



Mateusz Perkowski/Capital Press

A worker at a dairy milks cows on a rotating carousel system. A lawsuit alleging that federal regulators should regulate air emissions from confined animal feeding operations has been dismissed.

CAFO air quality lawsuit dismissed

By MATEUSZ PERKOWSKI
Capital Press

A federal judge has dismissed a lawsuit that accused the U.S. Environmental Protection Agency of unlawfully ignoring environmentalist pleas to regulate air emissions from confined animal feeding operations.

Last year, the EPA was sued for alleged violations of the Clean Air Act and the Administrative Procedure Act by several animal rights and environmental groups: the Humane Society of the United States, Association of Irrigated Residents, Environmental Integrity Project, Friends of the Earth and Sierra Club.

According to the complaint, the plaintiffs requested in 2009 that EPA begin rulemaking to regulate CAFOs under the Clean Air Act but the agency has "unreasonably delayed" responding to the petition, allowing "preventable harms to public health and the environment to persist."

"During that time, CAFOs have continued to emit air pollutants, including ammonia, hydrogen sulfide, methane, nitrous oxide and (volatile organic compounds), into the environment, avoidably endangering human health and welfare and contributing significantly to air pollution," the complaint said.

U.S. District Judge Tanya Chutkan in Washington, D.C., has now ruled that she lacks jurisdiction over the case be-

cause the plaintiffs hadn't warned EPA of the lawsuit 180 days in advance, as required by the Clean Air Act.

The plaintiffs argued they should be allowed to sue anyway, under the Administrative Procedure Act, but Chutkan said this would allow them to "nullify" the notice requirement contrary to the intent of Congress.

Although the lawsuit is dismissed, the ruling is likely just a bump in the road for the plaintiffs.

Peter Brandt, an attorney for HSUS, said the group plans to refile the lawsuit after providing the 180 days notice, so the EPA's victory amounts to "part of a pattern of delay."

"The agency appears to be twiddling its thumbs," he said.

Similarly, the EPA collected information about emissions from CAFOs but has yet to release its conclusions from the study, suggesting it's another project that's "ground to a halt," Brandt said.

Unlike other emitters of hazardous gases, CAFOs aren't held to any minimum standards or required to mitigate their negative air impacts, he said.

That's problematic not only for the environment but for neighbors, some of whom can't exit their homes without getting a "splitting headache," Brandt said.

It's possible CAFOs can mitigate their impacts by installing "biofilters" in their exhaust fans or reduce the num-

ber of animals per facility, he said.

EPA does not comment on litigation and plans to "address the need for regulation" after completing a national air emissions study, which has been delayed as the agency responds to comments from its Science Advisory Board, according to a spokesman.

HSUS and the other plaintiffs will only be able to refile their lawsuit if the EPA takes no action on their petition, said Michael Formica, assistant vice president and legal counsel for domestic policy at the National Pork Producers Council.

"The agency has broad discretion in what to do and what not to do," Formica said.

The plaintiffs are motivated by an antipathy toward animal agriculture rather than a genuine concern about air quality, he said.

"They don't want Americans to eat meat, so they're filing a lot of nuisance actions just to waste resources," Formica said.

As to EPA's study of CAFO emissions, the agency's own Scientific Advisory Board found that its data analysis was unreliable, which is why the agency is re-interpreting that information, he said.

"Every farm is different and you can't devise a one-size-fits-all solution," Formica said. "HSUS don't care what the data is, they don't care what the science is, they just want regulations."

Ocean Spray foresees record cranberry crop

Oregon, Washington harvests may be down slightly

By DON JENKINS
Capital Press

U.S. and Canadian cranberry farmers, already faced with a bulging surplus, will produce a record crop in 2016, Ocean Spray Cranberries estimated Monday.

The Massachusetts-based cooperative, which controls most of the world's commercially grown cranberries, predicted the two countries will produce 12.7 million, 100-pound barrels. The yield would top the record 12 million barrels harvested in 2014. Each barrel equals 100 pounds.

The forecast, larger than an estimate in August by the U.S. Department of Agriculture, comes with much of the 2015 crop still in storage.

The U.S. Cranberry Committee reported an inventory of 10.7 million barrels as of June 30.

Per capita consumption of cranberries in the U.S. has been flat over the past decade, according to the U.S. Cranberry Marketing Committee.

Meanwhile, cranberry production outside the U.S. has roughly doubled, and U.S. production has increased by about one-fourth. A surplus has been building over several years. The U.S. Department of Agriculture in 2014 rejected a request from the U.S. cranberry industry to impose



Don Jenkins/Capital Press

Juan Hernandez pulls cranberries from a bog during a harvest Sept. 22 in Long Beach, Wash. Ocean Spray, a cooperative that most Long Beach Peninsula cranberry growers belong to, predicts another strong global cranberry crop, adding to an already bulging inventory.

15 percent volume controls. Oregon and Washington are the fourth- and fifth-largest cranberry states, respectively, and have little overall impact on the surplus.

"If we knock it out of the park, nobody's going to notice," said Steve McPhail, who along with his father, Malcolm, grows cranberries on the Long Beach Peninsula.

Ocean Spray estimates that the top cranberry state, Wisconsin, will produce 5.8 million barrels, about 1 million

more barrels than last year.

The harvest would rival the record 6 million-barrel crop the Badger State produced in 2013. The crop swelled the surplus and had an effect on growers nationwide.

"We'd like to see Wisconsin have an average harvest sometime," Malcolm McPhail said.

Ocean Spray estimates Oregon will produce 480,000 barrels, down from last year's record harvest of 562,000 barrels.

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TILLAGE	TILLAGE	TILLAGE
<p>JD 2410, 32' chisel plow, spring reset, rear tine harrow, floating hitch.....\$50,000 Moscow D0755267</p> <p>JD 2210, 54' field cultivator, C shanks, tine harrow attachment, floating hitch.....\$46,000 McMinnville 0X000240</p>	<p>JD 2625, 30'8" heavy tandem disk, wing fold, 22" blades, hyd depth control.....\$58,900 Colfax 750111</p> <p>Frontier TM5124, 24' heavy tandem disk, hydraulic down pressure, single point depth control.....\$50,000 McMinnville D0000101</p>	<p>Wilrich V957, 14' disk ripper, 9 shanks, spring reset, rear tine harrow, like new.....\$26,500 Merrill 457580</p> <p>Case IH 730C, 16' disk ripper, 7 shanks, 22" blades, rear rolling basket, furrow fillers.....\$39,000 McMinnville H0037240</p>
COMBINES	COMBINES	COMBINES
<p>JD 9770 3079 hours, small grain, 35% Rahco leveler, 630R platform & cart.....\$225,000 Colfax OS730470</p> <p>JD 5670, 1061 hours, small grain, Hilco 28% leveler, Prodrive, 24.5-32 tires.....\$350,000 Moscow C0755391</p> <p>JD 5690, 350 hours, small grain, 28% Hilco leveler, 24.5-32 duals, 4WD, Countour Master.....\$530,000 Moscow D0765122</p> <p>JD T670, 1917 hours, small grain, conventional cylinder, straw walkers, 615P BPU platform.....\$165,000 Tangent OA082615</p> <p>JD 9760, 2767 hours, Rahco 18% sidehill leveler, duals, 4WD, straw chopper, contour master.....\$167,000 Tekoa OS715882</p>	<p>MF 8780XP, 2470 hours, small grain, 28% Hilco Leveler, 25' rigid cutting platform, 480-42 duals.....\$55,000 Walla Walla 0MJ87146</p> <p>JD 9650, 3112 hours, small grain, 914PU platform, small wire concave.....\$49,000 McMinnville 05685800</p> <p>JD 9870, 1389 hours, Level Land, small grain, 650/85-38 duals, straw spreader.....\$209,000 Tekoa B0741568</p> <p>JD 9770, 3688 hours, small grain, level land, 635F platform and cart.....\$189,000 Colfax A0736737</p> <p>JD 5680, 1002 hours, small grain, 35% Rahco leveler, no platform \$463,300 Colfax 755718</p>	<p>JD 5680, 881 hours, small grain, 35% Rahco Leveler, 635F platform and cart.....\$429,900 Four Lakes 755668</p> <p>JD 9650ST5, 3145 hours, sm grain, 18% Hilco leveler, grass seed combine, 914P BPU.....\$120,000 Salem OS700523</p> <p>Case IH 9230, 536 hours, Hilco 27% leveler, small grain, no platform.....\$430,000 Tekoa YEG224449</p>

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