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Opinion

Editor & Publisher
Joe Beach
Managing Editor
Carl Sampson
opinions@capitalpress.com | CapitalPress.com/opinion

Our View

Orders continue without legislative oversight

Last week Oregon Gov. Kate Brown extended her COVID emergency order through March. She joins other governors in the region, Democrats and Republicans, in extending one-person rule.

We ask the indulgence of frequent readers as we plow ground that we have worked several times during the ongoing pandemic. As long as these orders are reissued without the review and explicit consent of the representatives of the people, we feel compelled to continue to take issue.

Did legislators who passed statutes granting governors the authority to declare emergencies envision that they would be used indefinitely to shut down large segments of the economy for undetermined lengths of time, to close private and public schools and colleges, to forbid religious services and



Oregon Capitol

private gatherings, declare some businesses “essential” and others not, to rewrite the terms of rental contracts, and restrict access to common health-care procedures and the courts?

We do not deny that state governments must take steps to control the spread of the virus and protect residents. The experience of the last nine months demonstrates that emergency orders should come with a statutory expiration date and a mandate for the legislature to

review actions taken under them.

Here the laws of Oregon fail the people of Oregon.

Two separate Oregon statutes give the governor the authority to declare emergencies and exercise broad powers. One specifically addresses public health emergencies, and the other is for general emergency situations. Brown has invoked both as authority for her executive orders.

The first statute imposes a 14-day limit on the declaration of a health emergency; the other imposes no limit.

Although statute allows the legislature to terminate an emergency declaration on its own authority, it does not require that the legislature meet to consider any of the actions taken.

The Oregon Legislature has chosen to remain silent, so the fault lies with it. It has not been alone. Very few state legislatures have cast votes to either affirm

or challenge emergency declarations and the diktats issued in their name.

Where those votes are not required, state laws should be changed to mandate legislative consent.

The dangers of the pandemic are real. Thousands have died, and many thousands more have been infected. The dangers of the shutdowns and restrictions imposed under the emergency orders are real, too. Hundreds of thousands have been thrown out of work, tens of thousands have lost businesses in which they had invested their lives and fortunes, millions of school children are falling behind.

No elected official should be allowed to rule indefinitely by decree. Emergency powers should be limited in duration and subject to mandatory legislative oversight. A benevolent dictatorship in all but name is nonetheless tyranny.

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Sierra Dawn McClain/Capital Press

Oregon Gov. Kate Brown this month proposed a \$15 million budget cut to the Port of Coos Bay's channel modification project.

Coos Bay port deserves funding, too

In the Civil War novel “Cold Mountain,” one of the characters, Ruby Thewes, talks about politicians and how they started the crisis.

“They called this war a cloud over the land, but they made the weather, then they stand in the rain and say, ‘(Expletive), It’s raining!’”

Those of us who have been impacted by the ongoing COVID-19 pandemic feel much the same by now. While the virus is serious and required politicians to take action to help people and businesses survive it, some overreaction has created serious collateral damage.

We have discussed at length the damage done when politicians repeatedly opened and closed restaurants without offering proof that they were spreading the virus and without taking into account the damage it would do to both owners and employees. It also impacts the farmers and ranchers who sell their crops and meat to restaurants. They were forced to repackage and redirect their products to retail outlets or other marketplaces as restaurants were opened and closed.

Comes now one more type of collateral damage.

When restaurants were first closed, that meant the state lottery machines in them were also shut down. What had been a \$1 billion-a-year torrent of cash for the state slowed to a trickle. At one point lottery revenue was down 90% as restaurants were forced to close or provide only takeout or delivery service.

Since then, however, Oregon’s gamblers have come through and brought lottery proceeds up to normal. They can now even play online. That means Gov. Kate Brown could resurrect the lottery-backed bonds that pay for projects around the state.

But she left out one major project: \$15 million to dredge the Coos Bay port. The city — and the region — are counting on the port development to revive an economy that has faltered over the decades as the timber economy shrank.

The lottery-backed bonds will be headed back to the Oregon Legislature in January. In light of the rebound in lottery income, it is our hope that all of the projects originally approved for funding, including the Coos Bay project, will be included.

It would rectify a self-inflicted problem that could have been avoided.

Focus on long-term value keeps overseas wheat demand strong amid trade storms

As a new year begins, we want to share the good news that U.S. wheat exports to Asian markets are increasing, and the outlook for those markets remains positive, notwithstanding the unique trade dynamics over the past several years.

Yes, the rejection of the Trans-Pacific Partnership (TPP) and the trade dispute with China caused some heartburn for U.S. Wheat Associates (USW), the National Association of Wheat Growers (NAWG) and our Asian customers. Yet U.S. wheat demand in the region weathered the storms in part because USW, NAWG and farmers serving on our Joint International Trade Committee had full access to sympathetic ears at the Office of the U.S. Trade Representative (USTR) and USDA. Those officials understood our concerns and kept them front and center in their negotiations.

Here are some highlights of how U.S. wheat has maintained or increased export volume to key Asian markets.

The main concern about withdrawing from TPP centered on Japan. U.S. wheat’s longest and largest Asian market over the years. Having earned a 50% share of Japan’s wheat market, withdrawal put U.S. wheat imports at a big disadvantage. Japan’s other major wheat suppliers, Canada and Australia, did join the new Comprehensive and Progressive Trans-Pacific Partnership (CPTPP). As a result, competitive wheat would enjoy lower effective tariffs while U.S. wheat tariffs would remain the same.

Drawing on decades of goodwill, USW made the case to Japan’s flour millers and government officials that working to give U.S. wheat equal access again would be good for Japanese industry and consumers. They fully embraced our overtures, and millers very much wanted to maintain their volume of quality U.S. wheat.

During negotiations, Japan continued buying U.S. soft white, hard red spring and hard red winter wheat at its regular pace. Fortunately, the U.S.-Japan agreement that started last January ended that threat to U.S. wheat exports.

Four other wheat importing countries also joined the CPTPP: Malaysia, Myanmar, Singapore and Vietnam. Among them, only Vietnam maintained a tariff of 5% on imported U.S. wheat, until the USTR negotiated a reduction to 3% in 2020. USW has worked very hard to build demand in Vietnam, which imported more than 450,000 metric tons (about 16.5 mil-

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lion bushels) of U.S. wheat in marketing year 2019/20, a new volume record. After five months of the new marketing year, Vietnamese millers have imported 375,000 metric tons, a pace 57% ahead of last year at the same time.

Overall, U.S. wheat sales to CPTPP countries between 2016 and 2020 increased about 20% from 2.9 million metric tons (MMT) to 3.5 MMT. That positive trend held in other Asian markets that are not CPTPP members. Since 2016, U.S. wheat exports to Indonesia, Korea, Philippines and Taiwan have increased 28% from 5.4 MMT to 6.9 MMT.

The big trade story focuses on the dispute with China. Mainly a swing market for U.S. wheat in the past, China had steadily increased its U.S. wheat imports to a peak of 1.8 MMT in marketing year 2016/17. Then in response to U.S. tariffs, China’s retaliation imposed a *de facto* blockade of U.S. wheat exports in March 2018.

USW put forth a full accounting of the export sales and farm income losses from the retaliatory tariffs, an effort that eventually mitigated some of the losses for U.S. wheat farmers. USW, with NAWG’s support, also worked closely with our negotiators to help shape an outcome that would benefit the farmers we represent.

We were pleased when our 2019/20 Chairman Doug Goyings was invited to the White House to witness the signing of the Phase 1 agreement last January. From that point through May 2020, China purchased almost 800,000 MT of U.S. wheat. And, so far in marketing year 2020/21, China’s commercial purchases of U.S. hard red winter, soft white and hard red spring wheat stand at more than 2.1 million metric tons, with indications that a similar importing pace will continue into 2021.

Thanks to wheat farmers, our 17 state wheat commission members and USDA’s Foreign Agricultural Service export market development programs, USW maintains a high level of trade and technical service around the world. With their continued support, we will do all we can to maintain this positive trend in these crucial Asian markets.

Vince Peterson is president of U.S. Wheat Associates, the export market development organization for the nation’s wheat industry.

Commentary: Regulations alone are not solutions

Last week, the Oregon Department of Agriculture released its final rule on chlorpyrifos, phasing out most uses by December 2023.

In its memo, ODA notes two specialty crop block grants awarded to explore alternatives to chlorpyrifos for Oregon’s specialty crops. This likely amounts to just over \$300,000 in dedicated funds. In contrast, similar efforts in neighboring states to phase out chlorpyrifos have included substantial funding toward the identification of alternatives. In California, research investments totaled over \$5 million.

Many Oregon specialty crops will be significantly impacted by ODA’s rule. EPA’s economic analysis estimates that the Oregon strawberry industry could suffer losses of up to \$7,800 per acre without the use of this product. Unfortunately, ODA’s fiscal impact statement was mostly hypo-

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thetical, simplifying economic impacts to the costs of replacement products. ODA’s hypothetical example also uses very small numbers, landing on a total additional cost of \$50 more for a 100-acre farm to use an alternative product that might cost \$.50 more per acre.

These numbers are far from realistic. And unfortunately, we know that the economic impacts of losing access to a critical pesticide are much more complex, and often include significant crop losses, which must also be accounted for. Let’s be real.

I’ve often heard the argument from advocacy groups that prioritizing economics puts money over

health. Rather, economic sustainability is the essential third leg of a three-legged stool. While minimizing risks to both human and environmental health is important, the stool collapses without attention to the third leg of economic sustainability. In the case of chlorpyrifos in Oregon, that third leg seems to have been largely ignored.

Many Oregon specialty crop industries over the last several years have formally identified “alternatives to chlorpyrifos” as top priority pest management needs. Yet, many of these industries continue to lack effective alternatives. Applying regulations on the use of certain pesticides in the absence of prioritizing (and funding) efforts to identify alternatives does not sustainably solve the problem.

Research and development, education and outreach, and regulatory efforts should be acting in concert.

And research and extension must be able to effectively anticipate regulatory issues such as this one, so that our growers and other land managers are not left without effective tools. True progress will require the identification of new, safe, effective and affordable tools for a number of crop/pest combinations. This was no less the case for chlorpyrifos several years ago as it is now. This requires serious work that will likely come with a serious price tag, and regulations alone will not get us there.

Katie Murray is executive director of Oregonians for Food & Shelter, a non-profit coalition to promote the efficient production of quality food and fiber while protecting human health, personal property and the environment, through the integrated, responsible use of pest management products, soil nutrients and biotechnology.