

OUR VIEW

GMO settlement doesn't answer larger question

Farmers who grow Roundup Ready alfalfa have settled their lawsuit against Jackson County, Ore., over its ban on GMO crops.

The settlement is good for the plaintiffs, but it does nothing to settle the larger issue raised in the case.

The plaintiffs — Schulz Family Farms and James and Marilyn Frink — claimed the GMO ban passed by Jackson County voters in May is precluded by the state's right to

farm statute, which disallows local governments from deeming a common farming practice as a nuisance or trespass.

Between them, the plaintiffs grow more than 300 acres of Roundup Ready alfalfa. They asked the court to block enforcement of the ban, or order the county to pay them \$4.2 million in damages they say they would incur over the 10-year lifespan of the crop.

A federal judge on May 29 rejected the argument by two

alfalfa farms that Oregon's "right to farm" law rendered the prohibition invalid. At that point, the case turned on whether Jackson County was illegally "taking" the farmers' crops without compensation.

Under Monday's settlement, Jackson County won't force the farmers to remove GMO crops already in the ground and thriving. The farmers agree not to appeal rulings upholding the ban.

The settlement makes perfect financial sense for the farmers.

Their crop, as it stands, is safe. Litigation is expensive and unpredictable, so the settlement is in their best interest.

State law prohibits local bans on legal cropping systems. When the state law was passed, Jackson County's ban was already on the ballot and was allowed to proceed.

The overwhelmingly urban, non-farming voters in Jackson County approved the ban. It was a victory of ideology over science and common sense.

They based their decision on things they think they know about genetically engineered crops, the companies that develop them, and the farmers who grow them — things that aren't true.

We don't believe local voters — most who know little about agriculture and who have no economic stake in the industry — have any right to determine for farm operators which legitimate and wholly legal cropping practice they will be allowed to use.



Rik Dalvit/For the Capital Press

OUR VIEW

Western governors need help in building water storage

As many member states wrestle with the impacts of multi-year droughts, the Western Governors' Association has written a letter to the Senate Energy and Natural Resources Committee recommending policies that could help remedy the situation.

The nature of the Western water woes is a bit of mystery to much of the country.

East of the Rockies, water is no less important but is far more abundant. It reliably falls as rain in the spring and summer to water crops in the field, and as snow in the winter to recharge soil moisture. The biggest water problem most farmers there face is how to move water off their land, not pump it onto their land.

Not so in the West.

Without adequate water storage and the infrastructure to move

it, many of the crops American consumers have grown to depend on could be in short supply.

The stakes are huge. Some \$51 billion in crops are grown across the West. That provides milk, vegetables, grains, berries, fruits — more than 300 different crops in all — to Americans and much of the world.

What's needed is a comprehensive plan to increase water storage with dams, reservoirs and aquifer recharge. Only a few storage projects are in the works around the West.

And the governors know why. Storage and infrastructure costs money — a lot of money. The governors have asked for access to money available in already established programs, and have suggested some private-public partnership initiatives.

While money is a formidable hurdle, a greater obstacle in getting projects built is often regulatory paralysis and legal challenges from the environmental lobby.

The governors say federal water policy needs to coordinate, streamline and provide flexibility to infrastructure planning and permitting guidelines, rules and regulations.

And something needs to be done to stop environmentalists from running to the courts to resist any and all efforts to build more storage capacity. These challenges all but block any effort and drive up the costs.

With more winter precipitation coming in the form of rain instead of mountain snows, common sense dictates that it should be stored. Western governors need all the financial and regulatory tools to get that done.

Farmers and ranchers need a tax code that gives them certainty for long-term business decisions that can grow and expand their operations.

Earlier this year, Congress took steps toward bringing these tax provisions back for 2015 and possibly longer. In July, the Senate Finance Committee extended through 2016 a package of tax provisions, including a number of those important to farmers and ranchers.

The Farm Bureau-supported provisions in the tax-extender package include:

- Section 179 Small Business Expensing: The maximum amount that a small business can immediately expense when purchasing

business assets instead of depreciating them over time is \$25,000. Last year, the maximum amount was \$500,000, reduced dollar for dollar when expenditures exceeded \$2 million.

- Bonus Depreciation: An additional 50 percent bonus depreciation for the purchase of new capital assets, including agricultural equipment.
- Incentives for renewable fuels and energy, including biodiesel, wind power and re-fueling property.
- An enhanced deduction for donated food.
- A provision encouraging donations of conservation easements.

On the House side in February, lawmakers passed the permanent extension of Section 179 small business expensing (HR 636), the tax deduction for donating food (HR 644) and the tax deduction for donating conservation easements (HR 644).

In addition, the House Ways and Means Committee in September approved a bill (HR 2510) to permanently extend 50 percent bonus depreciation. The measure would also expand the provision to include fruit- and nut-bearing plants with pre-productive periods of two or more years.

It's time for Congress to finish what it started. Delaying these tax extenders will only delay economic growth and prevent farmers and ranchers from reinvesting in their businesses and local communities. Join Farm Bureau in calling on Congress to bring small businesses across the country the tax relief they need.

Erin Anthony is editor of the American Farm Bureau Federation's FBNews e-newsletter and website.

Guest comment
Erin Anthony



New food safety rules require adequate funding

Now comes the hard part.

The U.S. Food and Drug Administration has for four years been writing the regulations that will put in force the Food Safety Modernization Act.

The job involved many revisions in which industry members and university researchers politely tapped FDA authors on the shoulder and reminded them that they were providing solutions where no problems existed.

For example, the use of spent grains from breweries to feed cattle has been a common practice for centuries, yet the FDA initially felt the urge to interject expensive new requirements that made no sense and accomplished nothing.

The regulation of irrigation water in the propagation of onions was another area in which the FDA was reminded that no problems existed.

Now the results of all that work will come to fruition and, presumably, make the food Americans eat safer. Nearly every week the news carries reports of an outbreak of E. coli or some other problem at restaurants or processors. Though many are linked to food handling problems, some can be traced back to the farms where the produce was grown.

To improve food safety, Congress now has to provide the money for the FSMA.

The Congressional Budget Office initially estimated that implementing the FSMA would cost nearly \$120 million a year.

That is a bargain. If the rules are effectively implemented, outbreaks can be avoided, the public will be protected and growers will be minimally impacted from recalls.

But other aspects of the regulations are disconcerting.

While the FDA has aimed high in its attempts to assure food safety, it appears the agency has a long way to go.

At a recent meeting, even simple questions from farmers appeared to stump agency representatives.

Mateusz Perkowski, a reporter for the Capital Press, cited two questions that came up:

- If several farms draw their water from the same stream, can they collectively monitor bacteria levels instead of each paying for separate tests?
- How can a grower establish a baseline for bacteria levels in irrigation water if he leases different parcels of land each year?

Such questions will be referred to a Technical Assistance Network that will be formed from the FDA officials who wrote the regulations.

FDA officials also mentioned that they would talk with food

safety auditors who already inspect farms and other operations to coordinate efforts.

They also said state departments of agriculture will do the heavy lifting when it comes to implementing the regulations.

This is good, but with a caveat. It is good because state departments of agriculture are intimately familiar with the practices farmers follow. Better than anyone else, they will understand how the regulations should be followed on American farms.

The caveat involves money. If Congress does not adequately fund implementation of the new rules, all bets are off.

FDA has requested nearly \$110 million for the next fiscal year to do that. Now Congress must decide whether the food safety law it wrote will be an effective tool for helping to assure food safety or it will be a shell that

sounds good but in reality does not live up to its promise.

The regulations cannot be implemented in a piecemeal fashion. To do that would give some sectors of agriculture an advantage over others because of the differences in the costs of meeting the requirements.

"We can't expect it to happen as an unfunded mandate," Michael Taylor, FDA deputy commissioner for foods and veterinary medicine, told those at the recent meeting.

He is correct. Congress needs to make sure its new law is adequately funded at the federal and state levels.

Otherwise, FSMA will be just another half-baked congressional initiative that sounds good but doesn't accomplish much.

A lot is at stake with the FSMA — the well-being of U.S. agriculture and the well-being of 319 million Americans.