

Inspectors' challenge to poultry rules dismissed

By MATEUSZ PERKOWSKI
Capital Press

A lawsuit filed by federal meat inspectors that alleged new USDA poultry inspection rules are unlawful has been dismissed by a federal judge.

The case is the second legal challenge against the regulations to be thrown out of court this year.

Under the new rules, which USDA approved in 2014, fewer inspectors are assigned to visually examining carcasses and the speed of inspections is increased.

The revised National Poultry Inspection System regulations allow more screening to be conducted by slaughterhouse employees, while federal inspectors are geared toward preventing contamination.

However, the union representing inspectors claimed the changes would reduce food safety and make consumers — including inspectors — more susceptible to disease from eating chicken.

U.S. District Judge Ketanji Jackson has found that the



Courtesy of Alice Welch, USDA

U.S. Department of Agriculture Food Safety and Inspection Service inspectors examine chickens in 2008 at the Holmes poultry slaughterhouse in Nixon, Texas.

plaintiffs failed to show they have the legal standing to oppose the regulations in federal court.

The inspectors haven't proved that increased slaughter line speeds and other provisions will cause an increased risk of foodborne illness among consumers, Jackson said.

"In short, plaintiffs have provided no concrete evi-

dence — much less substantial evidence — that the NPIS rule will actually cause more adulterated poultry to be released into the marketplace than would otherwise be the case," she said.

The federal inspectors may appeal Jackson's ruling or try to amend their complaint to establish standing, among other options, said Matthew Milledge, their attorney.

'A single El Nino year is unlikely to erase four years of drought'

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stubborn high-pressure ridge that has diverted storms away from California and caused the four-year drought.

"Right now, it's too soon to tell which one will win," Mead said in an email.

Though growers have held out hope that a wet winter will ease drought conditions, it would take as much as three times the average annual precipitation over the next year to make up the cumulative deficit of 71.3 inches of rainfall in the central Sierra Nevada since 2011, said Kevin

Werner, the National Oceanic and Atmospheric Administration's director of western regional climate services.

"At this point there's a lot of uncertainty," Werner said. "A single El Nino year is unlikely to erase four years of drought in California."

State Climatologist Michael Anderson agrees. He warns that of the seven times since 1950 that conditions pointed to a strong El Nino, three turned out to be wet years, one was average and three were dry, with the 1992 water year perpetuating a drought.

In addition, past years were cooler than the temperatures that California has been experiencing lately, which could impact the snow line for storms that do come this winter, his office noted.

"California cannot count on potential El Nino conditions to halt or reverse drought conditions," Anderson said in a statement. "Historical weather data shows us that at best, there's a 50/50 chance of having a wetter winter. Unfortunately, due to shifting climate patterns, we cannot even be that sure."

Yakima dairy challenge has broad implications, experts say

By CAROL RYAN DUMAS
Capital Press

SUN VALLEY, Idaho — Following state-regulated nutrient management plans didn't save five Washington dairies from Environmental Protection Agency action and an environmental lawsuit that resulted in stringent new protocols, costly environmental upgrades and other mitigation actions.

That should be a warning to all dairymen that following current standards might not protect them from similar EPA actions and lawsuits, according to a panel discussing the repercussions of the Yakima, Wash., case at the Idaho Milk Processors Association annual conference last week.

Those Washington dairy operators are multi-generation dairy families and good people, not outliers, said attorney Deb Kristensen of Givens Pursley, lead counsel for one of the dairies. They are committed to sustainability and subject to nutrient management plans inspected by the Washington State Department of Agriculture.

They are more like every other dairy than different, said former Darigold attorney Steve Row, president and CEO of Newtrient LLC — a fledgling

company focused on renewable energy and nutrient capture and trading.

The dairies' problems began with a 2008 local newspaper series on the presence of nitrates in the groundwater. It was followed by a flawed 2009 EPA study that ignored the many reasons for elevated nitrate levels and targeted the dairies, Kristensen said.

That resulted in a 2013 EPA-negotiated consent agreement with the dairies under the threat of a Safe Drinking Water action. One dairy couldn't afford to comply, sold its cows and went out of business, she said.

EPA's information was being provided free of charge to environmentalists, and two groups sued the dairies in 2013 alleging groundwater contamination in violation of the Resource Conservation and Recovery Act, which regulates hazardous and solid waste, she said.

In the law's nearly 40-year history, EPA had never brought a RCRA action against agriculture, as it doesn't apply to waste returned to the soil as fertilizer, she said.

In the last several years, environmental groups have attempted to expand RCRA to agriculture, but Judge Thomas Rice's ruling in January against one of the dairies, Cow Palace,

is the first case where the application to manure prevailed in court, she said.

The judge left a couple of things to be decided at a trial in May.

Seeing the writing on the wall, the dairies settled with the environmental groups in a pre-trial agreement that went even farther than EPA's consent agreement, she said.

"It's just a matter of time before more pursue similar lawsuits," she said.

The lawsuits were focused on nitrates, but it's not just nitrates or manure that will be affected, it's also commercial fertilizers and waste lagoons, she said.

Brian Oakey, Idaho State Department of Agriculture deputy director, said the ruling could potentially impact state regulation.

The agency's goal is to provide the rules of the road for nutrient management to protect surface and ground water, but the Yakima decision has turned that on its head, he said.

"Those regulatory standards now become the floor rather than the ceiling," he said.

Nutrient management plans are based on estimates, but the Yakima rationale would require a higher level of precision to protect dairymen from a similar outcome, he said.

The court focused on manure as discarded waste when it was over applied, stored on unlined soils and seeped from lagoons that met National Resource Conservation Service gold standards, he said.



AP Photo/Elaine Thompson

Loaded container trucks line up at a gate at the Port of Seattle on Feb. 17. Agricultural exporters worry that the devaluation of China's currency will impact their business with China and other Asian nations.

China is small market for Pacific Northwest soft white wheat

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Soybeans are probably the largest single U.S. ag commodity in volume going into China, said Glen Squires, CEO of the Washington Grain Commission in Spokane.

China is a small market for Pacific Northwest soft white wheat, buying only 19,000 tons last year, but it bought 322,000 tons of total U.S. wheat, mostly hard red spring wheat out of North Dakota and Montana, Squires said. That compares with 3 million tons that went to Japan, 2.3 million to the Philippines and 1 million each to South Korea and Taiwan.

The U.S. ships no beef and very little pork to China but the big concern is the affect on Japan, South Korea, Taiwan and the Philippines, which do buy U.S. meat, said Joe Schuele, spokesman for the U.S. Meat Export Federation in Denver, Colo. It also could strengthen New Zealand and Australia as competitors in meat sales to Asia, he said.

"The dollar has had a run of sustained strength, which has made it more difficult to export and this makes it a little more difficult. It's something we are watching very carefully," Schuele said.

The Washington apple

industry just regained access to China for Red and Golden Delicious apples last Oct. 31 only to be hampered by labor slowdowns at West Coast ports. In June, the first Washington Gala apples went to China under a new agreement that took years to achieve. The industry hopes to accelerate sales to China shortly with harvest of the 2015 crop and hopes for annual sales of 10 million boxes, worth about \$200 million, in a few years.

"We will have to adjust. There is nothing we can do about it. A lot of our shippers and marketers are following it closely," said Chris Schlect, president of Northwest Horticultural Council in Yakima.

The bigger concern is other "potential devaluations and a spiral of government actions that don't serve anyone's interests," he said.

It undoubtedly will be a big topic of discussion when Washington apple shippers go to Asia Fruit Logistica, a trade show in Hong Kong, the first week of September, Schlect said.

West Coast hay exporters sell a lot to Asia and are worried about another hit while they are still trying to sell inventory stacked up from the port slowdown.

"You can't have curren-

cies getting weaker — Japan's yen and now the yuan — without it affecting exporters in the U.S.," said Jeff Calaway, president of Calaway Trading Inc., a major exporter in Ellensburg, Wash.

Chinese retail and food service importers were in Oregon and Washington visiting companies from those states and Idaho the week before the devaluation, said Andy Anderson, executive director of Western U.S. Agricultural Trade Association in Vancouver, Wash.

The delegation had no clue the devaluation was coming and any agreements they started or signed undoubtedly are being reviewed, he said.

Powdered milk, yogurt, cheese, citrus fruit and nuts all are exported to China, Anderson said.

"A lot of almonds and pecans in California, Texas and New Mexico go to China," he said. "Pecan growers went from tearing out orchards to planting because China is buying so many."

Various things may happen, he said. China may buy less, U.S. companies may drop prices, but China won't reverse course overnight, he said.

"It's a big concern," he said. "China is a big market for a lot of companies."

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