protections offered by USDA. For more information on these programs and the 2018 Farm Bill, read NCSL’s Info Alert.

From Congress

3/13/19 – The Senate confirmed, 53-46, Neomi Rao, former head of the White House Office of Information and Regulatory Affairs (OIRA), to fill the seat vacated by Brett Kavanaugh on the U.S. Court of Appeals for the D.C. Circuit. Rao is a former professor of structural constitutional law, administrative law, and legislation and statutory interpretation at the Antonin Scalia Law School at George Mason University. Paul Ray will replace her as the acting head of OIRA. He has served as OIRA’s associate administrator for just under a year.

3/8/19 – President Donald Trump signed a bill reauthorizing EPA’s pesticide approval program, The Pesticide Registration Improvement Act, S. 483, grants EPA authority to collect pesticide registration and maintenance fees through fiscal 2023. It expired in 2017 but has been continued through short-term resolutions.

3/7/19 – The Government Accountability Office (GAO) issued a report highlighting seven recommendations the Department of Energy should undertake in its ongoing efforts to clean up nuclear waste pollution resulting from the federal governments production and research of nuclear energy and bomb materials during the Cold War. GAO estimates the agency could face up to $500 billion in costs over the next 70 years in its cleanup efforts.

2/28/19 – All 45 Senate Democrats and two independents unveiled a climate change resolution, which simply says climate change is real, that human activity is the “dominant cause” and that Congress should take “immediate action” to address it.

From the Administration

3/22/19 – USDA’s Foreign Agricultural Service reported that private exporters exported 300,000 metric tons of corn for delivery to China during the 2018/2019 marketing year, making this year the largest purchase from China since 2013.

3/20/19 – DOI reported that its offshore oil and gas lease sale for the Gulf of Mexico generated $244 million, the highest total since March 2017. However, the 227 parcels that drew bids from 30 companies represented less than 2 percent of the total parcels offered. The lease sale was the fourth offshore sale held under the 2017-2022 National Outer Continental Shelf Oil and Gas Leasing Program.

3/20/19 – The U.S. and Brazil issued a joint statement noting that Brazil would allow U.S. grain companies to export 750,000
tons of wheat without facing import duties, an amount it had previously agreed to when it joined the World Trade Organization in 1995. Brazil also agreed to "science-based conditions" for the importation of U.S. pork, while the U.S. promised to take immediate steps that could lead to the resumption of U.S. beef imports from Brazil. Currently, all countries that are not members of the South American trade bloc, known as Mercosur, face a 10 percent duty on wheat sales to Brazil.

2/25/19 – The FDA announced plans aimed at strengthening the safety of our imported foods. Food imports make up about 15 percent of what Americans eat each year, although there is significant variability among different types. About 32 percent of the fresh vegetables and 55 percent of the fresh fruit Americans consume are imported, compared to 94 percent of the seafood. The strategy outlines four primary goals, including preventing food safety problems before the food enters the U.S., detecting and halting unsafe foods at the ports of entry, reacting quickly when contaminated imported food results in an outbreak and measuring progress of the overall system.

From the Courts

3/19/19 – The U.S. Court District Court for the District of Columbia ordered that Adverse Effect Wage Rates for foreign H-2A visa workers should remain in place, ruling against a group of farmers who said the minimum wage rates were too costly.

2/22/19 – U.S. District Court for the Southern District of New York overturned a 2017 Department of Energy (DOE) action that suspended a January 2017 final rule establishing certain efficiency test procedures for central air conditioners and heat pumps. Although DOE has since allowed the rule to go into effect, the court still found the action illegal.