

High court justices voice doubts about raisin program

By SAM HANANEL
Associated Press

WASHINGTON (AP) — A post-World War II-era program that forces raisin producers to give part of their annual crop to the government could soon be a relic of history.

Several Supreme Court justices expressed doubts April 22 that federal officials can legally take raisins away from farmers without full payment even if the goal is to help boost overall market prices.

Two California farmers claim the program is prohibited by the Constitution, which forbids the taking of private

property without “just compensation.”

During a one-hour argument, most of the justices seemed to agree. Justice Antonin Scalia compared it to old-style Russian central planning, while Justice Elena Kagan called it a “weird historical anomaly.”

Chief Justice John Roberts noted that most other farm regulatory programs try to limit how much of a crop farmers can grow, as opposed to taking away produce already harvested.

“This is different because you come up with the truck and you get the shovels and you take their raisins, probably in the dark of night,” Roberts

said to laughter.

The seeds of the case were sown in 2001 when Marvin and Laura Horne, raisin farmers in Fresno, California, decided they had had enough of a program they viewed as outdated and ineffective. The U.S. Department of Agriculture had been authorized by law in 1937 to keep commodity prices, including those for raisins, steady by managing supply.

A marketing order issued in 1949 allows a Raisin Administrative Committee to decide how much of the crop raisin handlers must turn over each year. What the government takes, called reserves, are sold outside the open market or do-

nated to federal agencies, charities or foreign governments.

Profits from reserve sales are used to fund the costs of running the committee, and any excess goes back to the producers.

The Hornes tried to evade the regulations by setting up their own packing program instead of selling their crop to a middleman. But the department said they violated the rules and fined them \$695,000.

The 9th U.S. Circuit Court of Appeals sided with the government, finding that the farmers benefited from the stabilization of market prices and did not lose the entire value of their crop.

But the Hornes’ lawyer,

Michael McConnell, argued that the program was unconstitutional because “the government literally takes possession of the raisins.”

“My clients are certainly not better off,” he said. “They lose money.”

Deputy Solicitor General Edwin Kneeder, arguing for the government, stressed that the Hornes benefit from increased raisin prices. He said they voluntarily put their crops into the stream of commerce, so authorities can subject them to market regulations.

But Roberts called it a “classical, physical taking.”

In the two years at issue in the case, raisin handlers were required to give up 47 percent

of their crop in 2002-2003 season, but received far less than their costs of production. The committee demanded 30 percent of the crop in 2003-2004 and paid nothing.

Kneeder said the last time the marketing order was used to take raisins away from farmers was in 2009. He estimated that eight to 10 other commodities are regulated in the same way, though the vast majority are not.

The Hornes have won support from conservatives and business groups that say the program amounts to needless government meddling in the free market.

A ruling is expected by June.



Organic Valley

Dairy farmers Steve and Susan Pierson, left, and other organic farmers and advocates meet with Rep. Kurt Schrader, D-Ore., right, during the recent Organic Fly-In. They talked with members of Congress and USDA officials about issues related to organic farming. The Piersons are from St. Paul, Ore.

Organic farmers celebrate growth, visit Capitol

By CAROL RYAN DUMAS
Capital Press

More than 200 organic producers flew to Washington, D.C., last week to mark the 25th anniversary of the passage of the Organic Foods Production Act and celebrate the growth in the U.S. organic industry.

The event coincided with the Organic Trade Association’s annual policy days and Capitol Hill visits, giving organic producers and processors the opportunity to meet with USDA Secretary Tom Vilsack, other USDA officials and members of Congress, said Adam Warthesen, government relations coordinator for Organic Valley, the nation’s largest farmer-owned organic cooperative.

Since passage of the Organic Foods Production Act, organic has grown to a \$39 billion industry, he said.

“It’s really exciting,” he said.

There are now 19,474 organic farms and processors in the U.S., with more than 14,000 of those farming operations, he said.

Organic Valley flew in two Oregon producers, Steve and Susan Pierson of St. Paul, Warthesen said.

Steve Pierson is an Organ-

ic Valley board member. The Piersons transitioned their operation to organic and are now making room for the next generation in the operation, he said.

The Piersons operate Sar-Ben Farms, a 350-cow operation and have been certified organic since 2005.

“We’re in the process of growing the enterprise and bringing both of our sons into ownership. They want to farm, which we think is great,” Steve Pierson said.

Discussions took place on how USDA programs could benefit organic growers and how USDA can better serve the organic segment, he said.

“We’ve got to be engaged, and I believe farmers are some of the best ambassadors for promoting organic agriculture and the benefits it provides for families and the land,” Steve Pierson said.

The Piersons participated in numerous visits, including meeting with Reps. Kurt Schrader and Peter DaFazio, Sen. Jeff Merkley and USDA Deputy Secretary Krysta Harden.

Meetings focused on organic sector growth, improving outreach efforts for existing organic initiatives, and pilot programs that can spur additional organic food demand.

Dozens view first legal UAV ag flight in S. Idaho

By SEAN ELLIS
Capital Press

CALDWELL, Idaho — Dozens of eyes gazed skyward April 22 as an unmanned aerial vehicle flew slowly over Bitner Vineyards, taking images of the operation’s 15 acres of wine grapes.

The event marked the first legal commercial flight of a UAV for agricultural purposes in Southern Idaho.

It was hosted by Empire Unmanned, an Idaho business that in January became the first company to receive permission from the Federal Aviation Administration to fly UAVs commercially for agriculture.

“Today, we are trying to generate awareness of this technology by a live flight operation,” said Empire founder and CEO Steven Edgar. “That is critical to getting the word out to people about what this technology can do.”

Several dozen people attended the demonstration, including representatives of Idaho’s potato, wheat, barley, wine and sugar beet industries, as well as people from the Idaho State Department of Agriculture, USDA and agribusinesses.

“People have heard about (this technology), they’ve read about it and now they’re going to actually see it,” Empire business relationship manager Gary Smith said before the demonstration.

The UAV, which weighs 1.5 pounds, has five sensors in its camera and takes high-powered images of a farm operation.

Those images are uploaded to “the cloud” and analysts use data gleaned from them to provide usable information to the farmer, including whether a crop is suffering from water stress or nitrogen or phosphorus deficiency.

“The farmer doesn’t need a Ph.D. to figure out what he’s looking at,” Edgar said. “We give him a very simple product that shows him where he’s short on water and (other inputs).”

Smith said the technology will help farmers maximize their profits.

“Every farmer ... wants to

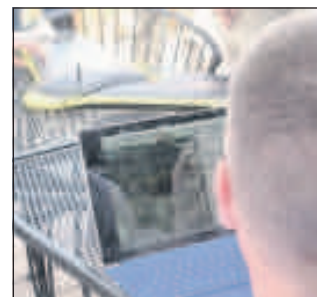


Photos by Sean Ellis/Capital Press

Empire Unmanned employee Gary Smith, white cap, explains the capabilities of an unmanned aerial vehicle that flew over Bitner Vineyards in Caldwell, Idaho, on April 22. It was the first legal flight of a UAV for ag purposes in Southern Idaho.



An unmanned aerial vehicle that flew over Bitner Vineyards in Caldwell, Idaho, April 22, sits on a table after the event. It was the first legal flight of a UAV for ag purposes in Southern Idaho.



An Empire Unmanned employee uses a computer to demonstrate the flight path of an unmanned aerial vehicle that flew over Bitner Vineyards in Caldwell, Idaho. The UAV is sitting on the table. It was the first legal flight of a UAV for ag purposes in Southern Idaho.

get the most out of the land he has and he wants to do that for a lower price. This technology will help them do that,” he said.

After the UAV finished its flight, Empire employees demonstrated on computer screens how the system works and how the data can be used.

“We think this is a really exciting technological advance,” said Dennis Tanikuni, Idaho Farm Bureau

Federation’s assistant director of governmental affairs. “We certainly think it’s going to be a valuable tool as far as field inspection and the ability to measure chemical uptake and monitor depredation.”

North Idaho farmer Robert Blair, a partner with Empire Unmanned, said the potential for UAVs in agriculture is vast.

“We have not even begun to tap the potential,” he said.

“Right now we’re limited to doing imagery and mapping. Pretty soon, when the (FAA) regulations come out, the systems prove themselves and the technology gets better, we’ll be doing more things.”

Edgar said the technology will help farmers save on water and other inputs while maximizing yields and can revolutionize the farming industry.

“If you integrate it with the tractors and the planters and the harvesters, now you have a precision agriculture system,” he said.

Farm groups favor power line scrutiny

By MATEUSZ PERKOWSKI
Capital Press

SALEM — Construction of transmission lines across Oregon farmland would be subject to greater scrutiny under legislation that’s drawn support from farm groups and opposition from utilities.

Supporters of House Bill 2508 argue that utilities with the power of eminent domain don’t have a strong reason to respond to landowner concerns when siting transmission lines.

“There’s been very little reception for our input,” said Don Rice, manager of the Boardman Tree Farm, which is affected by a proposed transmission line.

The bill would require power utilities to show county governments that transmission lines are designed to avoid highly productive farmland or why crossing such land won’t disrupt farm-

ing practices or the “agricultural land use pattern in the area.”

Higher costs would not be sufficient to preclude alternate routes and state land use regulators would decide how much weight such expenses could have on siting decisions.

With new renewable energy projects sprouting up in rural areas, farmland is facing more pressure from such transmission lines, said J.R. Cook, director of the Northeast Oregon Water Association.

Farmers want “legal sideboards” to ensure that conflicts with agriculture are minimized, he said during an April 14 hearing before the House Committee on Rural Communities, Land Use and Water.

Supporters of HB 2508 said that transmission lines prevent the planting of trees, create stray voltage that

harms livestock and interferes with the functioning of center pivot irrigation systems.

There are currently no strong mechanisms for assessing alternative sites or input from growers, said Mary Anne Nash, public policy counsel for the Oregon Farm Bureau, which supports HB 2508.

Growers need a meaningful way to participate in the process, particularly since they may face future development along rights-of-way

created by transmission lines, she said.

“We don’t think this will halt the ability to site transmission facilities,” Nash said.

Representatives of Portland General Electric, Pacific Power, Idaho Power and Northwest Natural spoke against HB 2508, arguing it will further complicate an already burdensome process for siting transmission lines.

Increasing the costs of building power lines impacts

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everybody who uses electricity, said Varner Seaman, who handles government affairs

for PGE. “That’s money that ultimately comes out of the pocket of rate payers.”

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