



Dan Wheat/Capital Press

Esteban Gutierrez, a Washington State University scientific assistant, applies a fermented bacteria to Red Delicious apple blossoms at the WSU Tree Fruit Research and Extension Center in Wenatchee on April 9. The material is being tested as a fire blight control.

Wash. apple growers on fire blight watch

By DAN WHEAT
Capital Press

WENATCHEE, Wash. — Fire blight probably won't be a big problem in Washington apple and pear trees this season but it could be an issue in New York, a tree fruit specialist says.

Apple trees in New York are blooming now and "they've had some very serious fire blight infectious weather," said Tim Smith, Washington State University Extension tree fruit specialist emeritus.

"They are very cognizant of it and are working to prevent it," he said.

The bacteria kills apple and pear trees. It overwinters in trees and reactivates in oozing cankers around blossom time. It attracts flies and other insects that spread it to blossoms. Within a week or two, withering is apparent.

It was once only a concern in pears but has damaged apple trees in Washington since 1993, with 1997 and 2012 being the worst years, Smith wrote in a 2012 paper. Thousands of acres of older Gala and Fuji apples were blighted in 2012 when rain followed a late April warming, he wrote.

Blight is exacerbated by extreme heat followed by rain or heavy dew.

That's happening now in New York and happened last year in Pennsylvania, he said.

Washington isn't totally out of the woods with susceptibility in secondary bloom

in the next two weeks but the larger worry of primary bloom is past, he said.

"There is a lot of secondary bloom in pears and not as much in apples this year," he said.

Secondary bloom is a fresh blooming that occurs up to four weeks after the first bloom. Secondary can be more vulnerable because there's more warm weather, he said. It damages trees in lower levels and propagates the disease for the following year.

A bad hit on primary bloom is more serious because there's a lot more blossoms in primary bloom, Smith said.

"We had some periods that neared danger in some areas. It's temperatures in the 80s and higher and we've skirted that," he said.

Central Washington is having a relatively dry spring of gradual warming, which helps, he said.

In recent years, a week of 90-degree weather in early May has been common and "gets spooky," Smith said.

Fire blight was worse in areas around the Tri-Cities in 2012 and in the Okanogan in 2013, Smith said. Antibiotics, copper fungicides, minerals and biological controls are used to combat it. Infected portions of trees should be cut out when spotted instead of waiting until winter, he said.

Smith is testing fermented products of other bacteria as an alternative to antibiotics.

Environmental groups sue regulators over aquifers

SAN FRANCISCO (AP) — California environmental groups filed a lawsuit May 7 against state oil and gas regulators seeking to halt oil-industry dumping into drinking-water aquifers.

The lawsuit was filed in a Northern California court by Earthjustice on behalf of the Center for Biological Diversity and Sierra Club.

California's oil and gas regulators have acknowledged they mistakenly gave oil companies thousands of permits to dump fluid into federally protected underground water supplies.

The two environmental groups say the state's plan for stopping the contamination is moving too slowly. They sued to order immediate state action stopping the discharges into aquifers.

State Oil and Gas Supervisor Steven Bohlen declined to comment on the litigation. Bohlen did say that the state and the U.S. Environmental Protection Agency "are moving aggressively and quickly to test all wells that risk harming sources of water for drinking and agriculture."

Catherine Reheis-Boyd, president of Western States Petroleum Association, said California and the EPA have collaborated on a comprehensive work plan for underground injection and that the lawsuit "is an attempt to thwart the regulatory process."

"The experts at those agencies, with the cooperation of oil producers, have made a careful evaluation of the situation and developed the action plan to address it," she said.

9th Circuit upholds California pesticide rules

Federal regulators lawfully approved state plans, appeals court finds

By MATEUSZ PERKOWSKI
Capital Press

A federal appeals court has rejected claims that California pesticide restrictions were unlawfully approved by the U.S. Environmental Protection Agency.

The 9th U.S. Circuit Court of Appeals has dismissed a lawsuit filed by environmental and community groups that accused EPA of arbitrarily and capriciously accepting that state pesticide emission

rules comply with the federal Clean Air Act.

The plaintiffs — El Comité Para El Bienstar De Earlimart, Association of Irrigated Residents, Wishtoyo Foundation and Ventura Coastkeeper — had argued that EPA should have required California to enact stricter cuts in emissions from fumigants.

Under the Clean Air Act, states must develop plans to comply with federal emissions standards for pollutants, such as ozone. Because some fumigants are precursors to ozone, California imposed restrictions on these pesticides in several areas.

The plaintiffs claimed that California committed to cut emissions in the San Joaquin

Valley by 20 percent but then only implemented a 12 percent reduction.

While acknowledging there is "ambiguity" in California's regulatory documents, the 9th Circuit agreed with EPA that the 20 percent reduction was an "aspirational goal" while the 12 percent cut was actually necessary to comply with air quality standards.

The three-judge appellate panel also rejected the plaintiffs' arguments that caps on fumigant use will not achieve the necessary emission reductions and that the state plan is unenforceable.

The EPA previously agreed to settle a complaint filed by the plaintiffs that claimed California's fumigant rules

violated the civil rights of Latinos, who were allegedly disproportionately affected by emissions.

The plaintiffs argued that EPA's more recent approval of California fumigant rules breached that settlement because the agency did not conduct a pesticide exposure study.

The 9th Circuit, however, agreed with EPA that there's no evidence of disparate impact on Latinos from the newer rules.

In dismissing the case, the appellate judges also stated they "hope our actions will bring to an end litigation and administrative proceedings" over the California regulations, which have been ongoing since 1994.

Food safety top apple industry concern, leader says

By DAN WHEAT
Capital Press

WENATCHEE, Wash. — Labor shortages, immigration reform, GMO apples, crop size and water all concern the Washington apple industry but food safety is the top issue, the president of the U.S. Apple Association says.

Jim Bair, who became president of the association early in 2014, made his third trip to Washington state, the nation's No. 1 apple-producing state, May 4 through 8. He met with company owners and industry officials.

Food safety has been emerging as their top priority since last winter's listeria incident, Bair said.

Three deaths and 34 hospitalizations across the country were traced to caramel apples sold by three companies that originated as fresh apples from a Bidert Brothers packing plant in Bakersfield, Calif. Illness onsets were between Oct. 17 and Jan. 6. The Centers for Disease Control said the outbreak appeared to be over on Feb. 12. It was the first time U.S. apples caused deaths.

Washington industry officials credited U.S. Apple Association, Vienna, Va., for getting the facts out domestically, but export sales suffered, particularly in Southeast Asia, where importers and consumers were alarmed.

"It was a wake-up call," Bair said. "Everyone is working hard and fast to take a fresh look at operations and do better where we can. "It's a real war effort at the moment as people realize this is a serious thing and we will never be able to say we won't have another one but we can work hard to de-



Dan Wheat/Capital Press

Jim Bair, president of U.S. Apple Association, says food safety is the top issue for the industry. A listeria outbreak last winter in caramel apples from California has raised concerns for some overseas customers, he said.

crease the probability of another one."

A U.S. Food and Drug Administration report on the case is due out soon. Bair said the industry is anxious to see what can be learned from that.

"Listeria is ubiquitous to the environment. It can be found everywhere. The question is: Can it be found at levels that are human health concerns?" he said.

Companies have different approaches but all are united in saying that even one illness is too many, he said.

Immigration reform continues to be a big issue for the industry.

Bair praised Rep. Dan Newhouse, R-Wash., for spearheading a letter to

House leadership, signed by 61 members, saying guest-worker reform has to accompany enforcement measures in immigration reform.

"We understand the strength of the letter surprised people in leadership. We think Newhouse distinguished himself early on by taking this step for agriculture," Bair said.

Immigration reform is getting more attention and more Republicans are realizing the need for guestworker reform, he said. Republicans control the House and Senate.

U.S. Apple represents 7,500 growers, more than 400 companies and 40 state and regional apple associations in Washington, D.C.

It has taken leadership in passing fast-track trade authority for the president and supporting the Trans-Pacific Trade Partnership, Bair said.

The association has been effective, he said, in countering negative publicity about apples heading an environmental dirty dozen list for pesticide residue by pointing out those residue levels fall well within Environmental Protection Agency standards.


The association also did very well, he said, in getting Dr. Oz — whose full name is Mehmet Cengiz Oz — to say that no U.S. apples are genetically modified when "The Dr. Oz Show" did an article on USDA approval of Canadian GMO apples.

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