

GMO ban supporters seek to intervene

Proponents want to defend policy in Oregon's Josephine County lawsuit

By **MATEUSZ PERKOWSKI**
Capital Press

Supporters of the prohibition against genetically engineered crops in Oregon's Josephine County want to defend the policy against a lawsuit that seeks to invalidate it.

Siskiyou Seeds, an organic seed company, and Oregonians for Safe Farms and Families, an organization that advocated for the ban, are seeking to intervene in a lawsuit filed by two sugar beet farmers against the county

ordinance, which voters passed in 2014.

If allowed to intervene, they plan to argue an Oregon law that pre-empts most local governments from regulating genetically modified organisms violates the state and federal constitutions, according to court documents.

The seed company and the advocacy group also plan to argue that the farmers — Robert and Shelley Ann White — are time-barred from challenging

the GMO ban and lack the legal standing to oppose the policy in court, among other claims.

At this point, it's too early to discuss the specifics of these legal theories, said Melissa Wischerath, an attorney for Siskiyou Seeds and OSFF.

"Right now, the focus is on getting in the door," she said, referring to their motion to intervene.

The county hasn't objected to the motion, but the Whites are opposed to it because they say neither Siskiyou Seeds or OSFF "has a sufficient interest in this controversy to support intervention."

John DiLorenzo, attorney for

the farmers, filed a court document arguing the validity or invalidity of the ordinance doesn't affect either party in any significant way.

A hearing on the motion is scheduled for Nov. 4.

While the Josephine County GMO ban was passed last year, the county government only announced that it planned to enforce the ordinance this summer.

The Whites filed their lawsuit shortly thereafter, claiming the ordinance would prevent them from planting genetically engineered sugar beets as they had planned.

Siskiyou Seeds fears that such sugar beets will prevent

the company from growing Swiss chard and table beets for seed due to the possibility of cross-pollination.

Don Tipping, the seed company's owner, claims that a transgenic sugar beet field planted by Syngenta in 2012 caused him not to grow related crops.

In 2010, Tipping unwittingly planted corn that had cross-pollinated with a transgenic variety, which forced him to destroy the crop at a significant financial loss, he said in a court document.

"Based on my research and experience, I believe there is no biologically plausible way to keep the genetically engineered

genie in the bottle," Tipping said. "If genetically engineered crops are grown in Josephine County then they will contaminate and cause damage to traditional crops and it is only a question of how quickly this contamination will occur and how significant the damage will be."

DiLorenzo, attorney for the farmers, said that Tipping's corn problem would have occurred regardless of the GMO ban because he bought the seed from out-of-state.

As for the feared cross-pollination with sugar beets, that possibility was entirely speculative, he said.



Dan Wheat/Capital Press

Red Delicious apples float in water early in their passage through the packing line at McDougall & Sons Inc., East Wenatchee, Wash., last April. Reds, Goldens and Gala are the top varieties exported to Mexico.

Apple dumping issue is still unresolved

By **DAN WHEAT**
Capital Press

CHELAN, Wash. — Washington exported a record number of apples to Mexico over the past season, approximately 15.5 million boxes, but it's not likely to repeat that in the new season.

The industry is still waiting to hear if Mexico will impose any duty for alleged U.S. apple dumping in Mexico in 2013. That's just one factor that could slow sales. There's also a larger domestic crop in Mexico, fewer Washington Red and Golden Delicious to be shipped to Mexico and a stronger dollar that lessens foreign buying power.

"This year probably will be down drastically for us. They buy a lot of Goldens and our Goldens (industry-wide) are down 3.5 million to 4 million boxes," said Tom Riggan, general manager of Chelan Fresh Marketing in Chelan, one of the larger exporters to Mexico.

Instead of 15.5 million, 40-pound boxes of apples, Washington more likely can expect to ship 11 million to 12 million boxes to Mexico this season, Riggan said. Goldens, Reds and Gala are the main varieties.

Following a 40-day phytosanitary cold treatment, early shipments will begin in late October or early November. Heavy shipments are usually January through April after the Mexican domestic crop is mostly sold out.

Last Dec. 4, the Chihuahua apple growers association, UNIFRUT, filed a claim in the Mexican federal register alleging U.S. shippers, mostly from Washington, sold apples

in Mexico in 2013 at less than fair value, damaging Chihuahua growers.

That's unlikely because 2013 was such a profitable year, Fred Scarlett, manager of Northwest Fruit Exporters in Yakima, has said. NFE is a nonprofit corporation managing export procedures of apples and cherries.

More than 40 Washington apple packers responded to a Mexican Ministry of Economia questionnaire by a Feb. 13 deadline and 12 were chosen for further review to determine if they would be assessed a duty. Those not chosen could be assessed a weighted average of the 12 if there are duties, Scarlett has said.

A preliminary determination was first thought possible in April or May. That slid to July or August.

"We've been told by our legal counsel that they (Mexican Ministry of Economia) are close to a preliminary decision. We've heard that two or three times over the past couple of months," Riggan said, adding Chelan Fresh Marketing is one of the 12.

Riggan said he doesn't know what to expect but that if a duty is imposed it could last a number of years.

Keith Mathews, CEO and general manager of First Fruits Marketing of Washington, in Yakima, said Mexican consumers are more quality oriented than they once were and eat more produce and seek more than the basic U.S. consumer does.

"So I hope Mexico continues to be an important market for us," he said.

Slightly smaller apple crop may end up helping prices

By **DAN WHEAT**
Capital Press

WENATCHEE, Wash. — With Washington's 2015 apple harvest roughly 80 percent complete, the latest estimate of total crop size is down 5.6 percent from Aug. 1 which may help prices.

The crop is still the third largest in history at 118.4 million, 40-pound boxes. That's down from the 125.2-million-box Aug. 1 forecast and 15.7 percent down from the record 140-million box 2014 crop.

Average asking prices of new crop Gala 2.5-inch-diameter extra fancy was \$18 to \$20.90 per 40-pound box on Oct. 8, according to USDA. Premiums of the same size were \$20 to \$22.90.

Golden Delicious 2.5-inch extra fancy was \$16 to \$18.90 with premiums at \$18



Dan Wheat/Capital Press

Cristina Escalera packs Gala apples at Northern Fruit Co., East Wenatchee, Wash., Oct. 5. These were decent size but the industry has too many small Gala.

to \$20.90. Red Delicious was \$18 to \$18.90 on 2.5-inch extra fancy and \$18 to \$20.90 on premiums.

Prices for larger fruit was significantly higher, \$26 to \$28.90 for Gala 88 extra fancy, and \$28 to \$32.90 for premiums.

But the preferred size of 88 apples per box is not plentiful. There's a lot more smaller fruit at 113, 125 or more per box. "We've stepped up like we should into the high \$30s in Gala 88. I don't know that last year we had any time in the high \$30s with Gala,"

said Keith Matthews, CEO and general manager of First Fruits Marketing on Washington in Yakima.

"Drop down to the premium Gala 125 range and its more under \$20. That's the hard crush. Growers need \$18 to pay costs. There's too much small fruit," he said. "Retailers are clamoring for larger fruit. 100s to 125 is not a size most U.S. retailers carry and we're in an over supply of that."

Small Gala will stay at low prices all season, he said.

But other varieties, including Red Delicious and Granny Smith, and later varieties, Fuji and Cripps Pink, are sizing up better and will bring better prices, Matthews said.

Excessive heat in June, when apples were developing, is blamed for small fruit and softness. Drought and hail didn't help but were lesser factors.

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