



# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
Authors: Christopher Dalbom, Mark Davis, Haley Gentry, Katie Moreland, & Matthew Allen  
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## Ee-I-Ee-I-Oh???

They must have skipped the verse about the chemicals on Old MacDonald's farm. Last week, the Iowa Environmental Council and the Harkin Institute released a long-awaited report, [Environmental Risk Factors and Iowa's Cancer Crisis](#), with accompanying policy recommendations. Iowa is one of the only states where cancer rates are rising, and it now ranks second in cancer rates. [Pesticides, PFAS, and nitrates were key concerns](#) identified by the scientific advisory panel convened for the report. It's understandable that these topped the list, given Iowa's tremendous industrial agricultural operations. Iowa has roughly 30 million acres of cropland and ranks fourth among the states in pesticide application (and close to [98% of the state's original wetlands](#) have been destroyed).

A lot of these chemicals end up in the public drinking water supply, recreational waters, and soil, but it looks like they largely come from one industry; there are PFAS in pesticides, and there's nitrogen in the fertilizer that leads to nitrate contamination and algal blooms. One reason these pollutants are difficult to address is the fact that large agricultural and animal feeding operations go largely unregulated under state and federal law. Most efforts have been geared toward conservation funding and voluntary programs rather than enforceable public health protections. The report brings further attention to the need for policymakers to focus on environmental factors, not just individual lifestyles and family history, in addressing cancer. If we don't address all of those factors, how will we make America healthy again?

These pollutants—especially nitrates—have caused drinking water challenges across Iowa in recent years (and in other Midwestern states, like [Wisconsin](#) and [Minnesota](#))... It turns out that [warmer winters in Iowa have exacerbated the issue](#). EPA has set nitrate limits for public water supplies under the Safe Drinking Water Act, but the standard dates back to 1975 and was aimed at preventing blue baby syndrome. As research has evolved, there's a growing consensus that prolonged nitrate exposure under the federal limit can cause major health problems even after we make it out of the crib.

PFAS have also been in the drinking water spotlight over the years. Yesterday, [the EPA proposed adding microplastics and some pharmaceuticals](#) to the list of contaminants under the SDWA. While it's a first step towards regulation, there's no guarantee it will lead to substantive action. It'll be interesting to follow, given the agency recently [backtracked from drinking water standards](#) for several PFAS chemicals, and its [approval of pesticides containing PFAS for fertilizers](#).

## Putting the [Danger](#) in Endangered Species

The [Endangered Species Act](#), enacted in 1973, is one of the strongest federal conservation laws, covering both private actors and government agencies. It prohibits the taking (including harm and harassment) of protected species and provides robust protections for critical habitat. As always, there are exceptions. The main one being a [process for exemption](#) by the Endangered Species Committee, called "[the God Squad](#)," because the decision on whether a species [survives](#) might rest in their hands. The Secretary of Defense (War?) may also request to override ESA provisions if it's crucial to national security. The Trump Administration convened the Endangered Species Committee for the first time

since 1992 to request an exemption for oil and gas operations in the Gulf of Mexico (America?). Well, they've spoken. Living up to its name, the God Squad has decided to leave the survival of endangered Gulf species to chance, adding to the multitude of [ecological challenges](#) at hand.

Many species and habitats (endangered or otherwise) could be harmed should this decision stand, but it's primarily [Rice's whale](#), [Kemp's ridley sea turtle](#), as well as critical Gulf shoreline habitat for these turtles and bird species. Today, there are an estimated 51 Rice's whales in the whole world, all living in the eastern Gulf of Mexico. Interestingly, these were first given federal protection in the first Trump Administration. One industry spokesperson applauded the move, pointing out the industry's "[long track record of protecting wildlife while developing offshore energy responsibly.](#)" Worth noting but left unstated is the fact that long track record was mostly done while complying with the ESA. (A historically relevant note here - the [Deepwater Horizon spill wiped out an estimated 20%](#) of the Rice's whale population).

A few things to highlight. First, the meeting was largely closed to the public, lasting a grand total of 32 minutes. Second, the Committee didn't seek expert testimony (as it had in previous convenings). Third, it was the widest exemption ever sought; not for an individual project, but an entire class of future activities across a huge region. The justification? That is not entirely clear. We do know that Secretary Hegseth expressed national security concerns over the "war" with Iran, though given the promised brevity of that engagement it is anyone's guess how the far reaching exemption would impact its conclusion

The God Squad has spoken but it certainly won't be the last word. Legal challenges, like the [one being brought by the Center for Biological Diversity](#), will have to play out in [court](#). Even if these challenges are successful, this latest move just piles on to a year's worth of federal environmental deregulatory actions, including weakening endangered species protections—[some of which were overruled in federal court](#) earlier this week—and executive orders seeking to speed up review of domestic energy fossil fuel projects to address the "[national energy emergency](#)" declared shortly after inauguration.

## Where Angels Fear to Dredge

At a meeting in Savannah, Georgia, on Tuesday, the Deputy Secretary for Civil Works announced that the [Army Corps would no longer regulate wetlands nationwide](#). Yeah... Since 1977, the Army Corps has administered dredge and fill permits under Section 404 of the Clean Water Act. With [the latest WOTUS rule](#) still pending. [Sackett](#) and the resulting WOTUS proposal did, in fact, leave major swaths of wetlands and streams across the country unprotected. Yet it was never in dispute, save Justice Thomas's concurring opinion, that the Clean Water Act does encompass at least some wetlands. It sure seems like the sort of agency interpretation that would [no longer be entitled to judicial deference following Loper Bright v. Raimondo](#). Presently, there has been very little coverage of this announcement, so it's anyone's guess what happens next.

But let's end things on a high note! The [Delaware General Assembly is considering a measure](#) that would expand its tidal wetlands regulatory program to the whole state, hoping to fill in regulatory gaps left by [Sackett](#). [Illinois is trying](#) again to govern wetlands, as well.

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### Coming Up:

[Coastal Law CLE](#)

May 7 & 8, 2026; New Orleans, LA

[Lower Mississippi River Science Symposium](#)

May 19-21, 2026; New Orleans, LA

### Water jobs:

[Assistant Attorney General, Federal and Interstate Water Unit;](#)  
[Colorado Attorney General; Denver, CO](#)



The [Tulane Institute on Water Resources Law and Policy](#) is a program of the Tulane University Law School. The Institute is dedicated to fostering a greater appreciation and understanding of the vital role that water plays in our society and of the importance of the legal and policy framework that shapes the uses and legal stewardship of water.

6325 Freret Street, 1<sup>st</sup> Floor  
New Orleans, LA 70118  
504-865-5915  
[tulanewater.org](http://tulanewater.org)