
USDA's Legal Considerations in Defining Agricultural Air Quality Terms

USDA's AAQTF
Sunday, November 13, 2005

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TWO ISSUES TO CONSIDER

(1) The Secretary's Authority

(2) Task Force Charter

USDA's Authority

- The Secretary can act when Congress authorizes him to act; the Secretary cannot act if Congress has not authorized him to act.
- Example: USDA cannot use money to help build a hospital but USDA can use money to test the soil at the site where the hospital will be located.
- Example: USDA can purchase certain types of easements on particular types of land.

USDA's Authority Cont.

- Depending upon a definition or issue, USDA may or may not have authority to adopt the definition or to address the issue internally.
- Depending upon a definition or issue, USDA may suggest policy considerations to the agency Congress empowered with the authority over the definition or issue

Congressional Authorization for the Task Force

- Establishment. The Chief of the Natural Resources Conservation Service shall establish a task force to address agricultural air quality issues.
- Duties. The task force shall advise the Secretary with respect to the role of the Secretary for providing oversight and coordination related to agricultural air quality.

Task Force's Charter

- Advise the Secretary of Agriculture regarding the scientific basis of the impact of agriculture on air quality. The intent of this effort will be to:
 - a) Strengthen vital research efforts related to agricultural air quality;
 - b) Determine the extent to which agricultural activities contribute to air pollution;
 - c) Determine cost-effective ways in which the agricultural industry can improve air quality;
 - d) Coordinate research on agricultural air quality issues to avoid duplication and insure data quality and sound interpretation of data.

USDA's Legal Considerations Summary

1. Keep in mind that Congress must authorize USDA to act on a particular definition or issue
2. Keep in mind the Task Force Charter