



## Michigan Agricultural Law Updates

### **USEPA Issues Guidance on Clean Water Act Decision | Sixth Circuit Sides with Farmers in Crop Insurance Dispute**

Allison M. Collins

*Foster Swift Agricultural Law News*

May 13, 2021

### **USEPA Issues Guidance on Applying the US Supreme Court's Clean Water Act Decision**

Last year, the U.S. Supreme Court issued a decision in *Mau'i v. Hawaii Wildlife Fund*, 140 S. Ct. 1462 (2020) addressing point source discharges that are the "functional equivalent" of a direct discharge into a water of the United States under the Clean Water Act. A more detailed account of the Supreme Court's decision can be found [here](#).

In January 2021, the USEPA (United States Environmental Protection Agency) issued a guidance memorandum to assist states and the regulated community with understanding when a point source discharge may be subject to regulation under the Clean Water Act pursuant to a NPDES (National Pollutant Discharge Elimination System) permit under the Supreme Court's decision. You can find the USEPA's guidance document [here](#).

If you believe you may be impacted by the expanded regulation of point source discharges, or would like more information, please contact a Foster Swift attorney.

---

### **Sixth Circuit Sides with Michigan Bean Farmers in Crop Insurance Dispute**

On April 28, 2021, the Sixth Circuit sided with Michigan bean farmers in a revenue protection crop insurance policy dispute with the US Department of Agriculture. Essentially, Michigan bean farmers were offered new revenue protection policies that, it turns out, had not been properly approved by the Federal Crop Insurance Corporation (FCIC) as required by the Federal Crop Insurance Act.

To read the case, which includes a good overview of crop insurance and how new types of crop insurance are approved, [click here](#).

---

#### **PRACTICE AREAS**

Agri-Business

Commercial Litigation

Environmental Law

General & Commercial Litigation

Insurance Coverage