

# Citrus group protests proposed pesticide restrictions

By **TIM HEARDEN**  
Capital Press

SACRAMENTO — A citrus group says proposed state restrictions on the use of pesticides near schools are unnecessary and could lead to invasions of growers' privacy.

California Citrus Mutual is urging members to protest a state Department of Pesticide Regulation plan to bar many types of pesticide applications during weekdays on farmland within a quarter-mile of a public school or licensed child care center.

The group argues the regulation would duplicate county agricultural commissioners' restrictions and provide activists and others with farms'

addresses and other information, since letters would have to go out to parents in certain instances when applications are planned.

"From our perspective, this is a non-issue," Citrus Mutual public affairs director Alyssa Houtby said. "The ag commissioners are working with growers to make sure people are safe from exposure. This undercuts the authority of the ag commissioners and puts blanket authority (with the DPR) across the state."

The DPR is taking written comments on the regulations until Dec. 9 and was to hold public hearings Nov. 15 in Oxnard and Nov. 16 in Tulare. Another meeting is scheduled for 6 p.m. Dec. 1 at the Salinas Sports Complex, 1034 North Main St., Salinas.

The state's goal is to provide additional protection to schoolchildren by setting minimum statewide standards for agricultural pesticide applications near schools, DPR officials say.

The rule would bar fumigants, aerial or airblast sprays and most dust and powder pesticides from being applied between 6 a.m. and 6 p.m. on school days. Treatments with a ground rig sprayer or certain other equipment would be allowed, but only if the grower notifies the school and the agricultural commissioner first.

While agricultural commissioners already can place restrictions and notification requirements on growers wanting to apply certain pesticides, what is done varies between counties,

DPR spokesman Craig Cassidy said.

"DPR's proposed regulation creates a standard baseline for all counties, so growers everywhere understand what will be required of them when they apply ag pesticides near schools," Cassidy said in an email.

In most cases under current rules, such information as growers' names and addresses are already available to the public through the ag commissioner's office, he said.

But Citrus Mutual contends there is no scientific justification for the proposal and that it is being driven by pressure from activists who want to instill unfounded fears in the minds of the public.

"It's a scare tactic," Houtby said. "It creates fear where there is no fear necessary."

The proposal comes as the DPR's latest air monitoring results in Salinas, Shafter in Kern County and Ripon in San Joaquin County show that all of the monitored pesticides were found below levels that indicate a health concern.

Of the 32 pesticides and five breakdown products that were included in the 2015 report, 11 could not be detected at all, according to a state news release. The agency will monitor pesticide residues at additional sites next year.

Send written comments on the proposed restrictions to Linda Iroka-wa-Otani, Regulations Coordinator, Department of Pesticide Regulation, P.O. Box 4015, Sacramento, CA 95812-4015. For more information, visit <http://www.cdpr.ca.gov>.

# Surplus malt barley going into livestock feed

By **JOHN O'CONNELL**  
Capital Press

BANCROFT, Idaho — Idaho grain companies have been buying loads of top-quality malting barley to blend into cattle rations, providing a market for surplus production growers have been unable to sell to the major malting companies.

Idaho growers raised more than 62 million bushels of high-quality malt barley this season, up 10 percent from last year, according to the Idaho Barley Commission.

IBC has been working with buyers, Mexican beer manufacturers and Latin American growth markets to move as much of the surplus as possible, and encouraged growers with storage to be patient while options are explored. Grain buyers Scoular Co. and Lansing Trade Group vov they'll find a home in feeding channels for unwanted malt. Many growers without sufficient grain storage have already taken them up on their offer, selling at about half the malt value.

Growers have reported malting companies have been hesitant to buy surplus production beyond contract volumes — even of the best malt — and have also indicated their intentions to contract for about 15 percent less acreage next season.



John O'Connell/Capital Press

Denis Capson, with the Scoular Co., watches as a load of surplus malt barley is unloaded for feed Nov. 8 at the Bancroft, Idaho, grain elevator. Much of the surplus of a large barley crop is going into feed channels.

Many growers, such as Derek Reed of Idaho Falls, are still waiting to see if malting companies will buy some of their overages, though malting companies are wary of storing grain too long on farms due to the potential of insect contamination. Reed, who raised 1,000 acres of

barley for Anheuser-Busch, said his yields were up and his quality was exceptional, with abnormally plump kernels.

"I haven't been trying to find a home for it yet. I'm waiting to see what they're going to do, if they'll take a little bit of our overage,"

Reed said, adding he'll pursue other channels once Busch makes a decision.

Dan Christensen, who raises malt barley for Busch in Niter, plans to sell some of his overage now for feed and hold on to some in case better options surface later.

Next season, he may not

farm all of his ground to avoid raising crops at a loss.

"We'll just summer fallow some ground, that's all there is to it," Christensen said.

Denis Capson, a Scoular merchandiser for Eastern Idaho, said last year's malt contracts ranged from \$12 to \$12.50 per hundredweight, and current malt prices are \$8 to \$8.50. Scoular is paying about \$6.15 per hundredweight of delivered barley. Capson warned growers, though, barley could flood the feeding market if too many of them wait until next spring to sell.

"We have the ability to use the barley, now," Capson said.

Evan Jerke, a Scoular grain merchandiser in Jerome, said the company marketed 750,000 bushels of malt barley for feed shortly after harvest in the Magic Valley. Barley delivered to Scoular in Jerome is mostly selling to local dairies, and loads delivered to Bancroft are being loaded on rail cars for delivery to other regions.

Lansing Trade Group merchandiser James Siminowski said his company is paying about \$6 per hundredweight for barley but will pick it up from the grower and deliver it to the user. Siminowski noted most of the malt raised is proprietary and can't be sold to competing brewers.

# Proposed sorghum facility will address concerns

By **SEAN ELLIS**  
Capital Press

PARMA, Idaho — The developers of a \$90 million sorghum processing facility near Parma will amend their building plans to address a variety of concerns that local residents have about the project.

But the project, which will use sorghum grown by local farmers, is still a go, said Kurt Christensen, one of its organizers.

"We're continuing to move forward with the project," he said. "We are doing all we can to work with the neighbors on their concerns. We're trying to assure them that we are somebody they can work with."

The facility, Treasure Valley Renewables, will handle about 1,500 acres of sorghum a year and turn it into paper products used by the food industry.

It includes an anaerobic digester plant that will use manure from local dairies, slaughterhouse waste and a variety of other agricultural feedstocks to produce biogas, which will be cleaned, compressed and used for dual-fuel vehicles.

Byproducts from the facility will include fertilizer, compost and livestock bedding.

During a Parma planning and zoning commission meeting Nov. 7, about 20 local residents peppered TVR President Jim McCune with dozens of questions about the facility, which will be on a 48-acre site off Shelton Road, where Highway 95 and Highway 26 meet.

Their concerns included increased truck traffic and noise, odors, safety and lighting.

McCune said the company is developing a plan that will address those and other concerns. That includes widening Highway 26 to include deceleration and acceleration lanes and taking several steps to mitigate noise, including restricting delivery times and installing sound insulation.

To mitigate odors, when feedstock is delivered, trucks will unload inside a building after the doors are closed and the product will be injected straight into the digester.

Shields will be placed on exterior lights to direct the lighting downward and away from neighbors.

One resident voiced concern that all but one member of the 25-farmer cooperative that will grow the sorghum is in Oregon between Ontario and Nyssa, which is about eight miles from Parma.

McCune said the cooperative plans to include Idaho growers as the facility increases production.

"We are keeping it open to Idaho growers as well," he said. "As we ramp up, we are going to need more growers and we'd like them to be Idaho growers."

TVR originally proposed rezoning the site from agricultural to heavy industrial. But to address neighbors' concerns, the company will submit an amended building application Nov. 15 that proposes to rezone the site to light industrial.

# Judge refuses to dismiss claim against former OSU professor

By **MATEUSZ PERKOWSKI**  
Capital Press

EUGENE, Ore. — A federal judge has refused to dismiss a former student's allegation of unjust enrichment against his Oregon State University professor.

Earlier this year, former OSU professor Neil Forsberg accused his ex-student, Yongqian Wang, of stealing trade secrets from his company, Omnigen Research.

The Corvallis, Ore.-based

company manufactures a feed additive that's popular in the U.S. dairy industry and that it hoped to market in China.

According to Omnigen's complaint, Wang was employed at the company while an OSU graduate student and had access to confidential information about research and ingredients that he used to file a "sham" patent for a similar feed additive in China.

Wang acknowledged starting two feed additive companies in China but denies

he relied on Omnigen's trade secrets.

He also filed a counterclaim against Omnigen, alleging that Forsberg had reneged on a promise to pay Wang a portion of the profits for his work on the feed additive.

Attorneys for Omnigen requested that U.S. District Judge Michael McShane dismiss the counterclaim, arguing that the allegation of unjust enrichment was "pure fiction" and "not plausible."

At a hearing in Eugene,

Ore., McShane refused to dismiss the motion, saying the request was "frivolous" at this stage of litigation.

It would be too early to reject the argument before discovery of evidence had occurred in the lawsuit, he said.

McShane admonished the attorneys for Omnigen for "dog piling" on the defendant's attorney with the request and awarded Wang attorney fees for having to fight this motion.

"This is litigation for the

sake of litigation," McShane said. "This isn't the type of litigation that occurs in federal court."

The judge then urged the parties to move on with the next stages of litigation.

Omnigen products are used to treat hemorrhagic bowel syndrome in dairy cows.

The company was launched by Forsberg in 2002 and was bought a decade later for \$23 million by Phibro Animal Health Corp. of New York.

# Cattlemen endorse Little for governor

By **CAROL RYAN DUMAS**  
Capital Press

SUN VALLEY, Idaho — The Idaho Cattle Association is backing Lt. Gov. Brad Little in his run for governor in the 2018 election.

Outgoing ICA President Laurie Lickley announced ICA's formal endorsement during the organization's annual convention on Tuesday.

Later, she told Capital Press that ICA's board of directors met last fall to endorse Little after he announced his candidacy.

"The Idaho Cattle Association does not take endorsement of candidates lightly. His commitment to the association and Idaho's beef industry has been life-long. His family has been members, supporters and board members over the 100 years the Idaho Cattle Association has been in business," she said.

"I'm proud and honored that some of the people who know me best have the confidence in my leadership skills to endorse me," Little told



John O'Connell/Capital Press

Idaho Lt. Gov. Brad Little has been endorsed by the Idaho Cattle Association in his bid for governor in 2018.

Capital Press on Wednesday. ICA's endorsement isn't surprising, said Scott Bedke, speaker of the House and an Oakley rancher.

The Little family are charter members of the Idaho Cattle Association, and the association is proud of their accomplishments, he said.

"The Little family has been one of the real foundational families in the livestock industry for a long time," he said.

They've been active in ICA and other organizations and are civic-minded and civic-driven. It's not surprising that Little is being endorsed

by his home organization, he said.

Little, 62, is a native of Emmett, Idaho, and a third-generation rancher. He was appointed by Gov. Dirk Kempthorne to fill a state Senate vacancy in 2001, elected to the state Senate in 2002 and re-elected three times.

He was appointed lieutenant governor in 2009 by Gov. Butch Otter to fill the vacancy left by Jim Risch's election to the U.S. Senate. He was elected to the office the following year and re-elected in 2014.

Otter, in the middle of his third term, has stated he is not running for re-election, said Jon Hanian, Otter's press secretary.

Lickley said she'd personally like to see Otter considered for secretary of the Interior Department.

"He has the appreciation and respect from his colleagues in the executive branch across the West. What he could bring from a natural resources perspective is invaluable," she said.

He has a deep understanding of natural resources issues and how regulations affect cattle producers, she said.

Bedke said he doesn't think Otter has any plans of stepping down early from the governorship but he might step up if the Trump administration asks.