Top Stories

8/13/19 – President Donald Trump signed the Family Farmer Relief Act of 2019. The bill would raise the amount of farm debt covered under Chapter 12 bankruptcy to $10 million, as the original Chapter 12 debt was set in the 1980’s and doesn’t account for current farm sizes and land values.

8/12/19 – The U.S. Department of Agriculture (USDA) reported that farmers were prevented from planting more than 19 million acres after heavy rain and flooding earlier this year, the highest number on record. Of those prevented plant acres, more than 73% were in 12 Midwestern states. By commodity, corn accounted for 11.2 million of those acres, while farmers said they were prevented from planting 4.35 million acres of soybeans and 2.2 million acres of wheat.

8/9/19 – The Environmental Protection Agency (EPA) issued a proposed rulemaking that would, if finalized, limit state authority to certify, condition or deny any activity, which would result in the discharge of pollutants into waters of the United States. Specifically, the proposed rule provides “updates and clarifications to the substantive and procedural requirements” for water quality certification under Section 401 of the Clean Water Act as directed by executive order 13868. For more information, read NCSL’s Info Alert.

8/9/19 – EPA granted 31 small refinery waiver exemptions from the biofuel blending requirements under the 2018 Renewable Fuel Standard (RFS). That represents a slight reduction in exemptions issued for 2017, when EPA approved 35 exemptions in total. The exemptions covered more than 4 billion gallons.

8/7/19 – The Federal Energy Regulatory Commission (FERC) allowed short-term reforms to take effect in the New England electricity market that will provide compensation to those power plants with on-site fuel supplies, such as those that burn oil, coal, liquefied natural gas or nuclear fuel. Specifically, the plan involves grid operator ISO New England (ISO NE), which proposed the “Inventoried Energy Program” in March to combat what it says is an over-reliance on natural gas plants fed by pipelines in the winter, when gas is diverted for home heating during extended cold snaps. The changes will only affect capacity market auctions in February 2020 and 2021, which will determine the region’s resource mix for the winters of 2023/2024 and 2024/2025. Later this year, ISO NE plans to transition to a market-based program for valuing on-site fuel, which it plans to file this October.

8/2/19 – The Federal Communications Commission approved proposals to improve rural broadband mapping accuracy and begin implementing the Rural Digital Opportunity Fund, a program that will provide $20.4 billion over 10 years to help companies deploy broadband in remote areas. Internet providers will compete for subsidies via an auction process. The first phase will be devoted to areas with no broadband service, and the second phase will cover partially served areas. The minimum requirement for broadband speeds would rise from 10/1 Mbps to 25/3 Mbps.

7/26/19 – FERC ordered PJM Interconnection, L.L.C. (PJM), the nation’s largest electricity market that oversees electricity to 65 million people spanning 13 Mid-Atlantic and Midwest states and the District of Columbia, not to conduct its August auction for long-term power. In June 2018, FERC found PJM’s auction rules to be “unjust and unreasonable” and never approved any
of PJM’s follow-up efforts. PJM had attempted to implement a workaround for state level policies that favored certain types of power generation through such actions as a renewable portfolio standard.

7/25/19 – USDA announced the details of its $16 billion aid package that is the second installment in aid related to the imposition created by retaliatory tariffs. Direct payments to farmers will be sent out in three installments. For the first installment, farmers will receive at least $15 an acre, or 50 percent of their total estimated payout—whichever is greater. The maximum payment rate will be $150 an acre. For pork and dairy, aid will be based on the number of hogs they owned during a certain 45-day period this year, or on their milk production history, respectively. Each farm operation is capped at $500,000 in trade relief payments. The second and third payments could be adjusted depending on the trade situation at that time, USDA officials announced. USDA will also spend $1.4 billion to buy commodities and redistribute them to food banks, school cafeterias and other nutrition programs. The first round of aid was established and implemented in 2018 although aid rates varied on planted crops with a significant majority being directed at soybeans.

7/18/19 – EPA will not ban the use of the pesticide chlorpyrifos on agriculture production. Chlorpyrifos is used on produce such as strawberries, apples, corn and citrus. EPA’s own science has linked the pesticide to neurological problems in children, and the agency banned the use of chlorpyrifos in residential use about 20 years ago. In the absence of federal action, some states have implemented their own bans. Hawaii and New York have prohibited chlorpyrifos, and California announced that the state would move forward with a ban as well. Additionally, EPA gave final long-term approval to sulfoxaflor, an alternative to a class of pesticides called neonicotinoids. The approval means that sulfoxaflor can be regularly applied to crops for which it hasn’t been approved, such as cotton and sorghum. Additionally, it is already approved for use on corn, alfalfa, soybeans and citrus. The approval did revise requirements on language on the packaging labels and restrictions on use during flowering.

7/15/19 – The Department of Labor (DOL) released a proposed rule to modify the H-2A foreign guest-worker certification process. The rule includes a few changes that would be applicable to both farmers and laborers participating in the program. Current regulations require employers seeking temporary workers through the program to complete a labor certification process to demonstrate the positions could not be filled by U.S. workers. They also must show that hiring guest workers won’t negatively affect wages of similarly skilled U.S. workers. Under the proposed rule, DOL would establish specific wage rates for different agricultural occupations, which is a change from current rules that mandates a single rate for all guest workers in each state regardless of occupation. The Notice of Proposed Rule Making would also expand access to the H-2A program by revising the definition of agricultural labor or services to include employers engaged in reforestation and pine straw activities, as workers performing these services share many of the same characteristics as traditional agricultural crews. The proposal would also codify and update procedures governing the certification for job opportunities in animal shearing, custom combining, beekeeping, and reforestation. The department said in the proposal it believes the changes are needed because the current methodology may hurt the wages of workers in higher-paying jobs, such as supervisory positions and construction laborers. Additionally, the proposal would encourage producers looking for foreign laborers to recruit employees online and requires electronic filing of job orders and applications and promote the use of digital signatures. It would also strengthen protections for workers, such as guaranteeing that rental housing and public accommodations provided by farmers meet federal standards.

From Congress

7/11/19 – Senators Cory Gardner (R-Colo.) and Michael Bennet (D-Colo.) introduced the Enhancing State Energy Security Planning and Emergency Preparedness Act. The legislation would create a program within the Department of Energy that would provide states funding to develop energy security plans that include methods to harden states’ energy infrastructure against physical or cyber-attacks and make states more resilient to energy disruptions.
From the Administration

8/12/19 – The Bureau of Ocean Energy Management, a division of the Department of Interior (DOI), ordered a study of the cumulative impact of a string of wind energy projects along the East Coast in response to concerns from fishermen about the impact of offshore wind development on East Coast fisheries. Nine projects in seven states with a combined capacity of 4.8 gigawatts are planned to come online in the coming years. The study will supplement an environmental impact statement of Vineyard Wind LLC, the country’s first major offshore project, which was supposed to begin construction later this year but will now be delayed until at least March 2020.

8/9/19 – EPA issued guidance calling on California to drop language from pesticide warning labels that state glyphosate causes cancer, arguing that the language is misleading and contradicts the agency’s own scientific analysis. The guidance is in response to a 2017 California regulation mandating that companies disclose the cancer risk associated with glyphosate, a chemical that is found in the weedkiller Roundup. California’s regulation added glyphosate to Proposition 65, the state’s list of all chemicals that may cause cancer and require warning labels in order to be sold in the state.

7/24/19 – The Natural Resource Conservation Service (NRCS) is offering to purchase public or private flood-prone lands to restore them to their natural floodplain condition. The states currently identified for funding include Arkansas, Illinois, Iowa, Louisiana, Minnesota, Missouri, Nebraska, North Carolina, South Dakota, Texas, and Wisconsin.

7/23/19 – USDA awarded more than $9 million in USDA Farm to School Program grants supporting 126 selected projects across 42 states, the District of Columbia, and Puerto Rico. These projects are expected to serve more than 3.2 million students in over 5,400 schools.

NCSL Resources

For all the presentations, videos, blogs, and other resources from the 2019 NCSL Legislative Summit, check out ncsl.org.