

# Washington formally proposes new dairy rules

## Ecology exempts small dairies

By DON JENKINS  
Capital Press

Many Washington dairies will need a new government permit and will face higher operating costs under a long-awaited regulatory scheme proposed Wednesday by the state Department of Ecology.

The proposal comes after a yearlong debate involving regulators, the dairy industry and environmental groups over how to manage manure from confined livestock, particularly at the state's some 425 dairies.

Ecology proposes to issue general permits to dairies, bringing to agriculture an approach already used to minimize pollution from thousands of stationary sources of wastewater.

One permit based on federal and state laws will authorize discharges to ground-



Don Jenkins/Capital Press

Cows gather under cover June 14 at a Whatcom County dairy. The Washington Department of Ecology has proposed that large and mid-sized dairies that discharge pollutants to water obtain a permit.

water and surface water. The other permit, expected to have broader application, will apply only to groundwater and will be based on state law only, precluding federal lawsuits challenging whether dairies are following the permit.

The permits will be a major change in how dairies are regulated, Washington State Dairy Federation policy director Jay Gordon said.

Gordon said Thursday the federation was still reviewing

the proposal. Although Ecology's decision to offer dairies a permit based solely on state law was a positive development, the permit could mean more bureaucracy and duplication of regulations, he said.

"We're already regulated, and my concern is still the sheer volume of regulations this is going to add," he said. "It is an addition to what we've already been doing."

Heather Bartlett, Ecology's water quality program manager, said the agency hopes

its proposal will protect water and allow the dairy industry to prosper. Milk is Washington's second-most valuable farm product after apples.

Ecology rejected a push by environmental groups to make dairies line manure lagoons with synthetic material and drill wells to monitor pollution in groundwater.

Washington State Department of Agriculture Deputy Director Kirk Robinson said permit conditions related to storing and applying manure shouldn't differ much from practices now required by the state's Dairy Nutrient Management Act.

"We believe that for the majority of producers, it will be pretty much status quo," Robinson said.

Currently, only 10 producers hold permits for concentrated animal feeding operations, or CAFOS. Ecology estimates the new permit will apply to 150 to 200 dairies.

Ecology will exempt dairies with fewer than 200 mature cows, acknowledging the financial hardship on small

operators.

Ecology's permit manager Bill Moore said the small-dairy exemption should exclude about one-fourth of the state's dairies, but only about 5 percent of the dairy cows.

Large and mid-sized dairies that discharge pollutants to groundwater will need a CAFO permit.

Ecology assumes that manure seeps from even the best clay-lined lagoons, a position challenged by the dairy industry.

Ecology's special assistant on water quality Kelly Susewind said he believes that in the vast majority of cases, manure seeping from lagoons will reach groundwater, triggering the need for a permit.

The permit will outline industry-wide standards for assessing manure-storage facilities, testing nutrient levels in fields before and after applying manure, and submitting reports to Ecology.

Under Ecology's proposal, dairy farmers will have to test soils more often and at deeper

depths to minimize the risk of excess manure seeping into groundwater. The amount of testing likely will be a major discussion point between now and the end of the comment period Aug. 17.

A permit would cost 50 cents per animal unit, an adult cow and calf, up to a maximum of \$1,670 a year in 2017.

Ecology has yet to finish an analysis of other costs to dairies.

Ecology disappointed environmentalists by offering the dairies a groundwater discharge permit based solely on state law.

Moore said Ecology concluded that federal lawsuits by environmentalists weren't necessary.

"Ecology is committed to firmly and fairly enforcing the permit," he said.

Since surface waters fall under the jurisdiction of the federal Clean Water Act, the permit will be based on federal and state laws, leaving open the possibility of third-party lawsuits to enforce the permit.

## Judge refuses to overturn Oregon grazing plans

### Ranching families relieved by decision, attorney says

By MATEUSZ PERKOWSKI  
Capital Press

A federal judge has rejected environmentalists' arguments that grazing along Oregon's Sprague and Sycan rivers unlawfully harms bull trout habitat where the fish doesn't live.

U.S. Magistrate Judge Mark Clarke has held that grazing plans for 10 federal land allotments comply with the Endangered Species Act and other environmental laws.

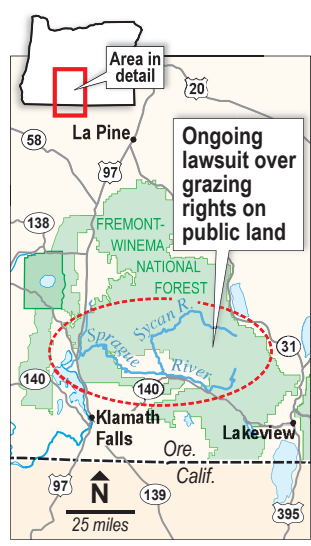
Several ranching families, who had intervened in the case to defend the grazing plans, are relieved by the judge's ruling, said Scott Horngren, an attorney with the Western Resources Legal Center, who represented them.

"An adverse decision would have been very disruptive and harmful to their grazing plans this year," Horngren said.

If the judge had found the grazing plans were unlawfully approved, the environmental plaintiffs likely would have sought to curtail grazing at a time when the ranchers are preparing to release cattle onto public land, he said.

Horngren noted that ranchers already face restrictions on grazing duration and grass stubble height, among other factors.

"This isn't uncontrolled



Capital Press graphic

grazing," he said.

Last year, Oregon Wild, Friends of Living Oregon Waters and the Western Watersheds Project filed a complaint against the U.S. Forest Service and the U.S. Fish and Wildlife Service for approving the grazing plans in the Fremont-Winema National Forest.

The plaintiffs argued that bull trout, a federally protected threatened species, wasn't occupying its "critical habitat" in the area due to degradation caused by grazing.

Clarke said the environmental groups raised "legitimate concerns" about the future of bull trout populations because of higher water temperatures and sediment in streams.

However, he said the federal agencies adequately studied whether grazing would adversely affect the fish's critical habitat.

## Center hosts Latin American and Caribbean wheat buyers conference

By ERIC MORTENSON  
Capital Press

PORTLAND — Visitors attending the Latin American and Caribbean wheat buyers conference got some laughs along with bites of crackers and cookies when they toured the Wheat Marketing Center in Portland's Pearl District June 21, but Idaho wheat grower Bill Flory said more may come of it.

Flory, chair of the center's board of directors, said he'd already had inquiries that may lead to additional purchases of Pacific Northwest wheat.

The Wheat Marketing Center is crucial to that effort, Flory said. The center's pilot line machines can replicate conditions at any milling or bakery operation in the world, he said, and help processors solve problems without shutting down production lines.

"Something as simple as making sure a product consistently fits in a package," Flory said. "We can help on the technical side of that. People here are looking for solutions."

In addition, the center can demonstrate how the North-



Eric Mortenson/Capital Press

Ricardo Vargas, center, a wheat buyer with the Mexico-based Bimbo Bakeries, and Juan Marinez, right, a baker from Colombia, taste crackers produced on the pilot line at the Wheat Marketing Center in Portland. The men were among visitors attending the Latin American and Caribbean Wheat Buyers Conference held June 21-24.

west's soft white wheat can be employed in various wheat blends to make products, he said.

"This has been very productive already," Flory said. "This is a huge opportunity to interface with our customers."

Ricardo Vargas, a buyer with the multinational Bimbo Bakeries, based in Mexico, sampled a cracker made with soft white wheat. Vargas

said he his product check list includes color, texture, density and smell, and he gave the cracker an approving nod.

In the marketing center's test kitchen, lab tech Kathleen Gehring demonstrated how tortillas and flat bread are made. The Latin American guests enjoyed the demonstration, and several tried their hand at using the kitchen's tortilla press and sliding bread

into a quick-firing oven.

Gehring said it's important for staff to explain the center's capabilities, which includes extensive testing equipment.

"We want them to understand how much effort we put into providing them high-quality wheat," she said. "It's important they know we have high standards."

In addition to tours of the marketing center and the Columbia Grain export elevator, the conference included two days of presentations in Portland on topics ranging from plant breeding methods and Russian wheat competition to food trends and the freight outlook. Grain sellers were set to discuss the attributes of hard red, Desert Durum, soft white and soft red wheat varieties.

On Friday, the group had the option of traveling east up the scenic Columbia River Gorge. They were scheduled to stop at Multnomah Falls, lunch at the Columbia Gorge Discovery Center in The Dalles, and take part in a tour and barbecue dinner at the home of grower Darren Padgett, chair of the Oregon Wheat Commission.

## Pesticide residue prohibited in organic compost

By MATEUSZ PERKOWSKI  
Capital Press

A federal judge has thrown out a USDA policy that allowed organic farmers to fertilize crops with compost containing the residues of prohibited pesticides.

At this point, one certainty of the ruling is that organic farmers will not be allowed to use contaminated compost beginning on Aug. 22.

The order's impact is otherwise murky.

The plaintiffs who filed a lawsuit against USDA's controversial "guidance" say the ruling won't cause serious economic disruption, but some groups representing organic farmers fear major upheaval.

"We are overturning the existing system. We are replacing it with nothing," said Dennis Nuxoll, vice president of federal government affairs for the Western Growers Association, whose members grow roughly half of U.S. organic produce.

The problem is there's no longer a clear regulatory approach to dealing with compost that may have trace amounts of pesticides, he said.

"That creates uncertainty and potential market chaos for us," Nuxoll said.

Opponents of USDA's policy say these claims are overblown, since organic growers were able to cope with a prohibition on contaminated compost before the agency enacted the "guidance."

"All the court ruling does is sets back the clock to what existed before the guidance," said Amy Van Saun, an attorney with the Center for Food Safety, a plaintiff in the case.

The legal disagreement over USDA's contaminated pesticide policy doesn't relate as much to health or environmental impacts as it does to administrative procedure.

After some compost used by organic farms in California was found to be contaminated with an insecticide in 2009, the USDA enacted a "guidance" policy the next year clarifying how the industry should deal with the problem.

The agency said compost may contain residues of prohibited substances as long as the chemicals weren't directly applied to the material and they don't contaminate crops, soil or water.

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