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SCOTUS decision in Sackett v. EPA clarifies states' authority and brings hope of regulatory certainty for farmers

ARLINGTON, Va. -- In response to the U.S. Supreme Court's decision in Sackett v. U.S. Environmental Protection Agency today, National Association of State Departments of Agriculture CEO Ted McKinney shares its impact on states, farmers and NASDA's next steps.

"The Supreme Court's unanimous decision in Sackett v. EPA today comes as welcome news to farmers, landowners and state departments of agriculture who sought clarity on what has been an over-litigated issue for decades," McKinney said. "We take relief in this decision as the justices clearly state the 'significant nexus theory is particularly implausible' and the EPA has no statutory basis to impose the standard.

In his opinion, Justice Alito also recognizes the limits of federal jurisdiction, and in doing so, acknowledges "Regulation of land and water use lies at the core of traditional state authority."

"Today's ruling proves that protecting our nation's waterways and growing food, fiber and fuel are two tandem efforts – not two competing interests," McKinney said. "There is, however, still work to be done to ensure farmers and ranchers are equipped to best care for their land while following applicable federal or state requirements."

NASDA turns to EPA and the U.S. Army Corps of Engineers to issue a revised version of their prematurely released WOTUS rule. Going against volumes of stakeholder input, EPA and the Corps issued a WOTUS rulemaking before today's SCOTUS decision, which now renders portions of the agency's final WOTUS rule moot.

Looking forward, NASDA will continue to work with EPA, the Corps and NASDA members to update and implement a regulatory framework that better reflects the needs of state agriculture departments, farmers, ranchers and all the communities they serve.

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NASDA is a nonpartisan, nonprofit association which represents the elected and appointed commissioners, secretaries and directors of the departments of agriculture in all 50 states and four U.S. territories. NASDA enhances American food and agricultural communities through policy, partnerships and public engagement. To learn more about NASDA, please visit www.nasda.org.



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