

# Proposal aims to override Oregon's GMO pre-emption

Initiative allows cities, counties to set restrictions

By MATEUSZ PERKOWSKI  
Capital Press

Local governments in Oregon could restrict pesticides and genetically modified organisms despite statewide pre-emption laws under a ballot initiative proposed for the 2016 election.

Proponents hope to pass a "Right to Local, Community Self-Government" amendment to Oregon's constitution that attempts to immunize local ordinances from state and federal pre-emption.

Currently, the state government can pre-empt cities and counties on nearly every subject, said Paul Diller, a law professor at Willamette University.

"This amendment would flip that presumption in many more instances," he said.

While the proposed amendment wouldn't have any power over federal pre-emption — that would require a change to the U.S. Constitution — it would override state pre-emption with a simple majority vote if it gets on the ballot, Diller said.

"We want to be part of the decision-making process," said Mary Geddry, a chief petitioner for the ballot initiative.

State regulatory agencies currently make decisions by which local communities must abide, she said. "We want to democratize the process."

Pre-emption is a key subject of recent battles over GMOs, which were banned by Jackson and Josephine counties last year. Benton County will vote on a GMO prohibition in May and sup-

porters in Lane County are trying to get a similar initiative on the ballot.

However, state lawmakers in 2013 pre-empted local regulations of GMOs except in Jackson County, where the measure had already qualified for the ballot. Local regulation of pesticides is also pre-empted in Oregon.

Unenforceable county GMO bans and other pre-empted ordinances would likely be retroactively activated if the ballot initiative is approved by voters, said Diller.

"I would assume it would apply to anything that's still on the books," he said.

Overturning state pre-emption would affect numerous other laws that set a statewide standard, such as the statute against local rent control ordinances, Diller said.

"I think it would be an absolute boondoggle if it passes, not just for agriculture but a host of other issues," said Scott Dahlman, policy director for Oregonians for Food and Shelter, an agribusiness group that supports state pre-emption of GMO and pesticide rules. The proposal to overturn state pre-emption is part of the "same movement" as GMO prohibitions, as well as restrictions on oil and gas pipelines, he said.

To qualify for the Oregon general election ballot in 2016, supporters must collect more than 117,500 valid signatures. As a constitutional amendment, the initiative faces a steeper hurdle than the roughly 88,000 needed to get a statutory measure on the ballot.

To begin the process of drafting a ballot title, though, supporters only need to gather 1,000 signatures.

"That's not a very high bar," said Dahlman.

# GMO label backers tout glyphosate cancer finding

Controversial cancer finding cited in labeling lawsuit

By MATEUSZ PERKOWSKI  
Capital Press

Defenders of Vermont's genetically modified organism labeling law claim its legality is buttressed by the World Health Organization's recent finding that glyphosate herbicides may cause cancer.

The state's labeling requirement for foods containing GMOs, passed in 2014, is being challenged in court by food manufacturers who allege it violates their free speech rights.

Critics and supporters of biotechnology are watching the lawsuit closely due to potential impacts on GMO labeling laws that could be approved in other states.

The Grocery Manufacturers Association, which is trying to stop the statute from becoming effective in 2016, claims that mandatory labeling is an unconstitutional form of compelled political speech.

The 2nd U.S. Circuit Court of Appeals held that consumer curiosity doesn't justify such compelled speech when it overturned a similar law that required labeling milk from cows treated with synthetic growth hormones, GMA argues.

Attorneys for Vermont counter that GMO labeling is constitutional because the

government has a legitimate interest in the law, such as health and safety concerns.

The state recently notified the federal judge overseeing the case of a controversial finding by WHO that glyphosate herbicides are probably carcinogenic. The conclusion was met with strong criticism because it contradicts previous studies by other scientists.

Glyphosate resistance is one of the most common traits incorporated into genetically engineered crops, which are associated with increased usage of the herbicide, according to Vermont's attorneys.

Mandatory GMO labeling "will therefore enable consumers to make purchasing decisions that, in the aggregate, can decrease overall glyphosate usage (and reduce their individual exposure to the agent)," according to Vermont's court filing.

The WHO finding clearly didn't motivate the labeling law but Vermont's attorneys hope that it will bolster their health and safety arguments, said Drew Kershen, an agricultural biotechnology law professor at the University of Oklahoma.

Kershen said the state likely realizes the 2nd Circuit's legal precedent regarding consumer curiosity strongly undermines their case.

"They're attempting to switch the focus," he said. "They're very worried that they will lose."

# Hay growers face challenges

By CAROL RYAN DUMAS  
Capital Press

While harvested hay acres are expected to remain stable across the U.S. in 2015, growers in the West see challenges ahead.

Nationwide, producers expect to harvested 57.1 million acres of hay, virtually unchanged from 2014. But harvested acreage is expected down 11 percent in California, 5 percent in Washington and 3 percent in Oregon, according to the USDA National Agricultural Statistics Service prospective plantings report released on March 31.

On the flip side, Idaho's harvested hay acres are expected to be up 3 percent.

Western hay growers say they are bracing for challenges — from pest pressure and water shortages to port challenges and weaker milk prices.

Many say this year's early spring makes things hard to predict.

Abundant rains in Idaho last year ruined the second cutting and had a negative effect on third-cutting yield and quality. It's hard to predict what this year will bring, said Will Ricks, an Eastern Idaho grower and president of the Idaho Hay and Forage Association.

Heavy rains last August allowed fungal spores to accumulate in soils and plant material, and growers are bringing in quite a bit of sick alfalfa with various fungal and crown diseases, said Glenn Shewmaker, extension forage specialist with the University of Idaho in Twin Fall.

He's seeing damage from



Dan Wheat/Capital Press

Two balers and two harrowbeeds harvest top-quality, first-cutting Timothy hay for export in an Anderson Hay & Grain Co. operation south of Ephrata, Wash., last June. Drought is creating challenges this season for growers in the West.

## All hay acres

(Thousands of acres harvested)

State	2014	2015	Percent change
Calif.	1,375	1,230	-10.5%
Idaho	1,390	1,430	2.9
Ore.	1,030	1,000	-2.9
Wash.	870	830	-4.6
U.S.	57,092	57,093	—

Source: USDA NASS

Capital Press graphic

clover root curculio larvae and even alfalfa weevil, which is making a "very early" appearance on abnormally warm temperatures since January, he said.

The amount of disease and vole damage this spring is more than he's ever seen, he said.

South-central Oregon grower Scott Pierson, president of the Oregon Hay and Forage Association, said he's also seen increased

damage from voles, or meadow mice, this winter and thinks they'll continue to be a problem.

Early hatching mosquitoes are also an indication that pests — such as alfalfa weevil, thrips, cutworms, and aphids — could be a problem this year, he said.

Water will be another issue, with much of southwest Oregon pretty dry. Those areas will run out of snowpack supplies in early June, affecting grass hay — mostly harvested by cattle — unless late snow storms come through, he said.

The backlog of hay exports, due to what was essentially a strike by longshoremen, and milk prices that have dairymen struggling to break even will also be an issue this year, he said.

Washington growers are

also concerned about the carryover of hay stocks due to the port slowdowns and lower milk prices, said Loren Lopes, a Clayton grower and president of the Washington State Hay Growers Association.

Water could also be an issue for hay growers in south-central Washington who depend on snowpack in the Cascade Mountains, said Shawn Clausen, a Warden grower.

Timothy hay acres in the state are also likely to be down due to the substantial price drop on last year's second cutting, he said.

The California Alfalfa and Forage Association has not yet returned calls, but severe drought and water restrictions leave little surprise as to lower expectations for the state's harvested hay acres.

# Idaho farm sector posted big rise in personal income in 2014

By SEAN ELLIS  
Capital Press

BOISE — Idaho's significant gain in total personal income last year was driven in part by a large increase in farm income and profits.

Total Idaho personal income increased 5.3 percent in 2014, the sixth fastest rate in the nation, according to U.S. Bureau of Economic Analysis data summarized by the Idaho Department of Labor.

But personal income — the value of all wages, profits, investment earnings and government transfer payments such as unemployment benefits — in Idaho's farming sector rose 19.7 percent to \$3.32 billion.

No other sector of the state's economy, except forestry, which is a tiny piece of the overall pie, saw its personal income rise by more than 9.5 percent in 2014.

Farm personal income in Idaho has grown from \$2.37 billion in 2012 to \$2.77 billion in 2013 and \$3.32 billion in 2014.

Idaho farm business profits increased 26 per-



Sean Ellis/Capital Press

Onions are planted in a field near Wilder, Idaho, March 30. Personal income in Idaho's farming sector increased 19.7 percent in 2014 and helped drive the state's 5.3 percent increase in total personal income.

cent, from \$1.98 billion in 2013 to \$2.5 billion in 2014, and drove the state's 11.4 percent gain in overall business profits, the highest in the nation.

Without the farming sector, overall business profits in Idaho would have increased just 5.7 percent in 2014, said IDL spokesman Bob Fick.

The stellar performance by Idaho's agricultural sector in recent years has underpinned the state's emergence from the last recession and it's been a big

lift to small rural communities that depend on farming, said Dan Cravens, an IDL regional labor economist in Southeast Idaho.

"It's been a real game-changer in some of these small rural communities... and has contributed to the overall job recovery we are having in Idaho," he said.

However, the state's string of four straight years of record farm cash receipts almost surely will come to an end in 2015 and the large gains in personal farm

income experienced over the last three year will also cease this year, according to University of Idaho agricultural economists.

"It's been an unbelievable run," said UI ag economist Garth Taylor "But this is (the year) the records stop."

Idaho's record last year for farm receipts was driven largely by the state's livestock industry. Dairy and beef are Idaho's top two farm commodities when it comes to cash receipts and prices for both were at record or near-record levels throughout 2014.

Beef prices are still near record levels but the state's dairy industry is in for a big correction when it comes to total revenue, said UI ag economist Paul Patterson.

Based on forecast dairy prices for 2015, total cash receipts from the state's dairy sector could decrease by \$600-800 million in 2015, Patterson said.

Crop prices were already weakening last year and that decrease has continued into 2015, he said.

Patterson said it's likely Idaho agriculture "is going to lose some of its shine" this year.

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