

USDA cannot restrict GMO pine

Agency says it lacks authority to regulate biotech tree

By MATEUSZ PERKOWSKI
Capital Press

A pine tree genetically engineered for greater wood density can be grown without restrictions after the USDA decided it lacks authority to regulate the variety.

The finding has alarmed critics of genetically modified organisms who fear the new cultivar will cross-pollinate with trees in the wild, resulting in unknown consequences for forests.

ArborGen, a tree seedling producer, altered the loblolly pine variety with a “gene gun,” inserting genetic material from the Monterey pine, the Ameri-



Courtesy of Woodlot, Wikimedia Commons
Loblolly pines are used for lumber, plywood and paper. Arborgen, a tree seedling company, has developed a genetically modified cultivar of the tree that's higher in density and will not be regulated by USDA.

can sweetgum tree, mouse ear cress and E. coli bacteria.

None of these organisms are plant pests, so the USDA has determined the pine is not

a regulated article and can be freely cultivated without undergoing environmental studies, unlike crops that rely on plant pathogens for their transformation.

Higher density in wood is generally associated with strength and durability in lumber as well as higher energy content for biomass uses, said Steven Strauss, a forest biotechnology professor at Oregon State University.

Biotech cultivars that rely on plant pests for gene transfer often undergo lengthy government scrutiny before they're brought to market, he said.

“The regulatory process is highly political. It's not just based on science,” Strauss said.

For this reason, companies are seeking alternative ways of commercializing genetically engineered crops, he said. “That's understandable from

the commercial point of view.”

Arborgen, for example, has tried to gain USDA's approval since 2008 for a freeze-tolerant eucalyptus tree, which was transformed with a soil pathogen and thus must receive the agency's permission for widespread commercialization.

Environmental groups filed a lawsuit to block the company from field testing the trees, but that request was denied by a federal judge.

Even so, Arborgen was asked to submit additional data about the biotech tree in 2011 and the variety remains regulated while the USDA conducts an in-depth environmental review.

Critics of genetically modified organisms such as the Center for Food Safety worry that Arborgen was able to circumvent field trial permits and other regulatory procedures with its loblolly pine cultivar.

The group claims it's unprecedented for USDA to allow a genetically engineered tree to be cultivated without any government oversight.

“This is a genetically engineered organism that is going completely unregulated,” said Martha Crouch, biotechnology consultant for the organization.

Strauss, of OSU, said he would like to see more “nimble” regulations governing biotech crops but is nervous about USDA's lack of authority over GMOs produced without plant pests.

While the USDA may not consider such crops to be regulated articles, other countries may disagree — creating the potential for “chaos in the marketplace,” he said.

The Center for Food Safety is concerned about potential environmental impacts, alleging that changes in wood den-

sity could affect decomposition rates and forest species.

Because the USDA decided it lacks regulatory authority over the tree, the agency only considered the method of transformation without assessing any other potential risks that it might pose, said Crouch.

“This is an end run around that,” Crouch said.

Little information is available to the public in Arborgen's request letter seeking regulatory clearance or the USDA's response, she said. “We don't really know how they did it or how big of a change it is.”

Arborgen was formed in 2000 by combining the biotechnology divisions of three forest products companies.

In 2010, the company filed reports with U.S. financial regulators in preparation for an initial public offering of its stock.

Farmed Smart certification offers regulatory ‘safe harbor’

By MATTHEW WEAVER
Capital Press

KENNEWICK, Wash. — The Pacific Northwest Direct Seed Association is looking for farmers to sign up for a new certification program that will provide farmers a “safe harbor” from some regulatory agencies.

Association executive director Kay Meyer described the program, called Farmed Smart, during the Pacific Northwest Oilseed and Direct Seed Conference in Kennewick, Wash.

Third-party auditors would certify farms that employ conservation practices and transition to direct seeding, Meyer said.

“We've got our regulatory agencies on board, saying if farmers are getting certified, they are achieving water quality standards because of these practices that they are implementing,” Meyer said.

The association is creating a memorandum of understanding with the Washington Department of Ecology defining management practices.

The program has credibility, said Chad Atkins, water quality specialist for the department in Eastern Washington.

“We're used to looking for problems and then holding the hammer over people in order to get those fixed,” Atkins said. “This provides an opportunity to come at it from a different direction — rewarding producers for environmental protection.”

Campbell's, Wal-Mart and Pepperidge Farms already see the program as a way to meet their sustainability initiatives, Meyer said.

The association hopes to certify 200 farms, or roughly 400,000 acres, in the Pacific Northwest. The first 10 farmers would pay no certification fee, and the next 30 would pay a reduced fee.

Genesee, Idaho, farmer Russ Zenner said he already has Food Alliance certification as a producer for Shepherd's Grain, and said Farmed Smart is similar. Food Alliance certification concentrates on sustainable farming practices.

Mark Sheffels, a Wilbur, Wash., farmer, said some aspects of the program, such as buffers along streams, potentially represent a significant economic sacrifice for farmers because of maintenance costs and weed problems.

“Our part of the world is typically the most productive dirt (anywhere),” Zenner agreed. “There's going to have to be significant incentive to take that out of production.”

Sheffels said the criteria is tough, but doable. It's also timely, as farmers realize there will be greater expectations for agriculture in the future, he said.

“Everybody expects more regulatory scrutiny in the future and being part of this program says you recognize that and you've already addressed it,” he said.

Idaho House OKs dust rule change

By SEAN ELLIS
Capital Press

BOISE — A temporary rule that ensures Idaho farmers and ranchers won't be fined for creating dust has been approved by a House committee. It still needs to pass a Senate committee before it becomes permanent.

The new rule clarifies Idaho's fugitive dust law as it applies to agricultural activities, Tiffany Floyd, air quality division administrator for the Idaho Department of Environmental Quality, told lawmakers Jan. 26.

Idaho's dust law requires all reasonable precautions be taken to prevent particulate matter from becoming airborne, she told members of the House Environment, Energy and Technology Committee.

The proposed rule states that if a farmer or rancher operates in accordance with generally recognized agricultural practices, that “constitutes reasonable control of fugitive dust,” Floyd said.

Idaho's agricultural community asked for the amendment to Idaho's fugitive dust law last year after a Southwestern Idaho lawmaker was contacted by a farmer who was fined by DEQ for creating dust while grinding hay on a feedlot.



Sean Ellis/Capital Press
A dry bean field is harvested last August in southwestern Idaho. The Idaho House has approved a temporary rule that would ensure farmers and ranchers aren't fined for creating dust. The Senate still has to approve the rule.

DEQ officials told farm industry leaders they had no intention of using the law to target normal agricultural practices, but there was some disagreement between the two sides on what normal farming practices were.

Under the current rule, farming and ranching operations are “subject to violations and penalties every time a wheel turns in a field or someone feeds their

livestock,” said Roger Batt, executive director of the Idaho Heartland Coalition, which is made up of several farming groups.

The new rule, which was hammered out after three meetings held under Idaho's negotiated rulemaking process, lists what generally recognized agricultural practices are.

The definitions were taken largely from Idaho's Right to

Farm Act and include preparing land for agricultural production, applying or handling pesticides, herbicides or other chemicals, planting, irrigating, growing, fertilizing, harvesting or producing agricultural, horticultural, floricultural and viticultural crops.

It also includes breeding, hatching, raising, producing, feeding and keeping livestock, dairy animals, swine, fur-bearing

ing animals, poultry, eggs, fish and other animals, animal products and by-products, animal waste and compost, and bees.

The new rule states that the DEQ shall consult with the Idaho State Department of Agriculture in determining whether an activity is a generally recognized agricultural practice.

“We see them as more of an expert in this field than we are,” Floyd said.

The amendments to Idaho's dust law are simple, Batt said: “They clarify that as long as you are following generally recognized agricultural practices, then you are reasonably controlling fugitive dust and not found in violation of the rules.”

“The overall result is good for agriculture,” said Milk Producers of Idaho Executive Director Brent Olmstead. “We needed some clarity ... because agriculture is different from any other industry (DEQ) regulates on fugitive dust.”

The rule faced some tough questions from a few lawmakers, including whether groups representing sensitive populations, such as people in care homes or school children, participated in the rulemaking process. The answer was, “no.”

Oregon projects awarded \$22 million in federal grant funding

By ERIC MORTENSON
Capital Press

Six Oregon conservation projects have been awarded \$22 million in grants from the federal Natural Resource Conservation Service, an arm of the USDA.

Almost half the money, \$9 million, will fund greater sage grouse habitat improvement on private land in eight eastern and southeastern Oregon counties. Other grants will help restore native oak and prairie habitat, remove fish barriers, help establish carbon markets and improve rangeland.

The Oregon sage grouse work, with local soil and water

conservation districts serving as the go-between for ranchers and the U.S. Fish and Wildlife Service, has become a national model.

Under voluntary plans called Candidate Conservation Agreements with Assurances, or CCAA, landowners agree to manage their land in a way that benefits sage grouse. The work includes such things as removing western juniper so that native sage and grasses return, marking fences to avoid bird strikes, keeping cattle out of breeding grounds called leks and putting escape ramps in water troughs.

In return, landowners get 30 years protection from addi-

tional regulation even if greater sage grouse are listed under the Endangered Species Act this year. The federal wildlife service will decide on the sage-grouse listing in September.

The model began in Harney County, where 54 landowners have now signed letters of intent to develop site-specific plans for their property. The agreements now cover about 330,000 acres of private land in the county, including 87 percent of what's considered priority habitat for sage grouse.

The \$9 million grant, which must be matched locally, covers work in Harney, Baker, Crook, Deschutes, Grant, Lake, Malheur and Union counties.

Marty Suter, manager of the Harney County Soil and Water Conservation District, said she's had inquiries from North Dakota, Montana and Idaho about how to establish the agreements.

“I think the appeal was the collaboration and the grass roots effort,” Suter said. “CCAAs are a model for the West.”

She said trust between landowners, the district and federal wildlife officials is the crucial ingredient. In particular, she credited the leadership of Paul Henson, supervisor of the USFWS office in Portland.

“The agency in charge of the (endangered species) list-

ing really wants to help,” she said.

The other projects receiving funding are:

- \$3 million to restore oak habitat in the Klamath and Rogue River basins.
- \$5 million for juniper removal and range restoration in the John Day River basin.
- \$2 million to remove fish passage barriers in two Wasco County watersheds.
- \$2 million to restore oak and prairie habitat in the North Willamette Valley.
- \$1 million to establish carbon markets on private forestland, allowing for credits to offset industrial carbon emissions.

Potato leaders address port slowdown impacts

Long-term export demand worldwide ‘still outstanding’

By MATTHEW WEAVER
Capital Press

KENNEWICK, Wash. — The best thing potato farmers can do about the labor slowdown at West Coast ports is provide numbers about the impacts on their industry, says the head of Oregon's Department of Agriculture.

“Use real examples — how are you being directly impacted or how is your industry being directly impacted?” department Director Katy Coba said during the Washington-Oregon Potato Conference in Kennewick, Wash. “That makes a difference.”

Coba urged growers to share their concerns with federal congressional representatives as well as state representatives.

Mediations appeared to be



Matthew Weaver/Capital Press
Washington State Potato Commission Executive Director Chris Voigt accepts the Potato Bowl trophy from Oregon Potato Commission executive director Bill Brewer, right. WSU beat OSU in a football game in November 2014, and the two commissions donated more than 100,000 pounds of potatoes to local food banks as part of a friendly competition, Brewer said. Brewer and Oregon hope to take the trophy back this fall.

moving forward with resolution of a contentious issue, Coba said, but she received a text Jan. 27 that no International Longshore and Warehouse Union workers reported to duty.

“It's going to take years to

overcome what's going on right now,” said Bill Brewer, Oregon Potato Commission executive director.

Brewer said the commission was 20 percent ahead of collections of assessments in November, compared to the same time period the year before. In December, it was back to even. As of Jan. 15, the commission is 20 percent behind, he said.

“That is directly related to the amount of potatoes being processed that should be exported,” Brewer said. “The processors can't process them, they don't have any more storage or freezer space available. Their customers are wanting product, we cannot get it to them.”

John Toasperm, chief marketing officer for the U.S. Potato Board, said the port slowdown is one of three issues impacting potato exports, alongside a large European potato crop and the strength of the U.S. dollar compared to the euro, Japanese yen and other currency.

Before the slowdown, U.S. frozen potato exports from July to October of the present marketing year were off 8 percent, Toasperm said. With the slowdown, frozen exports are off 38 percent. Ports are running at 50 percent capacity at best,

Toasperm said.

“We are going to see some tough numbers this year, but hopefully those three factors can be corrected moving forward,” he said. “The long-term prospects for exports are still outstanding. Demand for potatoes and products worldwide continues to grow.”

Also during the conference:

- Washington Potato Commission executive director Chris Voigt urged farmers to ask seed growers for plant health certificates, in effort to better control viruses. The industry is beginning to see more strains of potato virus Y producing necrotic symptoms in tubers.
- “We have an opportunity to solve that problem now, but it's really important you know the quality of the seed you have,” Voigt said.
- Coba expects more legislation in Oregon related to pesticides, particularly aerial applications, citing public concerns about human health and drinking water impacts.