Below are some of the latest agriculture, energy, environment and transportation policy issues we are following in Washington, D.C. Further, NCSL’s Coronavirus (COVID-19) Resources for States webpage is updated daily to reflect new information in policy areas ranging from education to health care, and so much more.

If you have questions about NCSL’s COVID-19 resources or any of the stories below, please reach out to me, Ben Husch (ben.husch@ncsl.org), or my colleague Kristen Hildreth (kristen.hildreth@ncsl.org), and we will point you in the right direction.

**EPA Beginning to Return Enforcement Measures to Pre-COVID Levels**
The Environmental Protection Agency (EPA) set an Aug. 31 termination date for its policy that temporarily relaxed environmental compliance enforcement measures in response to COVID-19. On March 26 EPA issued a temporary policy regarding its enforcement of environmental legal obligations during the COVID-19 public health emergency. That policy stated that “if there is an acute risk or imminent threat, [the agency] will still enforce.” The memo also stated the discretion EPA was allowing was directed more toward “recordkeeping, monitoring requirements, [and] things of that sort,” as the agency was hearing that facilities “simply don’t have the necessary personnel.” The policy does not apply to criminal violations, nor does it eliminate the responsibility of companies from responding to oil and chemical spills and pollution violations.

**Federal Court Rulings Signal Potential Shift in Pipeline Landscape**
On June 30, the District of Columbia Circuit Court of Appeals, the second-highest-ranking court, ruled that the Federal Energy Regulatory Commission (FERC) acted unconstitutionally in its issuance of tolling orders—delays in issuing a final ruling—in response to requests from landowners who faced the prospect of eminent domain usage against their property by pipeline developers. On July 6, the U.S. District Court for the District of Columbia, the third-highest federal court, ruled that the Army Corps of Engineers (the Corps) should have completed an environmental impact review when approving the Dakota Access Pipeline, which it previously approved. The pipeline must be emptied and shut down while the Corps completes the review. The U.S. Supreme Court provided a bit of relief on July 6, when it temporarily undid a freeze on a nationwide pipeline permit program that had previously been put into effect by the District Court of Montana. The high court’s ruling, however, left in place the freeze on Keystone XL pipeline’s permit, forcing a stop to construction. Finally, all these rulings came in the same week the developers of the Atlantic Coast Pipeline, a natural gas pipeline from West Virginia to North Carolina, canceled the project after years of legal challenges.
USDA Announces Changes to Coronavirus Food Assistance Program
U.S. Secretary of Agriculture Sonny Perdue announced several changes to the Coronavirus Food Assistance Program, which is the primary tool that the U.S. Department of Agriculture (USDA) is using to send pandemic-related aid directly to farmers. One major change was the addition of numerous new crops to the list eligible for direct aid, including apples, blueberries, garlic, potatoes, raspberries, beets, blackberries, pineapple, pistachios and many more. So far, USDA has distributed more than $5.3 billion with breakdowns by state, commodity and category available at the agency’s Coronavirus Food Assistance Program dashboard. Related to COVID-19, U.S. farmers planted nearly 5 million fewer acres of corn this spring than estimated by the U.S. government in March, the biggest cut in 37 years, as the Coronavirus pandemic roils demand for the crop.

United States and Switzerland Reach Agreement on Safety Standards for Drones
The U.S. Federal Aviation Administration (FAA) and the Switzerland Federal Office of Civil Aviation announced they have reached an agreement in harmonizing domestic and international safety standards for Unmanned Aircraft Systems (UAS), more commonly known as drones. Though drone flights in the U.S. are currently limited to a few types of operations without a waiver, FAA’s Jay Merkle, executive director of its UAS Integration Office, announced the agency plans to issue rules for drone flights over people and beyond the operator’s line of sight by the end of 2020.

DOE Approves LNG Exports from Jordan Cove Though State Approval Remains Uncertain
Department of Energy (DOE) Secretary Dan Brouillette signed a secretarial order approving natural gas exports from Oregon’s controversial Jordan Cove Project, which would be the first to ship liquefied natural gas from the U.S. West Coast. However, FERC approved the project even though it has not received some permits from key Oregon regulatory agencies.

Court Upholds FERC Rule Opening Wholesale Markets
The U.S. Court of Appeals for the D.C. Circuit upheld FERC’s Order No. 841, which prohibits states from barring electric storage resources on their distribution and retail systems from participating in federal markets. The court ruled that FERC was working within its authority under the Federal Power Act, although the ruling did not preempt states from challenging specific actions that affected them.

House Democrats Release Plan to Achieve Net-Zero Emissions by 2050
The House Select Committee on the Climate Crisis, convened by House Speaker Nancy Pelosi, unveiled a congressional action plan to “solve the climate crisis.” The plan, which has little to no chance of enactment in this Congress, calls for achieving net-negative emissions during the second half of the century and identifies ways to do so. They include carbon pricing, extending the solar tax credit, encouraging natural carbon sequestration through agriculture, and re-engineering domestic manufacturing. On a related note, NCSL sent a letter in September 2019 to the Energy and Commerce Committee responding to a request for guidance on the development of comprehensive climate legislation.

Bipartisan Senators Ask EPA to Reject Refiners for Exemptions from the Renewable Fuel Standard
A bipartisan group of 18 Senators from states with significant corn production sent a letter to EPA Administrator Andrew Wheeler to reject 52 requests from refiners for exemptions from the Renewable Fuel Standard. The letter states that “the approval of [small refinery exemptions] for past
compliance years at this moment would only worsen the unprecedented economic challenges facing the biofuels industry and the rural communities that it supports. EPA must deny these petitions and apply the 10th Circuit decision nationally.”

**EPA Issues Final Rule Regulating the Import of Goods Coated with PFAS**
EPA [issued a final rule](https://www.epa.gov/chemicals/epa-issues-final-rule-regulating-import-goods-coated-pfas) increasing its oversight of the import of certain per- and polyfluoroalkyl (PFAS) chemicals—the rule applies to companies that make or import products such as ski wax, furniture, electronics and household appliances that could contain PFAS. Unless companies notify EPA first, under the final rule, they can no longer make or import such products. EPA [already regulated](https://www.epa.gov/chemicals/epa-issues-final-rule-regulating-import-goods-coated-pfas) production and imports of the chemicals themselves since 2013. Now, companies that want to import a wider range of products must notify EPA 90 days ahead of time if those products are coated with PFAS. The agency would then review the chemical coating and decide whether to allow, restrict or prevent the imports.

**USDOT Issues Grants for Surface Transportation**
The Federal Highway Administration (FHWA) [announced](https://www.fhwa.dot.gov/stsfa/program/program.cfm) new grants for states as part of its Surface Transportation System Funding Alternatives (STSFA) Program, which provides funds to states to explore new ways to fund highway and bridge projects such as a system of road-usage fees. FHWA awarded $151 million to seven states to explore alternatives, or supplements, to the gas tax, which is the primary mode of revenue collection for transportation infrastructure for both states and the federal government. NCSL was a strong proponent for the inclusion of this program in the Fixing America's Surface Transportation Act when it was enacted in 2015 and has continued to push for its reauthorization.

**The ADA Turns 30! Register For “The ADA and Transportation Accessibility” and More!**
July 26, 2020 marks the 30th anniversary of signing of the Americans with Disabilities Act, the most sweeping piece of civil rights legislation ever enacted for people with disabilities. During the week of July 20, we will be holding a series of virtual meetings covering various disability topics. You may be especially interested in Thursday’s session, “The ADA and Transportation Accessibility.” [Check out our website](https://www.ncsl.org/about-us/about-ncsl/ada-turns-30) to see everything that we have planned, including a few surprises!

Thanks for reading. We will be back in a few weeks to fill you in on other federal happenings—stay healthy and stay safe.

Best,
Ben and Kristen