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# Opinion

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## OUR VIEW

# Time to roll back federal regulations

President-elect Donald Trump has promised to reduce costly regulations.

Our friends at the Heritage Foundation this week added to the list a review of federal regulations that carry criminal penalties. They make a good point.

In civics class we learned that the legislative branch makes law, both civil and criminal, and the executive branch enforces those laws. Congress, for example, passes a law making bank robbery a federal crime, defines the elements of the crime and establishes a penalty.

Simple. But, as is often the case in Washington, things are rarely ever simple.

In 1911, the Supreme Court held in *United States v. Grimwald* that Congress had



The West front of the U.S. Capitol.

the power to pass the broad strokes of law and delegate to the executive the details of the rules and regulations to implement the law. The case revolved around the secretary of agriculture's authority to make regulations concerning the use of Forest Service lands for grazing and other purposes, and to attach criminal and civil penalties

provided by Congress for violations of those regulations.

The ruling was a boon to Congress, a busy institution without time, expertise or often particular interest in the arcane details. More time on details means less time for law-making. How might that look to the voters back home?

So, to pack in more law-

making Congress has left it to federal agencies to make the rules, and to decide which violations will carry civil penalties and which will be federal crimes that carry jail time.

Bank robbery is a pretty straightforward crime, and one needs no more than an understanding of the Eighth Commandment to know it's wrong. But the violation of many regulations that carry criminal penalties is nowhere near as obvious. Without any criminal intent, an unsuspecting violator can face jail time and criminal fines for even the most innocuous action.

Equally alarming is that the number of potential criminal violations grows annually as agencies make more regulations.

No one really knows, but critics say violations of as many as 300,000 regulations carry criminal penalties.

"With little to no input from or accountability to voters, bureaucrats have run amok with the power to create new crimes," the foundation says.

If regulations are to be enforced, there must be penalties. However, for all but the most egregious violations, the threat of civil fines should be adequate to force compliance. Congress should reserve for itself the power to define federal crimes. Citizens should demand that accountability.

In the meantime, we agree that the next president should curtail the creation of new federal crimes by bureaucratic fiat.

## OUR VIEW



Courtesy of Washington Department of Fish and Wildlife

The remains of a Charolais cow rest on the ground in the Colville National Forest in northeastern Washington in this picture taken July 15. A bear was seen scavenging the carcass and ravens hovered, but enough of it remained for investigators to confirm that wolves killed the cow. Unless they find direct evidence of a wolf attack, biologists will list it as "probable."

# A 'probable' suggestion for Washington's wolf plan

Weather forecasters and wolf biologists have one thing in common.

Unless they are 100 percent sure of something, they always waffle.

In the case of weather forecasters, we see it all of the time. Instead of predicting rain for tomorrow, a skilled forecaster will say there's a 50 percent chance of rain. This allows him, or her, to be half-right no matter what the weather does — unless it snows.

Similarly, Washington state wolf biologists are dispatched to the scene when cattle or sheep turn up dead. Their job is to determine whether wolves killed the livestock.

Unless they find wolves' teeth marks on the carcass, they usually mark the kill down as a "probable" wolf depredation. That means it won't count against a wolfpack that's attacking livestock.

In the state Wolf Conservation and

Management Plan, four confirmed attacks in a year will allow the department to consider dispatching all or some members of a wolfpack.

While it's true a pile of bones does not contain bite marks, bruising or other direct indicators of a wolf attack, if GPS collars, paw prints and other information indicate a wolfpack was in the area, it's not hard to reach the accurate conclusion that wolves killed the animal.

To say that an attack was "probable" doesn't do justice to the rancher, who lost hundreds of dollars because of the kill, or anyone else.

Such pronouncements are the equivalent of the weather forecaster saying it will "probably" rain as the clouds open up and a downpour starts.

We understand that both weather forecasters and wolf biologists are under lots of pressure. They need to do their scientific best to keep critics at bay.

But we also understand that when one Washington state rancher estimates he lost 70 head of cattle this year to wolves, he deserves accountability on the part of the Washington State Department of Fish and Wildlife.

He's lost thousands of dollars because of wolves, and the record needs to reflect that.

That is why the biologists' determination is so important. Not only do the scientists need to know the activities of every wolfpack, but how the livelihoods of ranchers are impacted.

Maybe an addition to the state plan is warranted. We suggest the following: "If a wolfpack is responsible for four confirmed or eight probable attacks, or a combination, during a year it must be removed."

That would "probably" be much more fair, and realistic.

# Speaking a little louder to food companies

By SHILOH PERRY  
For the Capital Press

**Guest comment**  
Shiloh Perry



Food companies and retailers face tremendous pressure to respond to consumer expectations on issues like animal care, environmental protection and the healthfulness and safety of products.

Farmers understand this because they too face tremendous pressure to meet the same consumer expectations. In fact, agriculture has always adapted in response to market preferences. The remarkable growth in organic agricultural production shows that farmers and ranchers will grow what consumers are willing to pay for, especially if it helps them become more profitable.

Companies often make quick decisions to differentiate their brands and products without fully evaluating the impacts of their policy changes. Often they put out announcements about changing their production practices — changes that might not take effect for many years but provide an immediate halo effect — after sales fall or when trying to overcome a public relations crisis concerning their products or practices. This happens more and more these days now that agricultural policy is being made by unelected corporate executives as much as it is by our unproductive Congress.

Of course companies listen to their customers, but they also need to think about their suppliers and the impact of their decisions. Too often the direction a company takes is based on misinformation and a broad misunderstanding of agriculture. The results: corporate sourcing standards that insist farmers and ranchers raise their crops and animals in ways that are less efficient, possibly less humane, and definitely less sustainable.

A recent example is Dannon's move to non-GMO feed for its dairy cows. The company's efforts were part of a commitment to sustainability, but the impact was a broad-based move away from biotechnology — meaning lower crop yields, more tilling of the soil and more use of insecticides and stronger herbicides than the ones widely used by farmers today. This amounts to less sustainability, not more.

Farm Bureau and other agricultural groups tried to meet with Dannon to help the company's executives avoid mak-

ing a mistake and understand why walking away from modern agricultural technology is not good for the company or its customers. We were turned down, so the groups sent Dannon a letter.

"Under the guise of providing consumers more choices," the groups wrote, "your pledge would force farmers to abandon safe, sustainable farming practices that have enhanced farm productivity over the last 20 years while greatly reducing the carbon footprint of American agriculture."

Dannon is not the first or only company to make such announcements without fully evaluating the impacts. Too many companies have barreled forward, rather than listening to farmers and ranchers who could have helped them make better decisions.

Now agriculture is speaking up and explaining our narrative. The voice of agriculture is being heard. We are engaging with food companies to help them see all of the on-the-ground consequences. When they do not listen, as with Dannon, we call out their actions for what they are. Often their actions are simply based on "fear-based marketing."

Farmers and ranchers have a great story to tell on sustainability. The technologies we use are tested and proven safe and beneficial for farm productivity and the environment.

The Field to Market survey shows the improvements farmers have achieved. From 1980 to 2011, U.S. rice production grew more than 50 percent, even as irrigation water used per acre dropped 25 percent. Cotton production had similar growth, while 46 percent less water for irrigation was used. The survey also shows similar results for soybeans and corn.

It is time for more food companies and their customers to hear about those results and learn about the true sustainability of modern agriculture.

When the Dannons of the corporate world do not listen, we turn up the volume.

*Shiloh Perry is a communications assistant at the American Farm Bureau Federation.*

## Readers' views

### Trump election offers glimmer of hope

Once again I am reminded of our electeds back in Washington, D.C. not doing their jobs.

The job I read the Antiquities Act, it was certainly not meant to cover thousands upon thousands of acres.

I was outraged that then-President Clinton got

away with designating 1.9 million acres as a national monument in Utah.

Was there outrage in D.C. over that unlawful taking? Well, was there?

As I recall, there was only some from the residents of Utah.

The election of Donald Trump has given this "Bible-carrying, gun-toting deplorable" a glimmer of hope.

Let us give him our support.

*Marvin Reed  
Reno, Nev.*

### Another idea for wolf management

Your proposal — to allow ranchers to pre-emptively kill wolves at will — is a sure path back to extirpation.

How about paying the rancher a premium price for wolf-killed stock and allowing the wolves to feed on their kills?

What are "cutter" cows going for at auction? Even paying "bred-heifer" prices

would be a bargain from the state's point-of-view, considering that they paid over \$10,000 per kill.

Idaho plans to spend \$400,000 on "wolf reduction" to "enhance" an elk population.

Who has more right to eat elk? A wolf or a guy with access to a meat market?

*John Browne  
Vashon Island, Wash.*

## Letters policy

**Write to us:** Capital Press welcomes letters to the editor on issues of interest to farmers, ranchers and the agribusiness community.

**Letters policy:** Please limit letters to 300 words and include your home address and a daytime telephone number with your submission. Longer pieces, 500-750 words, may be considered as guest commentary pieces for use on the opinion pages. Guest commentary submissions should also include a photograph of the author.