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Opinion

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Our View

The Supreme Court should strike down Prop 12

The U.S. Supreme Court has agreed to review a ruling by the 9th U.S. Circuit Court of Appeals, which last year upheld a California law banning in-state sales of certain products from farms that use “extreme methods of farm animal confinement.”

It is bad law, and should be struck down.

Officially the Farm Animal Confinement Act, Prop 12 bans the sale of eggs, pork and veal products in California unless production facilities meet animal-confinement standards dictated by the state. The law applies to products produced outside the state of California.

The law was passed overwhelmingly by California voters in 2018.

The National Pork Producers Council and the American Farm Bureau Federation filed a federal lawsuit in U.S. District Court in San Diego, arguing that subjecting out-of-state producers to California’s regulations violates the U.S. Constitution’s Com-



M. Spencer Green/Associated Press File

Farmers are worried about the impact of a California law governing how hogs and other farm animals are raised out of state. The U.S. Supreme Court will hear the case.

merce Clause.

Plaintiffs lost in the trial court, and again on appeal to the 9th Circuit Court of Appeals.

In 2021, the 9th Circuit determined the law doesn’t have an “impermissible extraterritorial effect” because the hog-raising standards only affect pork sold in California and don’t dictate prices or disfavor out-of-state meat.

“Under our precedent, unless a state law facially discriminates against

out-of-state activities, directly regulates transactions that are conducted entirely out of state, substantially impedes the flow of interstate commerce, or interferes with a national regime, a plaintiff’s complaint is unlikely to survive a motion to dismiss,” the 9th Circuit said.

Prop 12’s impacts on interstate commerce are anything but incidental. While it does not claim interstate regulatory powers outright, enforcement of the act all but ensures that California regulators will impose their standard on producers and on buyers in other states.

California imports more than 99% of its pork, its state agriculture officials must be provided access to out-of-state hog farms to enforce the restrictions and shipping documents must identify whether the meat can be sold in that state.

Meatpacking is a wholesale business done on volume. Hogs from many farms go in one end and come out as bacon, ham, chops and other

cuts destined for consumption all across the country. Neither the production nor processing allows for the segregation of meat to be shipped to California to ensure it meets the standard.

Backers of Prop 12 knew that from the beginning, and banked on the fact that California’s outsized market influence would force producers and processors to meet the standard without having to mount expensive and politically difficult legislative efforts in Midwestern states.

We do not dispute California’s authority to regulate livestock production within its borders. But what if Texas, Florida or any of the other 49 states pass equally strict rules that are at odds with those outlined in Prop 12? How could a national food system function with 50 different sets of rules?

California voters are free to call the tune for California producers, but Midwestern farmers shouldn’t have to dance or pay the fiddler.

Russian intervention has fueled every wheat price spike since 2007

Once again, and tragically this time, Russian intervention is the underlying source of dramatic global wheat price volatility.

“... We are closely monitoring prices for the most essential social goods such as food, including bread,” said Russian Prime Minister Mikhail Mishustin recently about its domestic wheat supply. “Russian grain is in good demand from abroad, and its price is increasing. That said, it is necessary to provide the necessary raw materials, first of all, to the domestic baking industry.”

Consistent protectionism

The prime minister made this comment with specific reference to the hyper reaction of global wheat prices to Russia’s invasion of Ukraine and the immediate impacts of the widespread economic sanctions levied on Russia in response. Yet it spotlights the core tenets of Russia’s protectionist and heavy-handed wheat supply and price control policies. Russian intervention has been front and center since the country first entered the global wheat export trade.

Anyone who does not take the prime minister at his word on this sets themselves up for a very disappointing and expensive lesson. Defending Russian domestic supplies and keeping domestic prices low by withholding supplies from the world will always be their primary wheat policy weapon. And they deploy it without regard for the harm and expense it creates for anyone.

Underscoring this point, the Russian Ministry of Economy confirmed on March 11 that they are banning wheat exports through Aug. 31 to their fellow Eurasian Economic Union member states, including its Ukraine invasion staging partner Belarus, along with

GUEST VIEW

Vince Peterson



Armenia, Kazakhstan and Kyrgyzstan.

Every spike reveals intervention

In six documented situations since 2007, when the global wheat market showed any sign of stress, the government of Russia stepped in to impose an export ban, export tax or export quota to isolate their home market. These actions intentionally limited world wheat importers’ access to Russian wheat supplies. This Russian intervention further magnified any supply shortage and accelerated the rise in wheat prices.

Twice in this time frame, Russian military aggression against Ukraine directly caused world wheat prices to spike sharply higher. The world is reeling viscerally and economically from the shock of that situation right now.

Rampant uncertainty

The COVID-19 pandemic lifted the tide of global inflation by disrupting global supply chains. Now, Russia’s war on Ukraine has blocked nearly 30% of the expected wheat export supply from governments and people that depend on it the most. Uncertainty runs rampant. And it is almost impossible to know how this war will be prosecuted. How long it will persist? What will the physical and economic situation of Ukraine and Russia be at the end?

Market analysts everywhere are trying to assess the many implications of this latest Russian intervention. Who will be most severely impacted? What will be the magnitude of the shortage created in the global wheat

supply chain? And how will the world’s remaining supplies be apportioned, priced and relocated to the most severely affected countries?

Extreme volatility

The extreme wheat price volatility seen in the past two weeks sits witness to this uncertainty.

Such high prices and volatility create challenges for the world’s wheat buyers and farmers and grain traders, who must also use the futures market to manage price risk. It is important to note that the U.S. wheat market remains fully open to importers and users everywhere. Dependable U.S. wheat producers and our reliable export system stand in the gap. They are ready and able to supply wheat as broadly to the world as our own supplies and logistical capacity can accommodate.

Supplies available

In addition to the wheat price inflation attributed to Russian intervention, U.S. wheat prices reflect that last year’s drought in the Northern Plains and Pacific Northwest limited current U.S. supplies.

However, this year’s original export expectations and calculations do not include all U.S. supplies available. And wheat farmers will harvest a new crop starting in June.

U.S. Wheat Associates (USW) also creates additional value for U.S. wheat through the services it offers its customers. As they navigate this extreme market situation to secure the wheat necessary to feed people worldwide, USW remains ready to provide any information, tools and assistance within our means that may be helpful.

Vince Peterson is president of U.S. Wheat Associates, the marketing arm of the nation’s wheat industry.

State management of wolves successful in Idaho, Montana

Idaho and Montana’s successful recovery of the gray wolf was a significant achievement in species conservation. In less than 10 years, not only were biological recovery targets for gray wolves met, they were exceeded.

Unfortunately, delisting of the wolf has been mired in politics rather than informed by science. Last month, Interior Secretary Deb Haaland authored an editorial, devoid of facts but flush with alarmist rhetoric, perpetuating the false narrative that Idaho and Montana’s wildlife management policies are driving gray wolves to extinction. What’s more, the Secretary disregarded both the spirit and procedure of the Endangered Species Act by explicitly threatening emergency listing. The Secretary’s editorial demands a response.

Gray wolves were brought to the Northern Rockies in 1995, and by the mid-2000s, their rapid population growth had far outpaced expectations. With the gray wolf fully recovered, Idaho and Montana resumed state wildlife management authority in 2011. However, three scenarios are written into the states’ post-recovery plans outlining the conditions that could lead to a species status review:

One: If wolf populations in the Northern Rockies Management Unit fall below 100 wolves during one year. Both states far surpassed this number with an estimated 1,177 wolves in

GUEST VIEW

U.S. Sen. Jim Risch



U.S. Sen. Steve Daines



Montana and 1,543 in Idaho last year.

Two: If wolf populations in either state fall below 150 wolves for three consecutive years. Gray wolf populations have consistently remained above 1,000 wolves for over 10 consecutive years in Montana. Similarly, Idaho’s wolf populations have significantly exceeded the target number for more than 20 years, remaining above 1,500 in the last three consecutive years.

Three: If a state law or management objective makes changes that significantly increases the threat to the wolf population. Idaho expanded hunting licenses in 2021, not to endanger wolf populations but to reduce their growing threat to the ecosystem. The Fish and Wildlife Service’s 2009 delisting rule warned that a Northern Rockies population above 1,500 wolves, which Idaho alone currently exceeds, would result in eventual habitat degradation.

Like Idaho, Montana adopted new hunting regulations this year. This plan was adjustable — allowing the state

Commission to respond to changing conditions mid-season — and maintained science-based quotas, which even if fully met, assured wolf populations were maintained at a level nearly five times the recovery threshold. Montana’s wolf season concluded last week and the total harvest was on par with past seasons and actually less than the previous four years.

The Secretary wrote that “we must find solutions that allow wolves to flourish.” We agree, and are proud that Idaho and Montana succeeded in doing just that. If the gray wolf doesn’t meet the criteria for a status review, it certainly does not meet the criteria for an emergency listing. Those pushing for such action are relying on emotional appeals, red herrings, and fear tactics — not science or the law.

If the Secretary is serious about following the science and the law and recognizing “decades of hard work by states,” the Secretary must promote, rather than disparage, state management authority. She must acknowledge Idaho and Montana have demonstrated a pertinent ability to sustain a healthy wolf population for over a decade. This is the true mark of success for species recovery, and we cannot afford for Secretary Haaland to undermine this legacy for political, partisan gain.

Jim Risch represents Idaho and Steve Daines represents Montana in the U.S. Senate. Both are Republicans.

READERS’ VIEW

Private Forest Accord a taking

This letter is written by a third generation rancher and forest manager who owns and operates an Oregon Century Ranch business. I have seen more lean years than better years, but I enjoy the lifestyle and working the land.

This 2022 Legislative Short Session made me angry with the passage of the Private Forest

Accord (PFA) legislation (SB 1501 and SB 1502). As a small forestry owner, the PFA legislation TAKES the use of over 14% of my timber production without compensation! The small forest owner “tax credit” is minimal and comes with an irrevocable deed restriction.

We have only logged 120 acres of our timberland, which is covered with all ages of trees. During our lifetime, we have planted over 143,000 Douglas fir seedlings. Our timber property is well man-

aged, has good roads and it is well stocked with trees and grass. I cannot understand why politicians, big timber, and ENGOS (environmental non-governmental organizations) think they know how to best manage my property.

I understand the corporate timber companies supported the Private Forest Accord in lieu of “lawsuits by environmentalists.” Where is the signed, written commitment from the environmentalists that they will not sue for “50” years

and not propose more regulation for forestry?

The buffers are supposed to help bring back fish. I believe if you want to increase numbers of fish, you need to control the predators. The obvious solution is to stop harming and killing the endangered fish yet people can buy licenses and tags so they can “take” those endangered fish. There needs to be an increase in fish hatchery programs. I protect endangered fish on our property by

not allowing people to cross my property to fish the streams.

The government is literally TAKING my trees and property use and it is the last straw. I have done my share for the benefit of fish and wildlife and the accord wants more. Why don’t you, supporters of SB 1501 and SB 1502, do something to directly increase fish population rather than TAKING my land.

Charlie Waterman
Bandon, Ore.