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Opinion

Editorial Board

Editor & Publisher
Joe Beach

Managing Editor
Carl Sampson

opinions@capitalpress.com Online: www.capitalpress.com/opinion

OUR VIEW



Associated Press File
A helicopter prepares to apply pesticides. Residents of Lincoln County, Ore., say they have the right to ban aerial spraying of pesticides despite a state law that pre-empts it.

Law pre-empts counties from banning aerial spraying

An Oregon circuit judge is considering a case that argues local voters have a “natural right” to ban aerial spraying in Lincoln County, despite state statutes to the contrary.

Lincoln County voters approved an ordinance earlier this year banning aerial spraying. It is being challenged in a lawsuit filed by landowners Rex Capri and Wakefield Farms, who rely on aerial spraying.

The plaintiffs say the local ban is prohibited by Oregon’s “right to farm” law, state laws regulating pesticides and the forest practice laws.

Lincoln County Community Rights, which supports the ban, argues that Oregon laws that pre-empt local governments from regulating pesticides are unconstitutional.

They claim an inherent “natural right” to self-government. The Oregon Constitution, they say, gives the people the right to reform or abolish the government — or, in

this case, override the state’s pre-emption.

The group’s attorney argued last week that voters had a right to approve a ballot initiative that protects the environment and that the Legislature can’t stop local governments, or local voters, from enacting more stringent regulations, even outright bans, on certain activities.

An interesting argument, but Oregon courts have previously upheld the state’s authority to pre-empt local control.

For example, in 2013 the Legislature passed a law that pre-empted local governments from banning genetically modified crops.

In 2014, opponents of GMOs in Josephine County put a local ban on the ballot that was passed by voters.

Citing the state’s pre-emption, the circuit court struck down the county ban. That ruling was upheld by the Oregon Court of Appeals.

It’s interesting to note that Lincoln County’s elected officials generally recognize the state’s supremacy in the matter.

The attorney for the county argues that the county retains a right to ban aerial spraying on land it owns. But all landowners generally can prohibit spraying of their own property and it’s unclear the county has a greater right than private landowners.

Landowners whose properties adjoin farms and forests where pesticides are sprayed have legitimate concerns that they will be subjected to drift, or accidental bombardment. But existing law provides remedies for these cases.

Some could argue that Oregon’s pesticide application laws need to be tougher. If so, like-minded citizens from across the state have the right to petition the Legislature for redress.

Such regulation that is required should come from the state, and only from the state.

Farmers and foresters need one set of rules. We are against 36 separate regulatory schemes, particularly those that impose outright bans.

Agriculture’s tax reform tool box

By SHILOH PERRY
For the Capital Press

Guest
comment
Shiloh Perry



America’s farmers and ranchers work hard to produce the food, fiber and renewable fuel sources we all depend on and enjoy.

Their work is noble yet challenging.

Always operating in a world of uncertainty, there are no two days the same in agriculture. Whether mending a broken fence, penning cows or balancing the books, farmers and ranchers have many responsibilities each day.

They need a tax code that recognizes the work that they do and the unique challenges their businesses face.

The tax-reform framework that was released recently is very promising, but it is only a start and there is still much work to be done.

Reducing effective tax rates is the most important tax reform priority for farmers and ranchers. Typically profit margins for farm and ranch businesses are tight and rates of return are moderate at best compared to other businesses. This usually puts farms and ranches in lower tax brackets. So as important as lowering tax rates are, it is critical that any tax reform provisions are considerate of all tax brackets.

The tax-reform framework includes lower tax rates for individuals and businesses, both incorporated and non-incorporated. While lower tax rates are welcome, the tradeoffs associated with how lower rates are achieved cannot be ignored. They may come at the cost of losing certain credits and deductions that are helpful to farmers. To truly benefit agriculture, effective tax rates must be lowered enough to cover lost credits and deductions.

Further, farmers and ranchers rely heavily on multiple cost-recovery tools to run their businesses. Tax provisions like business inter-

est expensing, like-kind exchanges and cash accounting give farmers and ranchers the flexibility they need to keep their businesses running in good times and bad.

In addition to being high-risk, agriculture is capital-intensive. Farming and ranching requires large, long-term investments in land, buildings and equipment. Most times, these long-term investments and other major expenses an agricultural business acquires are covered with borrowed money. Deducting these expenses gives farmers and ranchers the flexibility they need to make critical investments to keep their businesses running.

Specifically, cash accounting helps offset some of the unknowns farmers and ranchers face by acknowledging revenue when it comes in and expenses when they are actually paid. It allows farmers to defer tax payment until they receive the money for the products they sell. Cash accounting also helps farmers and ranchers average their income from year to year. Agriculture is a cyclical business. For farmers and ranchers short times of prosperity can be followed by years of loss.

Now more than ever, agriculture needs tax provisions that help farmers and ranchers during the good times and bad. With the right tax reform tools, America’s farmers and ranchers will be able to work hard and be better equipped for the challenges they face. For more on Farm Bureau’s tax reform priorities, check out these resources at www.fb.org:

- AFBF Tax Issues page.
- AFBF’s statement submitted to the Senate Finance Committee.

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

As Clean Power Plan is gutted, Congress must step in to price carbon

By MARK REYNOLDS
For the Capital Press

Guest
comment
Mark Reynolds



In its zeal to undo the legacy of our 44th president, the Trump administration is now undoing the future of our children and grandchildren by repealing the Clean Power Plan, a policy designed to reduce the heat-trapping emissions that make our climate more and more inhospitable.

How inhospitable? We’ve gotten a frightening glimpse of an altered climate recently with disasters fueled by warmer temperatures:

- Hurricane Harvey turned much of Houston into a lake after dumping 50 inches of rain. Damage estimates have ranged up to \$150 billion.

- After flattening the Keys, record-setting Hurricane Irma roared up Florida’s west coast, leaving most of the state without power and damage estimated to cost \$100 billion.

- Hurricane Maria devastated Puerto Rico, leaving most of the

island’s residents without power or clean water. Recovery costs could easily reach \$95 billion.

- Out west, wildfires intensified by hot, dry weather have charred millions of acres, with the most recent fire in Santa Rosa killing at least 41 people.

It’s clear our unstable climate is putting bigger and bigger burdens on our economy. It’s also clear that the current White House is determined to remove regulations on the use of dirty fuels contributing to that unstable climate.

Those who cheer the EPA’s move should remember that President Obama initiated the Clean Power Plan in 2015 in the face of Congress’s inaction on climate change. Without effective legislation to com-

bat climate change, a future president could just as easily go down the path of executive action and regulations again. The best answer here is for Congress to pass legislation putting the market to work on solving climate change.

The policy that finds favor across the political spectrum is a steadily rising fee on carbon with revenue returned to households. This approach uses the power of the market to hold fossil fuels accountable for the damage they inflict on our society. A straightforward carbon fee will drive investment and consumer behavior toward low-carbon energy and energy efficiency, thereby reducing greenhouse gas emissions. By returning revenue from the carbon fee equally to all households, we can shield individuals and families from the economic impact of rising energy costs associated with the fee.

A study from the well-respected Regional Economic Models Inc.

looked at a policy with a fee starting at \$10 per ton of carbon dioxide that increases \$10 per ton each year. In their models, all revenue was distributed evenly to every household. REMI found that after 20 years, CO2 emissions would be reduced 50 percent below 1990 levels. At the same time, 2.8 million jobs would be added because of the economic stimulus of returning revenue to consumers.

In other words, this policy is a win-win for both our environment and our economy.

For those despairing that Congress will never address the climate crisis, there is encouraging news. Two Florida congressmen from opposite sides of the aisle have formed the bipartisan Climate Solutions Caucus in the House of Representatives. Membership in the caucus, which is evenly divided between Republicans and Democrats, has risen from 18 to 60 since the beginning of the year. This bipartisan

dialogue seeks common ground between the two parties for legislation that reduces the risks we face from climate change.

Across Capitol Hill, Republican Sen. Lindsey Graham recently stated the need to address global warming and said his preference is a price on carbon. The Climate Leadership Council, led by former Secretaries of State George Shultz, James Baker and other influential conservatives, also advocates for a carbon pricing plan that returns revenues to households.

In repealing the Clean Power Plan, the Trump administration shows that it’s bent on removing government regulations around climate change. That means it’s up to Congress to make the market solve this problem instead. Failure to act will lead to the day when climate-related disasters outpace our ability to recover and adapt.

Mark Reynolds is executive director of Citizens’ Climate Lobby.

Readers’ views

Thanks to all you environmentalists ...

... For burning up our forests rather than log, or graze and the Forest Service for total mismanagement of our forests! No chainsaws, no road maintenance, no clearing of trails, no spraying for pine beetles or bud worm and now they do not even fight the fires as they will not endanger firefighters if it is too dangerous!

Why do we even need these people? Even the Indians log and graze and they shoot wolves on their reservation. We now have a clean air authority to fine us if we use a fireplace or a burn barrel or a wood burning stove, but they can have a forest fire and then if you

want to harvest wood, you have to have a permit and cut where they tell you to.

The environmentalists love wolves and grizzlies! However, they do not want them in their backyard. You have to live in the city for that to make any sense.

No one will tell you what the total cost is for this disaster. Such as hiring a helicopter to shoot wolves, as well as the manpower to handle this project and the extra costs to the rancher plus loss of income.

Why do we not hear of Weyerhaeuser burning up their forests? When the enviros or the government are going to help you, you should ask what is your track record?

You could also ask a deer or an elk, would you prefer to die with

a bullet, or would you prefer to be eaten alive piece by piece by wolves?

*Don Young
Sunnyside, Wash.*

Pruitt a climate science denier

On Sept. 1, your lead editorial approvingly heralded Scott Pruitt’s self-proclaimed “New Day” at the EPA. You also cited 5 instances of what anyone should regard as improper or egregious procedures on the part of the EPA and one instance of apparent fraud.

You did not attempt to provide any context by contrasting the balance of EPA actions over the previous 8 years, nor suggest

what our understanding of human nature tells us about the number of rogue bad apples one should normally expect to find in any very large organization, public or private.

You concluded, “All things considered, a new day probably isn’t such a bad thing at the EPA.”

This conclusion constitutes a grave betrayal of the farmers, ranchers and loggers you claim to speak for.

Scott Pruitt is a climate science denier whose tenure as EPA administrator poses an existential threat to the livelihood and welfare of their children and grandchildren.

To stay in business, agriculturalists must behave like scientists, basing their plans and production

decisions on facts, not ideology.

The only significant group of people who don’t acknowledge that burning fossil fuels has contributed to the catastrophic warming of the planet are Republican politicians like Pruitt, presumably because Al Gore, a Democrat, first called our attention to that “Inconvenient Truth.”

Climate science deniers are on the same moral plain with Holocaust deniers. When an agency that should operate on the basis of evidence and science pretends that the science does not exist, no good policy can come of it!

*Peter M. Gladhart
Owner & Vineyard Manager
Winter’s Hill Estate
Lafayette, Ore.*