

Farm groups upset as Ag Security Act struck down

By CAROL RYAN DUMAS
Capital Press

Ag groups are disappointed with a ruling that has struck down Idaho's "ag gag" law.

Chief U.S. District Judge Lynn Winnmill late Monday ruled Idaho's Agricultural Security Act — meant to protect ag operations from animal activists — violates the First Amendment right to free speech and the Equal Protection Clause of the U.S. Constitution.

In so doing, he granted a motion for summary judgment filed by Animal Legal Defense Fund, et. al., in November.

Under the law, which Idaho enacted in 2014, it's a crime to make undercover recordings or gain employment under false pretenses at a farm. Lawmakers passed the statute in response to

public backlash against a dairy company whose employees were filmed abusing cattle.

In a 29-page ruling, Winnmill repeatedly rejected the state's arguments defending the law, concluding the law's "primary purpose is to protect agricultural facility owners by, in effect, suppressing speech critical of animal-agriculture practices."

He further stated overwhelming evidence indicates the law was "intended to silence animal welfare activists, or other whistleblowers who seek to publish speech critical of the agricultural production industry."

The state argued the law is not designed to suppress speech critical of certain agricultural operations but instead intended to protect private property and the privacy of ag

facility owners.

Dairymen are disappointed with the ruling and disagree with Winnmill's analysis, said Bob Naerebout, Idaho Dairymen's Association executive director.

"We will encourage the state to go forward and appeal the ruling," he said.

A lot of effort went into making sure the legislation was constitutional and written in a way that it would be upheld. The fact that the judge didn't recognize any of that is somewhat of a surprise, he said.

His ruling narrows it down to the First Amendment vs. private property rights, he said.

"We believe private, agricultural operations should be protected. In this case, obviously, Judge Winnmill took the other way," he said.

"We primarily took the tack this is a private property right," said Russ Hendricks, Idaho Farm Bureau's director of government affairs.

Whether a land owner, business owner, dairy, farm, Hewlett Packard or Micon, you should have the ability to control who or who doesn't come on your property and whether or not they can film, he said.

Other businesses don't allow photos or video. "Why should a farm be any different?" he asked.

He rejected the argument that the First Amendment gives the right to film anywhere. If you're on somebody else's property, you need permission, he said.

Winnmill's ruling would imply you can now "walk into a women's locker room at the

YMCA and start filming. That's not appropriate," he said.

It's not only a private property right but the concern of someone filming things and taking them out of context or not understanding the practice, he said.

The Ag Security law was widely supported by legislators and the agricultural community, said Sen. Jim Patrick, R-Twin Falls, who introduced the legislation in the Senate.

"Obviously, I am disappointed, but not totally surprised," he said.

The Attorney General's Office made every effort to make sure the law was constitutional, but judges can have different opinions, he said.

"We are cautious what we say; some of these (activist) groups are pretty vindictive,"

he said.

But, he said, the judge's decision is troubling. The law doesn't just address illegal actions aimed at alleging animal cruelty, it pertains to all of agriculture, he said.

Ag operators face more risk from employees (activists gaining employment through misrepresentation) than trespassers in general. It's pretty easy to get audio or video recording of something that isn't a normal practice and paint it in a bad light, he said.

"We have to do something; it's too big a risk for agriculture," he said.

Winnmill's decision is the first to rule in favor of plaintiffs' First Amendment argument in this type of case, said Wyatt Prescott, executive director of Idaho Cattlemen's Association.

Monsanto execs discuss opportunities, challenges

By ERIC MORTENSON
Capital Press

ST. LOUIS — Population increase, world food demand, climate change, biotechnology and data science mean agriculture is "much more at center stage than it's ever been," Monsanto's chairman and chief executive officer said.

"Sometimes we talk about farmers as if they were separate from society," Hugh Grant said. "The reality is, they are at the heart of society."

In wide-ranging talks with journalists touring Monsanto's Chesterfield Village Research Facility outside St. Louis, Grant and other Monsanto executives fielded questions ranging from GMO controversies to the company's attempt to buy rival Syngenta. Several acknowledged the company has been slow to engage GMO critics and was surprised by the vitriolic reaction to Monsanto's work. Some said the company must become more transparent and better explain its role in agriculture.

"What we need to do a much better job on is explaining where food comes from, how food is produced and who's producing it," said Grant, a native of Scotland who became chairman and CEO in 2012.

Turning to trends, Grant said the westernization of Chinese diets, with more red meat consumption, drives the increased demand for corn as animal feed. Of interest to Northwest growers, he said wheat has not kept pace with yield gains



Michael Frank, Monsanto's global corn breeding lead, walked reporters through greenhouses at the company's Chesterfield Village research center.

achieved in corn and soybeans and "needs some help."

The company in July opened a wheat breeding and research facility in Filer, Idaho. Monsanto previously experimented with GMO wheat but dropped it when Pacific Northwest growers said their buyers, particularly in Asia, did not want it.

On other topics, Grant was asked about Monsanto's responsibility for obesity and diabetes rates.

"My abilities to change your eating habits are limited," he said. "The tragedy today is you can have obesity and malnourishment coexistent."

Robb Fraley, Monsanto's

chief technology officer and winner of the 2013 World Food Prize along with two others, said the world's population is projected to top 10 billion by 2050.

The demand for food will double, and production will have to double in the Americas and triple in Africa and Asia to keep pace, Fraley said.

"It will take all the tools that man can assemble," he said.

On climate change, a one- or two-degree temperature rise won't turn the Midwest into a desert but will usher in the rise of new pests, weeds and diseases, Fraley said.

But Fraley said biotech-

nology and emerging data science give researchers the ability to respond by developing seeds "gene by gene" while farmers use drones, satellites and sensors to map fields "meter by meter."

"The average tractor has more computer power in it than the first spaceship that went to the moon," he said. "Better seeds and data are driving the next Green Revolution."

Fraley said Monsanto is still interested in buying Syngenta and has sweetened its offer to the Swiss ag chemical company. Fraley said Monsanto would acquire Syngenta's chemistry business and would sell off Syngenta's seed busi-



Growth chambers at Monsanto's Chesterfield Village research facility can duplicate any climate on earth.



Monsanto was one of four sponsors of the National Press Foundation's "Food, From Farm to Table" fellowship in St. Louis. The Capital Press was among 20 journalists attending.

ness to assure competition. Critics say Monsanto is seeking a monopoly.

Other company executives who spoke during the event were Brett Begemann, president and chief operating officer, and Michael Frank, vice president of global commercial operations.

The 20 journalists attending were part of the National Press Foundation's "Food, From Farm to Table" fellowship held July 19-22 in St. Louis. Monsanto was a sponsor of the fellowship, along

with the Organic Trade Association, the American Farm Bureau Federation and the AARP Foundation, which includes senior nutrition among its concerns.

Monsanto's sponsorship was criticized on social media. In a widely-shared post, the website Eater.com said associating with a "highly polarizing company with an aggressive PR agenda might not appear to be the most logical course of action for a journalism non-profit" such as the National Press Foundation.

Drought-fueled Calif. wildfires threaten vineyards, displace livestock in some areas

By TIM HEARDEN
Capital Press

WILLIAMS, Calif. — A wildfire that's grown to more than 101 square miles has threatened vineyards and left ranchers scrambling to move their animals to safer ground.

Several wineries were among the nearly 5,500 properties forced to evacuate because of the Rocky Fire, which was burning mostly rugged mountain terrain in Colusa, Lake and Yolo counties about 100 miles north of San Francisco.

Mandatory evacuation orders from the state Department of Forestry and Fire Protection included the Cache Creek Winery and Noggle Winery, both off Highway 20 in Lake County, according to the Lake County Winegrape Commission.

The fire burned a portion of Six Sigma Ranch in Lower Lake, Calif., about three miles from the ranch's vineyard plantings, after the ranch had been evacuated at the request of Cal Fire, the commission reported. No damage to any Lake County vineyards or wineries had been reported.

Since July 29, "winds have carried smoke mostly away from the county's major wine-growing areas," commission president Debra Sommerfield said in a news release. "Winds shifted briefly on Friday, causing smoke to linger in the skies over much of the county for about a half-day before clearing out. At this time, smoke-related impacts to the area's wine grapes are estimated to be minimal to none."

Meanwhile, employees and volunteers for Lake County Animal Control worked through the night Aug. 2 to move livestock to safer ground. Among the animals pulled out of the path of flames were seven pigs, three alpacas, two donkeys and 12 goats, county emergency services spokesman Andrew Britton said.

Animal Control is working with a local group — Lake Evacuation and Animal Protection — to find temporary homes

for displaced animals, Britton said in an email. The county Department of Social Services office in Lower Lake is staging some animals, he said.

The fast-growing Rocky Fire — which has burned two dozen homes as well as barns, sheds and garages and forced about 13,000 people to flee — was one of about 20 wildfires burning around drought-parched California, some of which were sparked by lightning, according to Cal Fire.

A U.S. Forest Service firefighter was killed last week while battling a blaze in the Modoc National Forest in California's northeastern corner. The fires prompted Gov. Jerry Brown to declare a statewide emergency last week.