

Court dismisses Iowa pork producers' Prop 12 lawsuit

By CAROL RYAN DUMAS
Capital Press

A U.S. district court in California has granted a motion to dismiss a lawsuit filed by the Iowa Pork Producers Association against California state officials over Proposition 12, which prohibits the sale of uncooked pork from hog operations that don't meet the state's production standards.

Prop 12, passed by California voters in 2018, established new minimum space requirements for breeding pigs, calves raised for veal and egg-laying hens within the state. It also bans the sale of pork, veal and eggs from animals raised elsewhere if their living conditions don't meet California's standards.

It went into effect Jan. 1.

The Iowa Pork Producers Association filed the lawsuit in Fresno Superior Court in November, challenging the constitutionality of Prop 12 and seeking to prevent its enforcement.

The case was moved to U.S. District Court for the Eastern District of California and then to U.S. District Court for the Central District of California.

In late February, that court dismissed the case on all counts brought by Iowa Pork Producers.

Iowa Pork Producers filed claims under the due process clause, privileges and immunities clause, supremacy clause and dormant commerce clause.

Iowa Pork Producers argued Prop 12 is unconstitutionally vague and final regulations are not yet complete. It argued Prop 12 failed to place its members on notice of how they can avoid criminal prosecution and failed to give them sufficient time to comply.

But the court found the provisions that apply to Iowa pork producers are



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A lawsuit pork producers filed in California over Proposition 12 has been rejected.

clear from the statute's plain text and any potential vagueness was clarified in an FAQ issued by the California Department of Food and Agriculture in March 2021.

Iowa Pork Producers also argued the statute treats nonresidents differently than California residents because in-state producers had more time to comply with spacing requirements under the state's earlier Prop 2 requirements.

But the court dismissed that claim because Prop 12 applies equally to all pork meat sold within the state regardless of where it was produced.

Iowa Pork Producers also claimed Prop 12 is pre-empted by the Packers and Stockyard Act.

The court found the Packers and Stockyards Act only pre-empts state laws regarding the bonding of packers. In addition, animal welfare and public health and safety have long been recognized as part of the police power of states and the plaintiff had not alleged any facts that show Prop 12 stands in

the way of execution of the Packers and Stockyards Act.

Iowa Pork Producers also claimed Prop 12 was discriminatory because the purpose of the statute, in part, was to prevent negative fiscal impacts on the state of California.

The court dismissed that claim, saying Prop 12 makes no distinction between in-state and out-of-state pork producers. In addition, the plaintiff had failed to allege the purpose of Prop 12 was motivated by economic protectionism.

The court also found the plaintiff had not alleged facts sufficient to claim under the discriminatory effect prong of the dormant commerce clause based on the difference in "lead time" given to in-state and out-of-state producers with regard to spacing requirements.

The court also found the plaintiff failed to state a claim that Prop 12 had an impermissible extraterritorial effect or a substantial burden under the clause.

Incident meteorologists get ready for wildfire season

By BRAD CARLSON
Capital Press

BOISE — Meteorologists are key teammates for wildfire foresters and analysts such as Jonathan Pangburn, who come up with game plans for battling the massive blazes.

"On the receiving end, we absolutely could not do our work without this support," said Pangburn, who is with the California Department of Forestry and Fire Protection.

He was at the National Inter-agency Fire Center in Boise to help National Weather Service meteorologists train to work at wildfire sites.

"There is absolutely a need for weather support," said Pangburn, who last year worked on the nearly 1 million-acre Dixie Fire, among others.

The training helps prepare the meteorologists to deliver fire weather forecasts, fire behavior guidance and briefings. They learn how fire reacts to certain weather, fuel and topographical conditions. They also learn fire-weather forecasting in complex mountain terrain, and about advances in technology.

Meteorologists complete more than 225 hours of fire-weather and on-the-job training before they are certified.

Wind, humidity and temperatures near fires can have big impacts on fire intensity and firefighting tactics.

Pangburn, a fire behavior analyst, said it may be possible to call a meteorologist in an office. But working with meteorologists who are at the inci-



Jonathan Pangburn

dent site offers timing advantages. They track the constantly changing weather and make information available immediately.

"I translate it to on-ground impacts," he said. Decisions about fire management and tactics, and firefighter and public safety, can benefit.

Incident meteorologists last year were deployed to 217 wildfires.

The 86 certified incident meteorologists got more training March 7-11 at the Fire Center. An additional 33 meteorologists pursuing certification trained for two additional days.

After they are certified as incident meteorologists, they will be selected for duty as needs dictate. The Boise training drew participants from Key West, Fla., to Alaska and Hawaii.

Patrick Gilchrist of Glasgow, Mont., has been incident-certified for 16 of his 20 years as a NOAA meteorologist.

An overarching goal is to let incident managers and firefighters know what weather is coming as soon as possible so they can work proactively, he said.

"You're living the forecast," Gilchrist said. "This is easily the most rewarding thing I've done in my career."

One of his posts in 2021 was the big Caldor Fire near South Lake Tahoe, Calif. He also worked in Australia in 2019.



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FFA helps member build a bright future

By Isabel D'Acquisto and Kylie Baldwin

CORVALLIS, Ore. — "I believe in the future....," is the first line of the FFA Creed. It is no secret that FFA is more than just cows, sows and plows; it produces future leaders, achievers and job seekers.

The Oregon FFA Association isn't just building leaders for the future of agriculture, but the future of America.

2020 Redmond High School graduate, Canyon Hutchinson, credits FFA for setting him up. Canyon started his FFA career at Sherwood High School. He developed a passion for working with his hands, leading him to enroll in every agriculture education class he could fit into his schedule. Those classes included Agriculture Science, Welding and Woodshop.

Through these classes, he learned the art of building and selling tables. Canyon's heart for service also led him to build a house to be sold that would earn money back for his agriculture classes and woodworking program — his first steps as an entrepreneur. Halfway through his junior year, Canyon was uprooted from his school and FFA chapter and enrolled at Redmond High School. It didn't take long before he found himself back in a shop.

"(Moving) was actually kinda hard. But the ag classes helped me make some friends and pursue my business," he said.

Once graduated, he began working for an excavation company. "And after only working there for a few months, I knew I needed to start my own company," he said. Using his acquired skills and entrepreneurial mindset, Canyon started his construction and excavation company, Buck Canyon Construction LLC.

As his company has blossomed over the last couple of years, Canyon is excited to have purchased his company truck, dump trailer and skid steer!

By being involved in Oregon FFA and taking advantage of his high schools' agricultural classes, Canyon believes his resources helped him keep track of his profits and investments. Now with a successful company flourishing, Canyon Hutchinson is eager to hire current FFA members so that they, too, can develop these skills that helped him get to where he is.

Oregon FFA develops students with critical thinking, work ethic and communication skills so that when they enter the workforce, they will make a positive impact.

The future of agriculture, the future of their communities, and the future of our country will flourish, all because they zipped up an FFA jacket. FFA is a dynamic youth organization that changes lives and prepares members for premier leadership, personal growth and career success through agricultural education.

Isabel D'Acquisto is the FFA state president, and Kylie Baldwin is the FFA state reporter.



Canyon Hutchinson with his mother, Heather.

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