



SWAMPBUSTER

What is Swampbuster?

The federal Farm Bill sets agricultural and conservation policy nationwide. Starting in 1985, it put conditions on receiving Farm Bill subsidies: To be eligible for federal subsidies, farmers must not drain wetlands designated by the U.S. Department of Agriculture. This is informally called “Swampbuster.” The bill imposed similar conditions to protect highly erodible land (Sodbuster). The two provisions are often called “conservation compliance.” Swampbuster has succeeded in reducing the rate of wetland loss due to agriculture. In the mid-twentieth century, wetland loss was dominated by agricultural drainage and filling. But in the decade following the establishment of the Swampbuster program (1986–1997), agricultural loss dropped to a smaller fraction of wetland loss than urban and rural development.

CTM HOLDINGS, LLC V. U.S. DEPARTMENT OF AGRICULTURE

What is this case about?

CTM Holdings, LLC, a land holding company, purchased farmland in 2022 in Delaware County, Iowa. The Natural Resources Conservation Service had designated nine acres of the land as wetland in 2010. After its purchase, CTM asked NRCS to reevaluate the wetland area, but NRCS said there was no basis for a change.

CTM claims that Swampbuster violates the Commerce Clause of the U.S. Constitution, resulted in a taking of CTM’s land without just compensation (a violation of the Fifth Amendment), and the refusal to reconsider the wetland designation violated USDA’s statutory authority.



What could this case mean?

Swampbuster and Sodbuster are the only federal levers to prevent severe erosion and wetland loss on agricultural land. This lawsuit seeks to invalidate them, with no state-level program to fall back on if the programs cease.

Wetlands provide crucial habitat for wildlife while also controlling erosion, trapping excess nutrients from agricultural field applications and reducing the transfer of other agricultural pollutants like pesticides, and bacteria. Further, wetlands can reduce flood risk, providing a much-needed service to counteract the impacts of more prevalent and powerful storms brought on by climate change. Sodbuster is credited with a major reduction in soil erosion, which made farmland more productive and reduced water pollution. The highly erodible lands protected by Sodbuster are, by definition, soils that erode at rates likely to decrease long-term productivity. Losing Swampbuster and Sodbuster could mean losing all these benefits.

CURRENT STATUS

CTM filed its claim in April 2024 in federal court. USDA attorneys responded in July. IEC, the Iowa Farmers Union, Dakota Rural Action, and Food & Water Watch asked the court to be allowed to join the lawsuit (defending Swampbuster) in October. The farm and conservation groups are asking the court to allow their intervention on behalf of their members to protect their livelihoods, water quality, and Iowa's rich soils. The proposed timeline in the case would have a hearing before a judge in mid-2025.

Sign up for IEC's public newsletter to stay informed on this case, as well as other environmental concerns throughout the state at iaenvironment.org.

