USDA shifts GMO labeling policy for meat, eggs

Producers can now label goods raised without GMO feed

By MATEUSZ PERKOWSKI
Capital Press

The USDA will allow meat and eggs to be labeled as being raised without genetically engineered feed, marking a departure from the agency's previous policy.

Until now, the agency's Food Safety and Inspection Service hasn't allowed labels to include negative claims about genetically modified organisms unless they're in the name of a third-party certifier, such as the Non-GMO Project.

With the recent passage of a federal labeling law for GMOs, FSIS has re-evaluated its policy. Under that bill, foods cannot be labeled GMO-free just because they're not required to disclose genetically engineered ingredients.

The FSIS has now adopted a new policy that gives meat and egg producers more leeway, though their claims must still be confirmed by a third-party certifier.

Meat and eggs that are certified as organic will also be allowed to make non-GMO claims.

In its recent guidance explaining the policy shift, FSIS provided several examples of acceptable labeling terms, including: "Pasture raised beef fed a vegetarian diet with no bioengineered ingredients" and "Derived from beef fed no GMO feed."

The Center for Food Safety, a nonprofit critical of federal biotech oversight, believes the FSIS guidance raises several questions, said Doug Gurian-Sherman, its director of sustainable agriculture.

It's unclear exactly how the lack of GMO content in livestock feed will be verified, he said. Costs for small producers will depend on the supporting documentation necessary.

"They need to consider carefully the potential costs," Gurian-Sherman said.

The guidance doesn't specify the allowable limit of trace GMO content in food, though it does adopt the federal law's definition of bioengineering, he said.

The Center for Food Safety is concerned this definition could be interpreted so narrowly as to exclude some GMOs, he said.

The federal law only applies to organisms that could not have been produced through conventional breeding.

Some genetic alterations could be achieved through normal means, but biotechnology has greatly accelerated this process and made it more common, Gurian-Sherman said.

The Global Farmer Network, which supports biotechnology, doesn't have a problem with such voluntary labeling for marketing purposes, said Mary Boote, its executive director.

"I also don't think it's necessary," Boote said. "It doesn't impact the health or safety of that product for the humans or the animals or the environment."

Wash. seeks $43.8M from foodmakers for campaign violation

By DON JENKINS
Capital Press

Washington state attorneys asked a judge Tuesday to fine the Grocery Manufacturers Association $43.8 million for campaign finance violations, a penalty that the association's lawyer said was intended to ruin the trade group.

The penalty would be by far the largest ever levied in Washington for not reporting campaign activities. In the biggest penalty to date, the Washington Education Association settled a case in 2008 by paying $975,000.

Assistant Attorney General Garth Ahearn said GMA's actions were unprecedented. The trade group schemed to conceal from voters the food and beverage companies that spent $11 million to defeat an initiative in 2013 that would have required labels on products with genetically engineered ingredients, he said.

"This has never happened in the state of Washington," Ahearn told Thurston County Superior Court Judge Anne Hirsch. "Frankly, it's a big deal, your honor."

GMA reported itself as the source of the campaign contributions, but Hirsch ruled in March that GMA broke the law by not disclosing the companies the contributed to GMA.

A trial to determine GMA's penalty concluded Tuesday with closing arguments. Hirsch said she hoped to rule within a month.

GMA created the Defense of Brands fund in 2013 and collected $14.6 million from companies to oppose GMO-labeling laws. GMA spent $11 million against Initiative 522 in Washington, and the rest was available, Ahearn said.

He argued GMA's punishment should be the entire fund and tripled because the violation was intentional.

"This court should give them the harshest penalty possible under the law," Ahearn said. "They were sophisticated. They should have known better and, frankly, they did."

GMA denied any wrongdoing and may appeal Hirsch's guilty verdict. Even if guilty, GMA did not intentionally violate the law, the association's lawyer, Bert Rein, said.

He said the state's proposed fine departs sharply from past cases.

"It's a crippling penalty. It's designed to destroy GMA," Rein said.

GMA argued in a court filing that based on prior cases its penalty should be less than 5 percent of the money it actually spent against I-522.

In a similar case, another Thurston County judge ruled in April that a pro-labeling group, Food Democracy Now, failed to disclose the sources of $200,000 it contributed to the "yes" campaign.

A trial to determine the penalty is scheduled for September. An attorney general's office spokesman said Wednesday the state has not proposed a penalty.

I-522 was the most-expensive campaign in state history. More than $42.5 million was spent to support or oppose the measure. The measure failed, with 51 percent voting no.

The largest fine ever levied by the Federal Election Commission for federal campaign violations was $3.8 million in 2008 against the Federal Home Loan Mortgage Corp., known as Freddie Mac, according to the FEC website.

Rein said GMA created Defense of Brands because it was concerned about efforts nationwide to demonize "big food."

GMA learned in California in 2012 that opposing initiatives was expensive and required a ready source of money, he said.

GMA controlled the fund, not the companies, and believed it was acting lawfully when it reported contributions to the "no on I-522" campaign under its own name, Rein said.

Tim Hearden/Capital Press
A harvester works in an almond orchard near Arbuckle, Calif. The harvest of an anticipated 2.05 billion-pound almond crop is underway in California, and growers say it's going smoothly.

Prices stabilize as California growers harvest record almond crop

By TIM HEARDEN
Capital Press

GERBER, Calif. — The harvest of a record 2.05 billion pound almond crop is in full swing in California as lower prices have fueled greater demand for the commodity.

Growers' water efficiency and favorable conditions are credited for a crop that the National Agricultural Statistics Service projected to be up from the 2 billion meat pounds it estimated in May.

In the Tehama County almond orchards owned by brothers Kevin and Eric Borror, yields have been about 10 percent above average, Kevin Borror said.

""Things are going fairly smoothly," he said. "The pollinators are going right behind the Nonpareils, so hopefully it'll be a quick harvest."

A 2.05 billion-pound crop would be up about 8 percent from last year's yields and would beat the record 2.01 billion pounds produced in 2013, according to NASS. Growers are harvesting 900,000 bearing acres, up from 890,000 last year.

But while the 2015 crop was smaller, it outperformed expectations, which shook the world markets and caused a price slide, said Richard Waycott, president and chief executive officer of the Almond Board of California.

Prices fell by nearly half in the past year from the more than $4 a pound that was paid for some almonds, although the current average going rate of $2.50 a pound for Nonpareils is still profitable, the California Farm Bureau Federation reports.

The reduced prices and the continued development of new products using almonds have helped revive demand, leading to record shipments in the last three months, according to the Farm Bureau.

"I think the world is waiting to make sure this crop is the size we think it is," Waycott said. "We'll have a better idea about a month from now, when we most likely will see people take long-term positions."

This year's crop was buoyed by better precipitation and chill hours last winter than in the previous two years and a quick and uniform blossom, according to NASS. A break in rainfall in mid- to late February seemed tailor-made for almonds, as bees moved through orchards in a couple of weeks.

Sean Ellis/Capital Press
Tom and Terry Riemenapp learn about farming and Idaho agriculture Aug. 23 in the Agriculture Pavilion at the Western Idaho Fair in Boise. The Ag Pavilion includes 51 booths and attracts about 16,000 people each year at the fair.

Ag Pavilion educates thousands of fairgoers each year about Idaho farming

By SEAN ELLIS
Capital Press

BOISE — From a "sand box" filled with corn, beans and wheat to educational videos and free samples of mint-flavored water, the Agriculture Pavilion at the Western Idaho Fair prides itself on having something for all ages.

The goal is simple: to teach each of the roughly 16,000 people who visit the pavilion each year relevant things about agriculture that they will remember.

"We really want people to walk away from here and go, 'Wow, I know a whole lot more ... about where my food comes from and I have a deeper appreciation for the people involved in agriculture,'" said Rick Waitley, executive director of Food Producers of Idaho, which created the pavilion in 1994.

The large tent that houses the pavilion includes 51 booths sponsored by farm commissions and associations and ag-related agencies. It moved to the Twin Falls County Fair this week.

"Hidden" in plain sight among the booths are 26 facts about agriculture. Visitors are given a quiz and must find 10 of those facts.

The facts include that 90 percent of the world's Kentucky bluegrass is grown in the Pacific Northwest, 97 percent of Idaho's ranches are family-owned, one farmer feeds 168 people, Idaho ranks third in the nation in hay production and an acre is about the size of a football field.

Idaho Farm Service Agency Executive Director Mark Samson, who is on the pavilion steering committee, said the tent includes a wealth of information about Idaho crops and farming and most visitors are floored by how much food Idaho produces.

A sign tells visitors that if Idahoans had to eat all the food produced in their state each year, they would have to consume 49 potatoes, 3 cups of beans, 195 slices of bread, one 8-ounce steak and 43 glasses of milk — every day.

"A comment I heard today three times is, 'We didn't know Idaho is the third largest dairy producer in the United States,'" Samson said.

Sean Ellis/Capital Press
Children play in a "sand box" filled with beans, corn and wheat Aug. 23 in the Agriculture Pavilion at the Western Idaho Fair in Boise.

Pavilion visitor Terry Riemenapp wasn't surprised or overly impressed to learn Idaho ranks No. 3 in dairy production. She moved here from Wisconsin several years ago.

But she was stunned by how much other food Idaho farmers and ranchers produce.

"I was shocked to learn how much produce comes out of Idaho," she said. "I wasn't aware of all the different things grown here, from mint to honey to wood products."

Riemenapp said the pavilion is a highlight of her annual visit to the fair and she and husband Tom now bring the grandkids as well.

"I always make it a point to come here at some point while we're at the fair," she said. "I won't miss it."

Samson said educating people like the Riemenapps about farming and the various environment-protecting conservation efforts producers engage in is a main goal of the pavilion.

"We feel to educate them will make them more supportive of our industry," he said.

Penalties reduced for Oregon pesticide applicator

Applebee Aviation faces one-year license revocation, $53,500 in fines

By MATEUSZ PERKOWSKI
Capital Press

Oregon farm regulators have agreed with an administrative law judge's recommendation to reduce penalties for a pesticide application accused of ignoring a stop-spray order.

Katy Coba, director of the Oregon Department of Agriculture, has issued a final order to revoke for one year the pesticide applicator licenses of Applebee Aviation and its owner, Mike Applebee.

Originally, the agency sought five-year revocations for both the company and Applebee.

Applebee Aviation and its owner must also pay roughly $53,500 in civil penalties under the final order, down from the $180,000 initially sought by ODA.

The company admitted to carrying out several spray operations after its applicator license was suspended by ODA in September 2015 after the agency found it hadn't properly outfitted employees with protective gear.

Mateusz Perkowski/Capital Press
Applebee Aviation's airport is shown near Banks, Ore. The Oregon Department of Agriculture has issued a final order to revoke for one year the pesticide applicator licenses of Applebee Aviation and its owner.

Applebee claimed that spraying continued because he wasn't notified of the suspension due to an out-of-state hunting trip and because it was unclear whether the suspension applied to federal lands.

Last month, Senior Administrative Law Judge Jennifer Rackstraw held that Applebee should have done more to stop spraying when he had "reasonable knowledge" of the suspension and "recklessly disregarded" ODA's opinion that he shouldn't treat federal property.

However, she found that the five-year license revocations were "excessively harsh" in light of the circumstances and because two previous violations were relatively minor.

Coba could have overruled Rackstraw's order but instead upheld it with minor changes.

The agency decided to reduce penalties because only four of the 16 violations committed by Applebee and his company were found to be grossly negligent through the administrative process, and thus qualified for enhanced penalties, said Bruce Pokarney, communications director for ODA.

"Evidence came out about what he knew and at what time," Pokarney said.

Though the administrative process is now complete, Applebee can challenge Coba's final order before the Oregon Court of Appeals. He's currently appealing the original emergency suspension issued by the agency.

Capital Press was unable to reach Applebee or his attorney as of press time.