

# NASDA registers concerns over WOTUS rulemaking

By CAROL RYAN DUMAS  
Capital Press

The National Association of State Departments of Agriculture has told the federal government it has significant concerns with the rationale used in the proposed rulemaking for the “waters of the United States” under the Clean Water Act.

The Environmental Protection Agency and the U.S. Army Corps of Engineers are rewriting the the rules, known as WOTUS.

The comments submitted by Ted McKinney, CEO of NASDA, also spoke to the agencies’ disregard of state governments’ role in regulating clean water.

The Clean Water Act establishes limits on federal

jurisdiction and the role of the federal government in regulating interstate commerce, thus recognizing the role of states in regulating non-navigable waters, he said.

“The Navigable Waters Protection Rule respected these limitations on federal jurisdiction, as well as the capabilities and responsibilities of states to regulate and promote water quality,” he said.

The Biden administration last June announced it would repeal and replace that rule, saying it had determined the rule significantly reduced clean water protections.

“The agencies have referred to a list of 333 projects that are causing environmental harm based solely on the premise that these proj-



Capital Press File

**The organization representing state departments of agriculture has voiced its concerns about plans to rewrite the federal waters of the U.S. rule.**

ects are not subject to federal jurisdiction, and seemingly ignoring the role and responsibilities of states’ review and approval of projects that may impact non-jurisdictional waters,” McKinney said.

In multiple stakeholder

briefings and public meetings, the benefits of many of these projects were highlighted. Rather than conducting the necessary analysis internally, the agencies continued to assert these misleading arguments in

public releases, he said.

EPA and the Corps are now moving forward with efforts to resurrect a regulatory structure that was historically problematic for American agriculture, he said.

NASDA members, farmers, ranchers and the agriculture industry have repeatedly sought clarity and reasonableness in the regulatory definition of WOTUS. They have argued that compliance with clean water standards should not require the employment of expensive consultants to determine the applicability of standards, he said.

“Unfortunately, the proposed rule will return us to the ambiguity of past regulation as well as the federal overreach that ignored the role and expertise of state

partners,” he said.

This is unacceptable, and NASDA urges the agencies to reconsider the clarity and the undeniably appropriate level of protection offered by the Navigable Waters Protection Rule and move to reinstate this regulatory structure through a process that will withstand procedural complaints in the courts, he said.

McKinney detailed NASDA’s concerns with the agencies’ inability to point to any facts demonstrating environmental harm under the Navigable Waters Protection Rule, their disregard for legal limitations to federal authority, their interpretations of “navigable” and “significant nexus” and their proposed changes to the exclusion of prior converted cropland.

# USDA and DOJ launch joint anticompetitive reporting portal

By CAROL RYAN DUMAS  
Capital Press

Farmers and ranchers now can anonymously report to the federal government potentially unfair and anti-competitive practices in the livestock and poultry sectors using a new online portal.

The website will advance the goals of the Biden administration’s Action Plan for Fairer, More Competitive and More Resilient Meat and Poultry Supply Chain, the USDA and the Department of Justice said.

“This new online tool will help USDA and the Justice Department address anti-competitive actions and create livestock and poultry markets that are fairer to our nation’s producers,” Tom Vilsack, USDA secretary, said in a press release.

“I encourage producers who are aware of potential violations of competition laws to submit information to the portal so we can take appropriate action to create more competitive markets in the agricultural sector,” he said.

The new portal will allow

DOJ and USDA to collaborate early, enforce the law vigorously and ensure economic opportunity and fairness for producers and consumers, said Attorney General Merrick Garland.

The United States Cattlemen’s Association said the announcement is one more step toward bringing increased transparency and true price discovery to cattle markets.

“USCA is pleased to see the swift implementation of this hotline, which guarantees confidentiality for those reporting harmful business practices. These are sensitive matters and deserve to be treated with extraordinary care,” Brooke Miller, USCA president, said.

“We acknowledge and appreciate the White House’s persistence in untangling the decades of increased consolidation and unchecked market power in the U.S. meat industry,” he said.

R-CALF USA members think the portal is a good idea and wish it had been in place at least a decade ago, said Bill Bullard, R-CALF CEO.

“We’ll have to wait and

see if federal regulators will respond more favorably to any new complaints than they have in the past,” he said.

R-CALF filed a lawsuit against the Big Four packers only after its numerous complaints went unheeded and after it was clear that federal regulators and Congress were disinterested in taking on the powerful packers, he said.

“At this point, the portal could be a valuable source of new information that could inform the USDA/DOJ’s ongoing investigation of the packing industry. Time will tell,” he said.

National Cattlemen’s Beef Association declined to comment on the new portal.

The portal can be accessed at [www.farmerfairness.gov](http://www.farmerfairness.gov).

Producers can also submit complaints or tips about potentially anticompetitive practices by emailing [PSDComplaints@usda.gov](mailto:PSDComplaints@usda.gov); calling (833) 342-5773; or mailing Stop 3601, 1400 Independence Ave. SW, Washington, D.C., 20250-3601.

## WESTERN PACKAGING

Your Future is Our Future...

### WE SPECIALIZE IN BULK BAGS!

<p><b>BAGS:</b></p> <ul style="list-style-type: none"> <li>• Seed Bags</li> <li>• Fertilizer Bags</li> <li>• Feed Bags</li> <li>• Potato Bags</li> <li>• Printed Bags</li> <li>• Plain Bags</li> <li>• Bulk Bags</li> <li>• Totes</li> <li>• Woven Polypropylene</li> <li>• Bopp</li> <li>• Polyethylene</li> <li>• Pocket Bags</li> <li>• Roll Stock &amp; More!</li> </ul>	<p><b>HAY PRESS SUPPORT:</b></p> <ul style="list-style-type: none"> <li>• Hay Sleeves</li> <li>• Strap</li> <li>• Totes</li> <li>• Printed or Plain</li> <li>• Stretch Film (ALL GAUGES)</li> </ul>	<p><b>LOCATIONS:</b></p> <p>Albany, Oregon (MAIN OFFICE) Ellensburg, Washington</p> <p><b>CONTACT INFORMATION:</b></p> <p>Phone: 855-928-3856 Fax: 541-497-6262 <a href="mailto:info@westernpackaging.com">info@westernpackaging.com</a></p> <p style="text-align: center;"><b>CUSTOMER SERVICE IS OUR TOP PRIORITY!</b></p>
--	---	--

[www.westernpackaging.com](http://www.westernpackaging.com)

5280994-1

**THIS SATURDAY - IN-STORE & ONLINE!**

**FEBRUARY 12<sup>TH</sup>** Coastal **DOORS OPEN AT 8am!**

# QUARTERBACK SALE

ALL CLOTHING & FOOTWEAR

# 25% OFF

REG. PRICES

Spend A Buck Get A "Quarter Back"

**PLUS**

# 10% OFF

REG. PRICES

\*Excludes: Honda, Husqvarna, STIHL, Live Animals, Firearms, Ammo, Peg Perego, Gift Cards, Licenses & Previous Purchases.

**REGISTER TO WIN** \$598 VALUE!

a 70" LG 4K TV!

No purchase necessary. Scan QR Code to the right to enter for your chance to win. One TV given away company wide. Winner announced Monday, February 14th, 2022.

[www.CoastalCountry.com](http://www.CoastalCountry.com)

5280823-1

FREE ADMISSION

## MARCH 26-27

Saturday 9:00 am-5:00 pm  
Sunday 9:00 am-3:00 pm

DESCHUTES COUNTY FAIR & EXPO CENTER  
REDMOND • OREGON

PRESENTED BY

Powered by Capital Press & EO Media Events

<p><b>Exhibitors</b></p> <p style="font-size: x-small;">Many industry suppliers, retailers and service providers featuring new products, technology, and solutions.</p>	<p><b>Seminars</b></p> <ul style="list-style-type: none"> <li>• Drought protection</li> <li>• Water issues</li> <li>• Animal care and nutrition</li> <li>• What's new in the Ag Industry ...and much more</li> </ul>
---	--

Demonstrations | Good Food

5 Buck Breakfast

SAT. MORNING 8-10 While supplies last  
Sponsored by McDonalds  
All proceeds to benefit Perfect Balance

KIDS' ZONE

PROJECTS AND FUN ACTIVITIES  
ALL THINGS AGRICULTURE

Clint Johnson Working Dog Demonstrations

SAT. 11-NOON • SUN. 10-11

Early Day Gas Engine and Tractor Display with Demonstrations

For booth or sponsorship information contact Kasey Every at [kasey@every-idea.com](mailto:kasey@every-idea.com) or 541-383-2669.

MAJOR SPONSORS

## coagshow.com

In conjunction with the High Desert Stampede PRCA Rodeo  
[highdesertstampede.com](http://highdesertstampede.com)

5281616-1