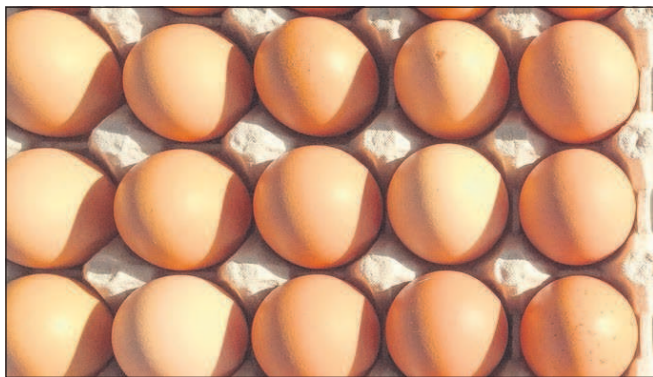


Appeals court rejects egg label lawsuit

Federal agencies don't have to require labeling of hen living conditions, 9th Circuit says

By **MATEUSZ PERKOWSKI**
Capital Press



Courtesy U.S. Department of Agriculture.

Eggs produced by Great Valley Poultry and Metzger Farm near Manteca and Gonzales, Calif. A federal appeals court has upheld a ruling that says the federal government doesn't have to require egg producers to label cartons with production practices.

trarily and capriciously" denying the requests.

The plaintiffs argued that egg cartons should be labeled with actual living conditions because too many consumers are deceived by images and words on packages alluding to cage-free chickens even though the hens are actually caged.

A federal judge in California dismissed the lawsuit and a three-judge panel of the 9th U.S. Circuit Court of Appeals

has now upheld that ruling.

The USDA's Food Safety and Inspection Service only has jurisdiction over liquid eggs and similar products, not shell eggs, while the agency's Agricultural Marketing Service lacks the authority to impose such label requirements, the 9th Circuit said.

The Federal Trade Commission, meanwhile, properly rejected the petition because the plaintiffs failed to prove that

"unfair or deceptive" labels on egg cartons are "prevalent," the ruling said.

"While plaintiffs submitted isolated examples of potentially misleading egg labels and survey evidence concerning consumer confusion over the word 'natural,' plaintiffs have not identified any evidence submitted to the FTC tending to indicate that such practices were sufficiently widespread to justify promulgating their proposed regulations," the 9th Circuit said.

The FDA was likewise not required to draw up such labeling rules because the agency concluded there was "insufficient reliable scientific evidence" that caged hens were more likely to produce eggs of lower nutritional value or that were infected with salmonella, the ruling said.

"The decision to take enforcement action against misbranded eggs on a case-by-case basis, as opposed to promulgating regulations that would apply to all egg producers, is left to the broad discretion of the FDA," the 9th Circuit said.



John O'Connell/Capital Press File

Sugar beets are harvested in southeast Idaho on Oct. 27 for Amalgamated Sugar Co. The company has been raising funds toward a campaign to change consumer perceptions about biotech crops.

Amalgamated raising funds toward GMO education campaign

By **JOHN O'CONNELL**
Capital Press

BOISE — Amalgamated Sugar Co. officials say they've raised \$16 million in the span of a year toward a possible campaign to improve public perceptions about genetically modified organisms.

Sugar beets are grown almost exclusively from GMO seed engineered to resist glyphosate. The herbicide is applied to kill weeds but does not damage the sugar beets.

Beet sugar industry leaders say a few large food manufacturers have recently given in to public pressure — resulting from GMO opponents' "misinformation" campaigns — and moved away from beet sugar in favor of conventionally bred cane sugar, though there's no detectable difference in the finished product.

"Technology is a positive thing for agriculture, and we know intuitively when we lose the license to use technology, we are really losing the license to exist in the future," said Duane Grant, chairman of the cooperative that owns Amalgamated, Snake River Sugar Co.

Grant said Amalgamated launched the fund drive after hearing the findings of a market research company it commissioned to conduct a series of focus groups east of the Mississippi River. The company's report concluded an "overwhelming" majority of the public had negative opinions about biotechnology, but perceptions about GMOs improved significantly after just 5 minutes of exposure to "factual, positive messages."

Grant said players in the U.S. beet sugar industry, including Amalgamated's growers, pledged a combined \$10 million toward the campaign. Other interested entities — including cooperatives that supply growers, banks in-

involved in agricultural lending and dairy industry sources — offered \$6 million.

Grant said Amalgamated's board of directors initially set out to raise \$30 million per year for a three-year campaign. Having fallen short of the goal, officials will soon meet with contributors to determine how to proceed.

Amalgamated President and CEO John McCreedy believes biotechnology makes farming more sustainable and environmentally sound, minimizing the use of inputs such as fuel and pesticides.

"We're going to move forward and tell the story we think is accurate, one way or another," said McCreedy, who envisions a multi-year campaign will be necessary to meet the company's goals.

Grant said customers that once represented about 15 percent of Amalgamated's sales have switched to conventional cane sugar, although new buyers have picked up the slack.

Refined cane sugar currently gets about a nickel per pound price premium over refined beet sugar, following consecutive years of record beet production, said Jack Roney, director of economics and policy analysis with American Sugar Alliance. He said the price of raw cane sugar, at about 30 cents a pound, is the same as finished beet sugar — largely a result of Mexico shipping more finished sugar than unrefined cane sugar.

The good news, Roney said, is beet sugar deliveries were up 20 percent during the quarter that ended in December, compared to the previous year, which he attributes to reluctance among buyers to pay such a premium for cane.

"We're optimistic this current imbalance on the market will work itself out over time," Roney said.

Idaho proposes fee to cover ag wildlife losses

By **JOHN O'CONNELL**
Capital Press

POCATELLO, Idaho — The Idaho Department of Fish and Game is mulling a new fee on hunting, fishing and trapping licenses, promising half of the proceeds to address rampant wildlife depredation on farms and ranches.

The department has met with sportsmen throughout the state to gauge support for the fee — \$5 on resident licenses and \$10 for nonresidents. The fee would be discounted for seniors, disabled veterans and sportsmen on military furloughs.

"In a winter like this, we've got depredation problems in spades, along with the winter feeding we're attending to," Mark Gamblin, the department's regional supervisor for southeast Idaho, told sportsmen during a Feb. 23 meeting in Pocatello. "If we can do this, we can get a thorny, chronic problem off the table and focus on making hunting and fishing and trapping better."

Gamblin explained the fee is only conceptual at this point, and the Fish and Game Commission wanted public input prior to its upcoming meeting, when it will decide whether to submit a formal proposal to the state Legislature.

"I think we've had good, positive response from both the agricultural community and sportsmen," Gamblin said.

The department projects the fee would generate about \$2 million per year. Half would go toward sportsmen-access improvements, such as boat docks. The remaining \$1 million would be divided between a depredation claim fund and a depredation prevention fund.



John O'Connell/Capital Press

Mark Gamblin, southeast Idaho regional supervisor with the Idaho Department of Fish and Game, listens to a question from a sportsman about a proposed hunting, fishing and trapping license fee during a Feb. 23 meeting in Pocatello. Half of the revenue would go toward helping farmers with wildlife depredation.

claim fund and a depredation prevention fund.

The new funds would be in addition to the general funding the department already allocates for depredation prevention, which varies by year, and the roughly \$200,000 now generated annually from a 75-cent fee on big game tag sales.

Also, the department proposes to raise its current cap on collections for the depredation account from \$750,000 to \$1.5 million. Upon reaching the account cap, Gamblin said excess fee funding would be diverted toward depredation prevention.

Jason Beck, the landowner and sportsmen coordinator for the department's southeast region, said the prevention fund would cover materials to help farmers install panels or fencing

around haystacks, or take other measures to keep wildlife from eating or damaging crops. The depredation claim fund compensates farmers for losses due to wildlife feeding on their property, provided that they allow "reasonable" hunting access. Beck said the department must more clearly define reasonable access, but landowners are expected to grant some access to the general public.

Beck believes welcoming hunters is the most effective way to address depredations, and special depredation hunts can be arranged outside hunting season.

Blackfoot area hay farmer Jerry Elliott, said this has been the most challenging winter for wildlife depredation since the late 1980s.

"At one point, we had 250

head of deer here and 40 head of elk," Elliott said. "I had people out working at night keeping them out."

He plans to move his haystacks about a mile and a half closer to home next season to minimize damage, and he may approach Fish and Game for help in fencing them.

A few of the sportsmen at the Pocatello meeting balked at the idea of spending tag money to help farmers, suggesting it could instead be used to improve winter range. Others said they'd prefer to raise the money by increasing out-of-state tags. Most, however, supported the concept.

"Everyone can afford \$5, and it's not going to drive the out-of-staters away at \$10," said Joe Arave, a Blackfoot hunter. "I think it's a good idea."

California growers assess damage amid storms, flooding

By **TIM HEARDEN**
Capital Press

CASTROVILLE, Calif. — Farmers are still taking stock of the damage from last week's heavy storms that flooded fields, blew trees over and caused havoc with the almond blossom.

Standing water was still in farm fields in the Sacramento Valley a week after heavy rain forced the evacuation of Maxwell, Calif., Colusa County agricultural officials said.

In the Salinas Valley, the artichoke and cauliflower fields that weren't under water after nearly 3 inches of weekend rainfall were so muddy that workers couldn't get to them. The conditions slowed harvest and caused delays in planting.

"We'll have to throw away all these artichokes, sure," said Joe Pezzini, president of the Castroville-based Ocean Mist Farms, as he looked at a flooded field near the Central Coast town. "We really need a few days to dry out."

In the San Joaquin Valley, several dairy farms near the Tuolumne and San Joaquin rivers had to move their animals to higher ground as river



Tim Hearden/Capital Press

An artichoke field near Castroville, Calif., is flooded last week after storms dumped nearly 3 inches of rain on the area. Artichoke, cauliflower and other fields in the Salinas Valley that weren't flooded were muddy and hard to get to.

levels rose, and other farmers were nervously watching river levels and preparing to move animals out, the California Farm Bureau Federation reported.

With the wet winter prompting dam operators to send more water downstream, state and federal workers joined farmers with tractors to shore up weak spots in nearly 1,600 miles of levees in the Central Valley, The Associated Press reported.

It could take several weeks for growers to assess damage

from the storms, which combined with already saturated ground and high river levels from reservoir releases to cause widespread flooding.

The storms' peak was Feb. 17, when Santa Barbara sopped up 4.16 inches of rain. Elsewhere, 3.26 inches of rain fell on Oxnard, 2.34 inches were recorded in Red Bluff and 1.72 inches were dumped on Salinas, according to the National Weather Service. Two to 3 feet of new snow fell on the northern Sierra Nevada over the weekend, according to

WSDA readies hemp rules, but needs federal approval

Spring plantings depend on DEA permit

By **DON JENKINS**
Capital Press

OLYMPIA — The Washington State Department of Agriculture has prepared rules for licensing hemp farmers, but growers who want to plant this spring still lack an essential input — seeds.

WSDA hopes to someday have an in-state supply of certified hemp seeds. But for now, seeds must be imported from Canada and elsewhere.

Since hemp seeds are federally controlled, WSDA needs an import permit from the Drug Enforcement Administration.

The state applied for a permit Aug. 23. Regional DEA officials have inspected where WSDA would secure the seeds in Yakima and sent a report to Washington, D.C.

DEA has not given the state any indication when it will make a decision, the head of WSDA's hemp program, Emily Febles, said Wednesday.

"I'm very hopeful, but obviously, it's another agency. It's hard to say what it's going

to do," she said. "We've been operating under the assumption that everything will work out."

A regional DEA spokeswoman referred questions to the agency's national headquarters in D.C. A spokesman there said the agency doesn't disclose the status of applications to the DEA because of privacy issues.

Several states have received DEA permission to import hemp seeds. Oregon authorized hemp farming without such a permit.

In contrast, Washington has painstakingly followed the 2014 Farm Bill, which authorized state-supervised hemp farming.

Washington lawmakers approved the hemp program last year, but too late for 2016 plantings. Over the winter, WSDA drew up plans for a self-supporting program in which hemp farmers would buy a license and pay for field inspections and laboratory tests.

The rules could be in place by May, but planting will depend on whether the state has a DEA permit.

Hemp advocate Joy Beckerman, who's advised lawmakers on staying within federal guidelines, said she's optimistic DEA will issue the permit.