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| **Hardwood Federation – September 2023 Newsletter** |

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| **From the Executive Director: EPA Proposal Could Hinder Expansion of Sawmills**  In recent months, the Hardwood Federation has advocated against EPA’s [proposal](https://www.federalregister.gov/documents/2023/01/27/2023-00269/reconsideration-of-the-national-ambient-air-quality-standards-for-particulate-matter?utm_source=361615&utm_medium=email&utm_source=363091&utm_medium=email) to reduce concentrations of fine particulate matter (PM 2.5) to levels found naturally in the environment, a move that would hinder the growth and day-to-day operations of sawmills located in areas deemed by EPA to be on the cusp of “non-attainment” of the current standard. In late March, the Federation submitted [comments](https://hardwoodfederation.wildapricot.org/resources/Documents/EPA-NAAQS-PM-March-2023.pdf) to EPA advocating against the proposal. The Federation’s petition cites a study by American Forest & Paper Association (AF&PA) and American Wood Council (AWC), underscoring the fact that many forest products facilities are located in areas where background PM2.5 concentrations approach the current regulatory limit of 12 micrograms per cubic meter. Because of the narrow gap between naturally occurring levels of PM 2.5 and the limits proposed by EPA, industry evaluated the potential impacts of a lower PM2.5 standard on the forest products sector. The study shows that the difference between background levels of PM 2.5 and the levels imposed by a stricter standard would become narrower and make air quality modeling analysis even more difficult. This narrowed gap, described by industry as a “lack of headroom,” would “increase the burden on facilities that would like to expand operations” largely because they would have to conduct tests and analysis to assure regulators that the operational changes would not alter the attainment status of their area of operation.  Echoing themes outlined in the industry comments, on September 7, the Federation joined the U.S. Chamber of Commerce and 32 other industry groups in a letter to EPA chief Michael Regan urging the Administration to retain the current standard.  The trade groups point out that while the current standard continues to be implemented, fires and unpaved roads have surpassed industrial sources, such as sawmills and power plants, as major drivers of air pollution.  Industry states that the economy, already in a fragile state, should not assume the burden of compliance costs, especially for a rulemaking that’s discretionary, as opposed to statutory or court driven, on the part of the Administration. In a nutshell, the business community is concerned that EPA’s action would hinder the ability of manufacturers to expand operations or otherwise conduct commercial activity in areas the agency designates as being in non-attainment of a stricter standard.  In the wake of industry advocacy directed at EPA, on September 19, AF&PA and AWC, representing the forest products industry, [testified](https://d1dth6e84htgma.cloudfront.net/09_19_23_ENV_Testimony_Hunt_4b415cf010.pdf) before a House Energy & Commerce panel, outlining reasons why EPA should use its discretionary authority to reject a more stringent standard. During the September 19 hearing, industry also pointed out that moving forward with an unnecessary, new standard would further complicate the “permitting gridlock” currently plaguing the agency and impose more red tape on paper mills operating in or near counties currently in non-compliance with current rules.  The congressional testimony is consistent with messages expressed in a letter to EPA from the Hardwood Federation and 33 allied groups, warning federal regulators that stricter air quality regulations would threaten nearly one million jobs nationwide.  Fortunately, federal lawmakers are getting the message. In June, Senate Environment and Public Works (EPW) Committee Chairman Shelley Moore Capito (R-WV) introduced the [National Ambient Air Quality Standards Act (S. 2125)](https://www.congress.gov/bill/118th-congress/senate-bill/2125?q=%7B%22search%22%3A%22S.+2125%22%7D&s=1&r=2) that seeks to address some of the underlying issues that have led to the current PM 2.5 challenge. Under the Clean Air Act, EPA is required to review air quality standards every five years for six so-called “criteria” pollutants—of which particulate matter is one. This has resulted in a situation where standards are set and are almost immediately under EPA review again, creating uncertainty for the regulated community. Capito’s bill would change the mandatory review period from five to ten years and authorize EPA to consider technological feasibility when reviewing air quality standards. Currently her bill is pending in the Senate EPW Committee and has eight Republican cosponsors. The Federation will continue to monitor, comment, and advocate on behalf of the industry on these and other issues impacting the U.S. hardwood sector.  **Issues:**  **Senate Steps in to Push Temporary Funding Measure, Shut Down Looms**  The Hardwood Federation team has attended several events for Members of Congress during the past two weeks where the prospects of a looming federal government shutdown have become a key topic of discussion. With two days remaining to hammer out a deal to avoid a partial shutdown, the Senate has stepped in to initiate a Continuing Resolution (CR) that would fund federal operations through November 17. Although a relatively straight-forward measure, the CR does include Ukraine funding that will draw opposition from many House Republicans, complicating a path forward once the measure clears the Senate. However, under Senate rules, the measure will not ripen for a vote until Sunday, pushing the federal government into shutdown territory. Meanwhile, on the House side, lawmakers failed to muster sufficient votes on Thursday to pass a Fiscal Year (FY) 2024 funding bill for USDA, which doesn’t bode well for compromise anytime soon. Recently, the House leadership team, working with members of the Freedom Caucus and Problem Solvers Caucus, have fashioned a month-long CR that would fund the government roughly through October, but a consensus on that plan has not been forged. We will keep you posted on developments as they unfold.  **Farm Bill Timing Remains a Moving Target**  An early casualty of the budget stalemate that threatens a partial government shutdown is a delay in moving the 2023 farm bill.  House Agriculture Committee Chairman and hardwood champion GT Thompson (R-PA), who previously aimed to have draft text available in early September, is now holding off onsharing text for the farm legislation until leadership commits to a window to move a bill on the House floor. The Senate is similarly positioned, with both chambers hoping to limit challenges to agreed-upon language.**That said, Congress remains preoccupied with agreement on** a temporary “stopgap” to avoid a shutdown, a measure once considered relatively straightforward but now bogged down by issues such as aid for Ukraine and border security.  The HF team participated in acall with House Agriculture Committee staff on September 11 where it wasemphasized that resolving the federal funding issue isa prerequisite for clarifying a new timeline for the farm bill. Stay tuned for developments as events unfold.  **USDA, Senate Ag Committee Leaders Support Exports**  While uncertainty rules the day with respect to the controversial FY 2024 budget debate and its impacts on the process and substance of the 2023 farm bill, Senate Agriculture Committee leaders and the Administration are moving forward with a “work around” to firm up farm exports. USDA has agreed to use Commodity Credit Corporation funds to spend nearly $1.4 billion on a program to help farm groups market their commodities overseas. The market promotion funding would establish a Regional Agricultural Trade Promotion program that would be similar to an effort launched by the Trump administration during the trade war with China.  Funds are separate from funding provided through the Farm Bill.  At this time, it is unclear how these monies will be allocated.  Under ATP, organizations applied for funding for specific projects; administration and staff salaries were not covered, but this may not be the case with the new program.  USDA’s action follows a request from Senate leaders. In late August, Senate Agriculture Committee Chairman Stabenow (D-MI) and Ranking Member Boozman (R-AK) sent a [letter](https://u19539728.ct.sendgrid.net/ls/click?upn=-2B73de0dREQUDGWQfTM3mhvk879djNWsyOJ-2FBDB2mPC-2B-2F-2B9Q-2FazKQahJN5YT28qpM9Bu2pk31BcagjIuNkJdsjkM96YW5EFP8pR0YIm-2BJWizleyVBOZBqsmkpFfJLabdu1HpaqRJx2Jyg9BA-2FtcTHpA-3D-3D36Ar_DfShkWCAhoLGP-2FJNrdlPJdV-2FLULhdq7A2Mns4NO8kAbKoy2hBWCjup-2FdSJ4mtav3QZgwkC4yOhBCK4lj-2B12aQkyTRHLPrmlcEXJikk1mD40eBgRVtKD-2FUK-2FS55aocQBWRHOn0ahTj9VX2mpmerAlDgUa0zrLhAJjbI56XrPyXrLN1Suk23yc2cj1V7GuW6hCwlrM6tX2fwDVZN-2F8yNNl0WsgSvAVq9loUI4V2Y2NwVsbM5R9M0vE41BqddEq4IThnIOuwKPhLsEP1RB8M0L3-2F0PddYjozGUogpV6Z6ViYYaCRDAHKQVt8G3t7aau-2BnpgVVg6wliIr-2BGZ55JsuB1zdZzmqDgrX92tzF52KYJUr04vV6qsKKy9VZEHD6fE3OTACR4CF7jzIL2AGIkJcGSP2iC-2BqDRYF76TtwgILEXUt6ym1Lc1QkEef4yupN7uDdXpq3Acr-2FcjtCNkktqNUdrD-2FxaNqgqfupvwblJAWlq-2Fyvmcs8zBCN5TnpSPD4rmI1m0MpoJv5SdYl3lr1FVLSJDIctXPTnRTgBThetC8M-2BZjuiamc8wE3knspi8mreOIJGpm7COoJSEcBQuDgGT3sPBccY1-2FR91otmd-2B4l-2FFSw0qIIREQpfwUEiCcBtE0JC4bgqM6XFxpHsOvx0DK3Dr00doA-3D-3D) to USDA Secretary Vilsack urging the Administration to use additional tools in its toolbox, specifically resources from the Commodity Credit Corporation, to “build new markets … for American grown products,” including hardwoods. The bipartisan senators state that they are responding from organizations urging USDA to “strengthen trade opportunities, increase revenue streams, and help producers grow … in a global economy.  The senators’ bipartisan letter and follow-up from the Administration bode well for more resources for the Foreign Market Development and Market Access programs, a top priority for the hardwood industry.  **House Lawmakers Introduce White Oak Resilience Act**  On September 21, House lawmakers [introduced](https://u19539728.ct.sendgrid.net/ls/click?upn=-2B73de0dREQUDGWQfTM3mhjFI-2BGhypfLoiZo5f7Wtq9T9zUN12HHr86klVbiWMsfR-2FW-2B1J8Nq24ljzIVhL1ARzVCrbox9UaBKh1TuiutKVNTq2Fc0cBrj4VWQOFXxHVBvULjRLg1jQKagvH2tyLS3ecARtSdxmawl3r4Zn9a-2BQUM-3D4-Uy_DfShkWCAhoLGP-2FJNrdlPJdV-2FLULhdq7A2Mns4NO8kAbKoy2hBWCjup-2FdSJ4mtav3QZgwkC4yOhBCK4lj-2B12aQu1IypcMEXFBTigfYLmbzv1G0BL-2BKE6vWUW04Yqb6dZqzHTdIzonebcBDr9evA5yLDgwnk1mJQ70JsTyYzYxtqC4ws72dMC3mkh2gEvetlvn5Jwq6TtzLvVNmNcZS7K25-2FsJrMqjf9mwNS6Tjdw9vtpRtMToxdOG9bveZPFSB27Xij3V26SwpBiLEAsRgCfVE-2BW0kZTbT912IZUC0yXjG891SyYBHy-2FbSfC1BDZ9rskGYCUPv0PJ39mW674jqAiFZyimpGN-2F9AJVul-2Bb9FxjQ-2BwBuvvZu9SIFmoVSyUURJgKSrIhq004EkHmZpnP14pBp-2BCL48uPZ30J22Ti5vrFP8ajT47IVkWDdOUR61b9vaXNeNSosZUOZaJ9B7PXFeI-2B36TAT7o7BXs-2F-2F8JKdGfqh8ad5qFxtsJn6mHosWIj96-2Fyets4m4H-2FqXqSYFsfefl47YJVgEm8JSLxkL51SjiAHx2U1Ceu4RMcQ6Qomam1RtthoT4uz6VhLKKGGSyBkdk7iMqa1UYxHv1HGCycxwDlSCYvagzdNiOxSd-2FjuPDzv566fHuLoTdIomQpvjk-2Fayg2gg-3D-3D) the bipartisan White Oak Resilience Act (H.R. 5582). The legislation intends to establish:   * A formal USDA White Oak Restoration Initiative Coalition that would prioritize and coordinate white oak projects * New white oak restoration and regeneration pilot projects coordinated through the U.S. Forest Service and Department of the Interior * A private-sector white oak restoration fund * And expanded research of white oak by land-grant universities and the U.S. Forest Service   According to the White Oak Initiative, “American white oak is a foundational tree species, currently occupying more than 104 million acres of public and private forestland across much of the eastern and central United States.” The legislation intends to improve land management practices that will support the sustainability of white oak trees, which forms the foundation of many forest ecosystems while providing jobs for the manufacture of flooring, and barrels that store wine and spirits.  **EPA Prepares Grants for Low Carbon Construction Materials for FY 2024**  On September 14, EPA announced that it would be making grants available to parties to develop Environment Product Declarations (EPD’s) for low carbon construction materials, beginning after October 1 of this year.  Grants will be available to parties who have an active account on [Sam.gov](https://u19539728.ct.sendgrid.net/ls/click?upn=-2B73de0dREQUDGWQfTM3mhlF-2BwkHnohWVpq19suV2rQrSdtZp4XMJ49IeOqcs-2BxYBXOwyNWBarKXuxzSW4jiI6djKIJhawKskX-2FRy1SE1uouTgZT2b9UgBZrVdcSaCQ2baZA2NTOwcyJ-2F6tqwzYybPUBwZyH1unabpTi16MMtQU9WG4aGEmtNcR4M9QDz4LOs-2FMWwB5xUK2J7vGjbiiRQ2ya5b37tkHvoWHDLbJltH78uuI-2Bs-2F6Ro9F7g8-2B-2BP5xkDy01E7wsN6-2BFp6bCeEqOFWpxzBINZReunixdcoadedcnj7biU2edztYWhrQp56VSmbZ8fOEMMT6c978mrOgKIids3I9AwvH-2FadkpK1JxD9xhbgc-2BkzjzuSgpJ7NmP-2BAM9QLagImIZWkPBdFC3yytteid4yo2EUQuJuipt-2Fp3a9gU-3D1Urv_DfShkWCAhoLGP-2FJNrdlPJdV-2FLULhdq7A2Mns4NO8kAbKoy2hBWCjup-2FdSJ4mtav3QZgwkC4yOhBCK4lj-2B12aQtR4cHLTtV2jF9zl-2FXRaCx-2B2KyBZTDsTT8uPbkvjmjHrgURCYepVT5udBZ3GSvf5h25wXMd5OmZwSiXGjd-2F4TRkaluh84yAVJg453oT6SG-2F3zi-2FZJqsK6T5r-2BqsCFl82QsU-2BwnQsOWaZgkEgszptyCfknnZs8taNckl0GovFMxTt1CifhqFoD8j0zXQGHLbf3jn0EL2HKyF6SjzJdyA9yICWqG5bhzwYyqR9voaNYtBsvXogEH0ModP-2B32Rkfn09zCamzS1nS8MeO2ThnpDx7S6ssoalHWhBTnyrhKeWWu9ITo8Dy8ys2LMV-2FEWgb0pNpg96epoYdj2NVd2PgcmXXkCDTiNtO-2Fdx0uxYRdvExcu2NHXqAUkLQQAzhzS2-2BLzlA8jI6ycHMUpZv9gKv-2FoeMYMgdewtPWEoLRZmquOjj6xnySVA5ldUL1gYPi9iTVGh0-2FDUP80BXiB0DrZkkCpEjfa-2B-2FvRKGUrCFL0kSBGF-2ByLFcX6vfHvWNi5cCs-2BTsJcepghQLkfxxJS9BKpz8Wx6W8kGW-2FfTwJc0ByYchyWwxOXJLN0Qbxqhy2fNTFzmxPEJow-3D-3D) and are registered on [Grants.gov](https://u19539728.ct.sendgrid.net/ls/click?upn=-2B73de0dREQUDGWQfTM3mhlF-2BwkHnohWVpq19suV2rQrSdtZp4XMJ49IeOqcs-2BxYBXOwyNWBarKXuxzSW4jiI6er7nfFfyBElkFMDwKwxiVC5bYA4HArKgSJ6mRhGmJQ7r6tVZwzgJvdO0UQBtYv-2FHakLMc-2FJcdbub9txN1MOlQKJuDO-2FQXpWk9LOM6LKXm2famQrGj0XZjkNDm3gR3E8KrFzbQllxxubCkUoHl14xAILIReoJmnrosXXZdaQ1hM7Bdb9w1MnI4xFcsOyjVjZKXZZ9AFaBB3R0Fwc9eULT14coV7J7Zl78xrJANn6kaEPYTVOmISIeCcPdBKROL-2FZ-2BkPZvqaH9wsWGh5OQZUyzJQ-3DKf7k_DfShkWCAhoLGP-2FJNrdlPJdV-2FLULhdq7A2Mns4NO8kAbKoy2hBWCjup-2FdSJ4mtav3QZgwkC4yOhBCK4lj-2B12aQtR4cHLTtV2jF9zl-2FXRaCx-2B2KyBZTDsTT8uPbkvjmjHrgURCYepVT5udBZ3GSvf5h25wXMd5OmZwSiXGjd-2F4TRkaluh84yAVJg453oT6SG-2F3zi-2FZJqsK6T5r-2BqsCFl82QsU-2BwnQsOWaZgkEgszptyCfknnZs8taNckl0GovFMxTt1CifhqFoD8j0zXQGHLbf3jn0EL2HKyF6SjzJdyA9yICWqG5bhzwYyqR9voaNYtBsvXogEH0ModP-2B32Rkfn09zCamzS1nS8MeO2ThnpDx7S6ssoalHWhBTnyrhKeWWu9ITo8Dy8ys2LMV-2FEWgb0pNpg96epoYdj2NVd2PgcmXXkCDTiNtO-2Fdx0uxYRdvExcu2NHXqAUkLQQAzhzS2-2BLzlA-2BnAwUAerFfM1GpQ6ZFJ8bIlcUmnSKBjU0OeM5ZM8B4S5xxLrEQcwj4vmseVMPb5JrsE0UncZktim1V-2FMNMnLZWvq6Q8VjcCshmFisyN9-2FkcxlcNuTIkUBKqVHmqDqLRJOYhzHwRPlWzIojDelNEWReXeO6Gr2OZO9ORX6gaN8R54pl8iny1Hx2pE8wurQ1AAw-3D-3D).  EPA’s announcement follows in the wake of [comments](https://hardwoodfederation.wildapricot.org/resources/Documents/Wood-Products-EPA-RFI-Constr-Materials-Revised.pdf) submitted by the Federation and its allies in the wood products coalition in May arguing that any low-carbon construction materials program should take into account the carbon storage value of wood products.  Within the context of its petition, Industry argued that sustainable forest management and manufacture of wood products form the foundation of an effective climate mitigation strategy. Pointing out that wood products are the quintessential low-embodied carbon construction material, industry urged EPA to adopt whole building Life Cycle Analysis when assessing low-embodied carbon materials. The Federation will keep you posted on grant availability as soon as the agency formally opens the application process.  ***USDA Moves Forward with REAP Grants Amid High Demand***  On September 27, USDA [announced](https://www.usda.gov/media/press-releases/2023/09/27/usda-sees-record-demand-advance-clean-energy-rural-america-through) record demand for programs under the Inflation Reduction Act intended to expand clean energy projects in rural counties. According to USDA, in Fiscal Year (FY) 2022, USDA received application requests in the amount of $75 million under the Rural Energy for America Program (REAP) “[to help agricultural operations](https://www.rd.usda.gov/inflation-reduction-act/rural-energy-america-program-reap) and rural small business owners build clean energy systems and make energy efficient improvements.” In FY 2023, USDA received requests amounting to $900 million to fund projects. By way of background, on July 14, USDA opened the REPA Technical Assistance Grant Program for [applications](https://www.rd.usda.gov/programs-services/energy-programs/rural-energy-america-technical-assistance-grant-program#:~:text=These%20technical%20assistance%20grants%20will,solar%2C%20and%20energy%20efficiency%20measures.). Eligible applicants, which include not-for-profit groups and sole proprietorships, among others, will cover activities that help “agricultural producers or rural small businesses to apply for assistance under REAP for energy efficiency Improvements, or Renewable Energy Systems.” Over the years, companies deploying biomass heat and power systems have benefited from grants authorized by REAP. USDA accepted applications for grants, which will range from $100,000 to $500,000, through August 15.  **Biden Administration Issues New WOTUS Rule, Again**  For the second time this year, on August 29, the EPA issued a [new rule](https://u19539728.ct.sendgrid.net/ls/click?upn=-2B73de0dREQUDGWQfTM3mhlyy2DzJzgMjV1-2BD-2FsRpKQ3OWNFplBpzYYL2yuo0sPmGu-2B0vnfRKGsx1KNZsMBlnOGrLMkbq2zoSC6EaHGOtD5t9i7UfpvbjlSkyMYtYeoRaH6G0TmFj4N5LwE-2BSLibC-2F-2FcNPXLnAEhXTeEe76J2pW8-3DM6P7_DfShkWCAhoLGP-2FJNrdlPJdV-2FLULhdq7A2Mns4NO8kAbKoy2hBWCjup-2FdSJ4mtav3QZgwkC4yOhBCK4lj-2B12aQkyTRHLPrmlcEXJikk1mD40eBgRVtKD-2FUK-2FS55aocQBWRHOn0ahTj9VX2mpmerAlDgUa0zrLhAJjbI56XrPyXrLN1Suk23yc2cj1V7GuW6hCwlrM6tX2fwDVZN-2F8yNNl0WsgSvAVq9loUI4V2Y2NwVsbM5R9M0vE41BqddEq4IThnIOuwKPhLsEP1RB8M0L3-2F0PddYjozGUogpV6Z6ViYYaCRDAHKQVt8G3t7aau-2BnpgVVg6wliIr-2BGZ55JsuB1zdZzmqDgrX92tzF52KYJUr04vV6qsKKy9VZEHD6fE3OTACR4CF7jzIL2AGIkJcGSP2iC-2BqDRYF76TtwgILEXUt6ym1Lc1QkEef4yupN7uDdXpq3Acr-2FcjtCNkktqNUdrD-2F78Y9DnvDagg-2BizfB5YhUjKxj12sieVa6yuoQ1DsEG1MS1AKVBThhvib008N6g8v4F1lY9U29QCA7ku-2FcP1pcwp0Xi9DKFqzRRW82OKxvw-2FWJXM-2BFBilUpdezoKbOzpWy0r8OyDxhvPcHU2vtZr2xlmR1Hvlm35KMk48Uw8Iyr4wmU8yMnKAWbXinQLNdanjEQ-3D-3D) to attempt to clarify the scope of federal Clean Water Act (CWA) jurisdiction through its definition of “Waters of the United States” (WOTUS) and comply with the Supreme Court’s decision in [Sackett v. EPA](https://u19539728.ct.sendgrid.net/ls/click?upn=-2B73de0dREQUDGWQfTM3mhskLRwXT0GeFlHzLVpLB53IG6tRbBCCE46PEb4J993qnp1xt5X5Q5JD2Ttdq-2FENvkT1OziKuAE-2FM3tnTQj-2FBIBkiEN4ZHcdNP7UbCqM4qIuD20rE_DfShkWCAhoLGP-2FJNrdlPJdV-2FLULhdq7A2Mns4NO8kAbKoy2hBWCjup-2FdSJ4mtav3QZgwkC4yOhBCK4lj-2B12aQkyTRHLPrmlcEXJikk1mD40eBgRVtKD-2FUK-2FS55aocQBWRHOn0ahTj9VX2mpmerAlDgUa0zrLhAJjbI56XrPyXrLN1Suk23yc2cj1V7GuW6hCwlrM6tX2fwDVZN-2F8yNNl0WsgSvAVq9loUI4V2Y2NwVsbM5R9M0vE41BqddEq4IThnIOuwKPhLsEP1RB8M0L3-2F0PddYjozGUogpV6Z6ViYYaCRDAHKQVt8G3t7aau-2BnpgVVg6wliIr-2BGZ55JsuB1zdZzmqDgrX92tzF52KYJUr04vV6qsKKy9VZEHD6fE3OTACR4CF7jzIL2AGIkJcGSP2iC-2BqDRYF76TtwgILEXUt6ym1Lc1QkEef4yupN7uDdXpq3Acr-2FcjtCNkktqNUdrD-2F9TXcW5bLEG3FCDtXfClb-2BKzJReqG2HR8mF4QT7gXKVRs4Eex1o8-2BW9hD1ZrmUFohjaR0XUbKOEjTvpUxxPHp3Ou-2F5SOSqOeJVWLQ1qa53yFSdWZmiXhrscMXZ-2BxZFbOqWvcGk0V5Bf6GyvAuZL3YoZwzPyaFH3VS0-2F4qw5qX3kqI0UAfAOC18bgb2JgCCYalA-3D-3D).  Although the action may constitute a substantive victory for industry, the latest development adds to the chaos that ensues for those, including sawmill operators, seeking obtain or renew a CWA Section 404 operating permit. The high court’s action effectively overturned key elements of the more expansive rule issued in January 2023, remanding the issue to federal agencies for a redo. The new rule, however, although dropping the “significant nexus” test used by federal regulators to expand the scope of water permits, bypassed the public comment process on the grounds that the exercise was confined to legal revisions mandated by the Supreme Court.  Barring substantive amendment of the CWA by Congress, an unlikely event in the current climate, the agencies’ decision to fast-track the latest WOTUS opens the door for more litigation.  **Hardwoods, Industry Allies Oppose Corporate Transparency Act Mandates**  The Federation is joining dozens of other industry groups urging lawmakers to delay implementation of the Corporate Transparency Act of 2021, which will impose major reporting requirements on small and medium sized businesses beginning in 2024.  In an effort to combat financial crimes, the CTA will, as a general matter, require most existing and new corporate entities in the U.S. to file disclosures with the Department of the Treasury regarding their beneficial owners.  The Federation and its allies oppose the law’s implementation on the grounds of federal overreach and overly burdensome paperwork requirements. It is worth noting that there is a legal effort afoot to put the brakes on implementing the CTA. In July, the National Small Business Association filed a lawsuit to block implementation. A final rule implementing the BOI reporting requirements was finalized in September 2022. More information may be found here: <https://www.fincen.gov/boi>.  **New Labor Contract Ends Year and a Half Long Stalemate**  Despite near misses during the past 18 months, including an intervention from the Administration last fall, dock workers and west coast port operators finally reached an agreement on August 31. After spending more than a year in limbo, workers represented by the International Longshore and Warehouse Union [signed a contract](https://u19539728.ct.sendgrid.net/ls/click?upn=-2B73de0dREQUDGWQfTM3mhli1m5FAEixVdrHpQX4B3XEQG0EAC6wNdwkC8rDfusO4kI8ANSCN2NsLhgklz-2Bid22mKPkBdMdHPOevuSfI2O4M-3DwzuB_DfShkWCAhoLGP-2FJNrdlPJdV-2FLULhdq7A2Mns4NO8kAbKoy2hBWCjup-2FdSJ4mtav3QZgwkC4yOhBCK4lj-2B12aQjDlDeDKzd6DZy9cFuE5XCORGFVgapiDK3Vv-2FfXaFUetfD7sjNnPWy9R2nkzSVCBQtxWLgF-2FzlHeMreWjERcVl0O-2FQxPg3iKTJoy0-2BvyHCybDKKUY3-2FI47sYhSplHVwJHF7sUTWHrvTM2gNE7-2Bgg5Yf2X8ONg0776TOkyYyE03FnyLtPSMBXtkN-2FOUxMrxOI1FEI3ix-2FrsUJ4oWFHsBBBKifKLgbOuoTMTATaKQPDFbCGiJEI1Wrzh8Oa2dRzY-2F9F4nz1XRwu4SiGmhsYZksu-2BWZdbC-2BaSXsFV-2Bv5J-2BPnWGNORhzDf7YpCncYHhuvFh0TV3MkXVCrvBfl4jzyXe-2BDn0GB6ulDWGFYzsaeVBIV5I-2FbGeGO8zZ7Jq5U2RCx9CksuafeWHoXYq5zzEbAMUcLM3jSVktL4sMyn-2BP1lH0P7QqEeMl1-2Fwnimo8-2F0qAMtfj9n5mGD-2FskbyUcGAF-2B0HqWCcFixcIOo57m5OBLwMJxKZVt7un6k-2F7uPmsq9L-2BfRMZ-2F9440c0RxmWjIZg735lgsLOAPkmFRkleAI0NI8vK9PHz) with west coast port operators, ending a stalemate that has exacerbated supply chains tied to the import and export of goods, including hardwood products, through the nation’s largest ports.  Since May 2022, when talks first began, many businesses have rerouted their cargo through less convenient ports on the east coast, adding increased shipping costs during an uncertain and inflationary economic environment. The new contract runs through 2028, adding some stability to industry’s supply chain challenges. |