



News Release

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"Connecting Cows, Cooperatives, Capitol Hill, and Consumers"

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NMPF Commends U.S. Court Decision to Halt Implementation of Waters of the U.S. Final Rule

From Jim Mulhern, President and CEO, National Milk Producers Federation

ARLINGTON, VA – “Today, the U.S. Court of Appeals for the Sixth Circuit has ordered a nationwide [halt of the implementation](#) of the Waters of the U.S. (WOTUS) Final Rule, which became effective on Aug. 28. The ruling provides greater certainty for dairy farmers across the country, who up until today faced conflicting sets of new water regulations, depending on which state they are in.

The nationwide stay was granted after a 2-1 vote, with the majority finding “a substantial possibility of success on the merits of their [18 states bringing the suit] claims.” The court took issue with both the content of the rule and the lack of notice and comment for significant changes that were added in the final version. Due to both procedural and merits claims, the court ordered the Clean Water Rule stayed, nationwide, pending further order of the court.

This decision is a positive development in a discussion NMPF has been a part of for years. In November 2014, NMPF submitted [comments](#) on the proposed rule to the EPA and Corps of Engineers outlining its concerns with the lack of clarity and certainty for dairy farmers should the rule proceed. The final rule left many of these concerns unresolved. The majority opinion by the U.S. Court of Appeals for the Sixth Circuit brought forth many of the same concerns, and reaffirms [NMPF’s request](#) to EPA and Corps of Engineers on Aug. 31 to suspend enforcement of the WOTUS regulation nationwide. At that time, the U.S. District Court for North Dakota granted a preliminary injunction to 13 states.

NMPF and its members are committed to protecting U.S. waterways through voluntary efforts, as well as through regulatory compliance with the Clean Water Act (CWA). Clean water is central to healthy ecosystems, secure water supplies for human and animal consumption, and to the production of milk and other dairy products. The dairy industry remains committed to working with the EPA and Corps of Engineers to find effective ways to achieve these important goals.”

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The National Milk Producers Federation, based in Arlington, VA, develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF’s cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of more than 32,000 dairy producers on Capitol Hill and with government agencies. Visit www.nmpf.org for more information.