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Opinion

Our View

Hemp growers at odds with pot producers

The 2018 Farm Bill just passed by both the Senate and House of Representatives takes hemp off the list of controlled substances and legalizes its cultivation as an agricultural commodity.

Huzzah.

Hemp has been grown for fiber for centuries. Colonial Virginia required its cultivation in 1691 and it became an American staple until the 20th century. By the 1930s it had been lumped together with marijuana and made illegal by most states — some say at the bidding of cotton interests.

During World War II the federal government encouraged farmers to grow hemp to replace jute and other fibers from Japanese-held areas in the Pacific necessary for the manufacture of rope. The plant proved so prolific that farmers in the Midwest still struggle to stamp it out of ditches and fence rows more than 70 years later.

After serving its hitch, hemp again fell out of favor. Since the 1970s it's been placed on the list of controlled substances, illegal to cultivate or sell in its raw forms.

But as we've said many times, hemp is as much like marijuana as a poppy seed muffin is like heroin. Although hemp and marijuana are of the same species, hemp lacks a significant amount of active tetrahydrocannabinol, or THC, the psychoactive compound that produces pot's high.

All the while preventing its cultivation here, the federal government allowed the importation of goods — clothing, foodstuffs, cosmetics and essential oils — made abroad from hemp. A commercial market clearly exists for the crop.

The last farm bill allowed states to establish some experimental cultivation programs the skirted around the narcotics laws.

It's not clear to us that hemp will be the big crop its promoters envision. It takes a lot of water, which is in ever shorter supply in this part of the country. Because it's relatively easy to grow, the sudden boom in production could easily produce a bust at market.

But that's the nature of farming. At least hemp growers will be free to succeed or fail outside the yoke of severe government regulation.

Well, federal regulation anyway.

Would-be hemp growers in the Northwest are finding themselves at odds with marijuana producers.

Pot growers worry that their high-THC plants will be contaminated through cross-pollination with low-THC by large-scale hemp production.

When both crops were illegal no one gave this serious consideration. But in recent years both Oregon and Washington, with a wink and a nod from the feds, have made marijuana cultivation and sales legal under state law. All this is heavily regulated, and heavily taxed.

And that's the rub for hemp producers. With millions of dollars in tax money coming in, the states are neck deep in a narcotics trade that is illegal under federal law. The tax produced by legal hemp will be negligible.

The states and their partners are unlikely to put their interests at risk, so hemp growers could easily face stiff regulation under a state regime.

Such is the beauty of our federalist system of government.

Our View

On the dairy farm, size doesn't matter

Some members of the Oregon Legislature and a coalition of environmental groups and small-farm advocates want the state to ban large dairy farms.

Their argument: large dairy farms are bad.

They also want tighter regulations governing dairy farms. The argument is the legislature and the state government know the best size for a dairy farm.

Pardon our skepticism.

This is the same state government that can't build a much-needed Interstate 5 bridge over the Columbia River, that can't produce a website for its Obamacare program, that can't figure out how to plow snow in Portland, that can't operate its foster care program, that can't fix its out-of-control retirement plan. ...

Yet this coalition wants that same state government to tell farmers how to farm by dictating how big a dairy should be.

The Oregon Senate Committee on the Environment and Natural Resources last week decided to introduce two bills during next year's session targeting dairies larger than 2,500 cows, or 700 cows if access to pasture isn't available.

One concept would classify a large dairy as an industrial facility and strip it of protections under the state "right to farm" law. That law allows Oregon farmers to use normal farm practices, provided they follow the many rules and regulations already placed on them by the state and federal governments.

Another legislative concept would ban more large dairies at least until the state comes up will a new permitting system.

Neither proposal makes any sense.

The fact of the matter is that all sizes of dairy farms in Oregon are already robustly regulated. Any farmers who don't follow the rules will find themselves in deep you-know-what, both literally and figuratively. Whether a dairy has 20, or 200 or 20,000 cows matters not one bit. What matters is the quality of management. Large or small, a farm with good management will meet the many regulatory requirements placed on it.

This coalition points to the Lost Valley Farm, a bankrupt dairy in Eastern Oregon that was poorly managed, implying that all large farms are equally bad. State regulators saw the problems when they occurred and took the owner to court, forcing him into bankruptcy and putting him out of business.

That is exactly what regulators do. If someone screws up, tell him or her to fix the problems. If the problems persist, take the owner to court.

But the main argument — that big farms or bad — is simply not supported by the facts. The way Lost Valley Farm was managed, it would have failed no matter how many cows it had.

But the "big-is-bad" argument has even more holes in it.

Only a few miles from the failed dairy farm, another larger dairy farm, Threemile Canyon Farms, is well-managed and recognized as a good steward of the land. They care for their 30,000 cattle and have an independent inspector check up on them, they have the largest manure digesters in the West to handle the waste and grow a variety of crops; they treat their 300 year-round employees well; and they are constantly innovating to do things better. They are good neighbors in every sense of the word and are a point of pride in the community.

Those who are hung up on size ignore the realities of 21st century agriculture. A farm needs to be the right size for its market and to find economies of scale.

To say a farmer is doing something wrong because he, or she, has been successful and sustainable and built a small family farm into a large family farm is illogical.

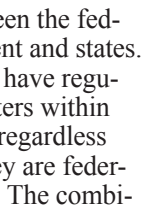
The state of Oregon should not pick winners and losers in agriculture. It should see that all sizes of farms are well-regulated to protect the environment and produce safe food. If a farmer messes up, he or she should correct the problem, whether the operation is 5 acres or 50,000 acres.

When it comes to regulating farms, size really shouldn't matter.

New WOTUS definition an improvement

GUEST VIEW

Chris Hladick



Burdensome federal regulations often delay or prohibit American businesses from investing in infrastructure or land development projects that will create jobs, grow crops, and improve how we manage our natural resources. Upon taking office, President Trump initiated a process to review and replace these regulatory barriers, which included the Obama Administration's 2015 "waters of the United States" definition.

Under the 2015 definition, farmers, landowners and businesses are spending too much time and money trying to determine whether waters on their land are "waters of the United States" and subject to federal regulation under the Clean Water Act. In some cases, they pay consultants or lawyers thousands of dollars only to discover that they need federal permits that cover isolated ponds, channels that only flow after it rains, and wetlands far removed from the navigable waters the Clean Water Act was specifically designed to regulate.

The U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) are delivering on the President's agenda by proposing a new definition for waters of the U.S. The agencies' proposal would end years of uncertainty over where federal jurisdiction begins and ends. It would clarify the role of our state and tribal partners — those closest to and most knowledgeable about their own waters — and help them more effectively manage their land and water resources. Our new proposal would make it easier to understand where the Clean Water Act applies — and where it doesn't.

Under the proposal, traditional navigable waters, tributaries, certain lakes and ponds, impoundments of jurisdictional waters, wetlands adjacent to jurisdictional waters, and certain ditches, such as those used for navigation or those affected by the tide, would be federally regulated. More importantly, many ditches, including most roadside or farm ditches, would be excluded from federal regulation. Ephemeral streams — those that only flow after it rains — would also not qualify as waters of the United States.

Right now, because of litigation, the 2015 definition is in effect in 22 states, while the previous regulations, issued in the 1980s, are in effect in the remaining 28 states. This unpredictable, regulatory patchwork will not continue under the Trump Administration.

Going forward, our new definition would establish national consistency and would rebalance the relationship between the federal government and states. States already have regulations for waters within their borders, regardless of whether they are federally regulated. The combination of the agencies' proposal and state regulations would continue to provide coverage for the nation's water resources as intended by Congress when it passed the Clean Water Act over 45 years ago.

President Trump understands that we can have clean air, clean water, and a strong economy. By providing greater regulatory certainty to states and the regulated community, our proposed definition will streamline and accelerate important projects throughout the nation. This means that hardworking Americans will spend less time and money determining whether they need a federal permit and more time growing crops, building homes, modernizing infrastructure, creating jobs, and improving the lives of their fellow citizens.

Chris Hladick is the EPA's regional administrator in Seattle.

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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.

Send letters via email to opinions@capitalpress.com. Emailed letters are preferred and require less time to process, which could result in quicker publication. Letters also may be sent to P.O. Box 2048, Salem, OR 97308.