

# Issues Facing Agriculture in 2015

SARL

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Clearwater, Florida

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OLSSON FRANK WEEDA TERMAN MATZ PC

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**35** *years*  
*of*  
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# EPA Actions

- Waters of the United States
- EPA Connectivity Report
- Other waters having a “significant nexus” to a traditional navigable water, interstate water or the territorial seas

# EPA Actions

- EPA contends “significant nexus” depends upon application of science



# Phosphorus & Nitrogen Pollution

- EPA says
  - 50% of U.S. streams have medium to high levels of N & P
  - 78% of assessed coastal waters exhibit eutrophication
  - 2010 USGS report on nutrients in ground and surface water exceed background concentrations 64% of the time

# Phosphorus & Nitrogen Pollution

- Algal blooms are steadily on the rise
- American Farm Bureau v EPA
- Total Maximum Daily Loads (TMDL) lawsuits
- Pennsylvania cropland acres would be reduced by 600,000 acres



# Wisconsin Supreme Court, *Dec. 30, 2014*

- *Wilson Mutual Insurance v Falk*
  - Farmers spread manure on their farm fields
  - Wisconsin DNR said manure polluted aquifer and neighboring wells
  - No insurance coverage – manure is pollutant

# Ozone Rule & Agriculture

- EPA to lower ozone level
- State implementation plans
- Agricultural practices could be impacted

# California Egg Case

- Attorneys General lost district court case
- 9<sup>th</sup> Circuit Court of Appeals
- Standing or harm is the issue
- Feb. 2, 2015 – briefs are due
- California can dictate agricultural practices
- Violation of Commerce Clause





• Thank you



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