



Washington Scene

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For an election year, 2006 has certainly seen a wide array of issues being discussed and debated in Washington D.C. In addition to normal legislative activities, recently there was also a key announcement from EPA and an Executive Order from President Bush, all of which are detailed below.

Doha Round

Trade ministers from around the world convened in Geneva at the end of June intent on moving Doha Round negotiations along. Negotiations have stagnated with the blame apparently being shared by many. U.S. Trade Representative Susan Schwab has held fast to the need for increased access if the previous U.S. offer to reduce domestic agricultural subsidies is to stay on the table – otherwise, the U.S. will have to retract the offer. Recently, the leadership of the Agricultural Committees of Congress have stated that they are not interested in offering any more without commensurate concessions from our trading partners. On the other hand, the leadership of the E.U., along with the leadership of a large number of developing countries, have stated that they do not want to put their domestic producers at risk by granting additional access to their markets.

Farm Bill

Over the past few months, both the Senate and House Agriculture Committees have been holding Farm Bill hearings across the country. In March, USDA released a summary of the public comments submitted verbally and in writing during USDA's Farm Bill Forum listening tour. More recently, USDA has begun releasing a series of analysis papers to serve as the foundation for farm bill deliberations. The first three analyses papers are on rural development, conservation and the environment, and risk management. It is not clear how much the Congress will utilize these papers, but what is clear is that the Secretary intends to be more involved in Farm Bill discussions than

some have been in the past. The real farm bill debate is not likely to occur until after the November elections.

BSE and Beef Trade

Canada recently found its 6th case of BSE since 2003 in an older cow raised in Manitoba. The reaction from USDA was that trade was resumed with Canada with the assumption that more cases of BSE would be found and that U.S. officials have a high level of confidence in the safeguards and mitigating measures in place in the U.S. and Canada.

In an effort to satisfy themselves with the risk measures in place at U.S. packing plants, Japanese officials have been inspecting each of the 35 plants that intend to export to Japan. Japanese senior vice ministers of agriculture and health have indicated that U.S. meatpackers are making progress in their efforts to ensure no risk materials are included. Japan's policy calls for allowing U.S. facilities certified as safe to resume exports, possibly by the end of July. Members of the Senate have grown tired of the perceived feet dragging by Japan and have introduced legislation that would impose import tariffs on Japanese exports if they do not re-open their markets to U.S.-produced beef by August 31st.

Energy

In response to high prices at the pump and encouragement to do something prior to November elections, there has been a push to move a number of energy related bills through Congress. To date none of the new pieces of energy legislation appear on track to be passed by both chambers and differences rectified in conference committee before the end of the year.

CAFO Regulations

EPA recently announced their response to a court order with proposed revisions to the 2003 proposed rule that would revise the National Pollutant Discharge Elimination

System (NPDES) and Effluent Limitation Guidelines for Concentrated Animal Feeding Operations (CAFOs). In 2003, several agricultural groups challenged the 2003 CAFO rule, which would allow EPA the authority to regulate actual and potential discharges. In 2005, the Second Circuit Court of Appeals ruled EPA only had the authority to regulate actual discharges, not the potential to discharge in the event of a rare, heavy storm. Key changes in this rule include:

- CAFOs with the potential to discharge will not be required to get a permit, only CAFOs that actually discharge or propose to dis-

charge will need to obtain an NPDES permit.

- The CAFO's Nutrient Management Plan (NMP) must be incorporated in the permit and reviewed by the permit authority.
- EPA proposes to clarify its selection of best conventional technology for fecal coliform bacteria.
- CAFOs land applying manure or processed wastewater may not need NPDES permits if the only discharge from those facilities is agricultural stormwater.

Initial reaction to the EPA announcement from livestock groups has been favorable.

Eminent Domain

President Bush recently issued an executive order restricting the federal government from seizing private property unless it's for a purely public use. This order was issued on the one year anniversary of the "Kelo" eminent domain decision issued by the Supreme Court. Since the Kelo decision, there have been an estimated 5,700 properties threatened or taken by eminent domain for private development.