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Opinion

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Our View

Even bureaucrats find regulation burdensome

When the governed fail to meet deadlines set by federal statutes and regulations, agencies typically can impose fines amounting to \$37,500 a day to force miscreants to comply.

But what happens when bureaucrats fail to meet deadlines set by law? Citizens must resort to costly and time-consuming litigation.

That's the case with the Western Resources Legal Center, which has been waiting months for the U.S. Forest Service and the Bureau of Land Management to respond to its requests for records related to their analyses of the River Democracy Act.

Nearly 4,700 miles of rivers and streams in Oregon would be designated as "wild and scenic" under the bill, which critics fear would restrict logging and grazing, among other activities.

The legislation was introduced by Oregon Sens. Ron Wyden and Jeff Merkley, who claim the bill would shield property rights from adverse effects while tripling the number of river miles with "wild and scenic"



Nick Smith/AFRC

Bear Gulch in Southern Oregon was nominated as a Wild and Scenic River under the River Democracy Act introduced by Oregon Sens. Ron Wyden and Jeff Merkley.

protections in the state.

Federal land managers testified about the bill before a congressional subcommittee last year. Western Resources Legal Center, located at Lewis and Clark Law School, says that indicates government officials have an "enhanced understanding of the process, basis, and potential impacts" of adding waterways to the Wild and Scenic River System.

In late October and early November of 2021, the center submitted Freedom of Information Act requests for records pertaining to the River

Democracy Act, including congressional communications related to the hearing.

The Freedom of Information Act requires agencies to make a determination as to whether records can be released and respond within 20 working days. If records can be released, agencies are required to provide an estimated date the records will be released.

Agencies are required to fulfill requests for nonexempt records "promptly," a word that has come to be interpreted loosely by federal bureaucrats.

No determinations regarding the FOIA requests have yet been made by the Forest Service, the Bureau of Land Management or their government overseers — the USDA and Interior Department.

The center's only alternative was to file a lawsuit seeking to compel the agencies to produce the requested documents. In light of the "months-long delay" and "lack of communication," the plaintiff believes the government "seeks to hide records from the public" regarding its interpretation of the bill, according to the

lawsuit.

It's easy to see why someone whose request for information has gone without reports might believe nefarious motives. It's not hard to imagine Washington mandarins slow-walking a records request to delay the release of inconvenient insights.

Agencies find the requirements of the act to be burdensome.

Since its passage in 1967, requests for information under the Freedom of Information Act have climbed exponentially. Either by design or incompetence, Congress and the agencies have short-changed the departments charged with complying with requests. As a result, the time required to respond to requests and copy and ship documents has increased.

In short, bureaucrats say they don't have the staff or the money to meet the deadlines set by the statute. It's too hard to comply with the law.

The next time a federal regulator comes to call, try using that excuse. Law for thee, but not for me.

Our View



Sierra Dawn McClain/Capital Press

New Zealand is considering a tax on cow and sheep burps as a way to slow climate change.

The taxman arrives on the farm

George Harrison, a member of the Beatles, a popular music group some years ago, once wrote a song that will resonate with many farmers around the world even today.

Titled "Taxman," the song's lyrics iterate the ever-growing hunger government has for money.

"If you drive a car, I'll tax the street. ... If you take a walk, I'll tax your feet," the lyrics say.

In his worst nightmares, however, Harrison would have never come up with the tax now under consideration in New Zealand. It would force farmers to pay the government when a cow or sheep burps.

We're not making this up.

New Zealand's leaders have a well-deserved reputation for having never met a tax they didn't like.

This one, however, is over the top. The theory is that farmers will reduce the number of cattle and sheep they raise if they have to pony up for their burps, which are mainly methane. This in some small way would impact climate change, the government postulates.

The problem is, they're wrong. Frank Mitloehner, an expert in animal science at the University of California-Davis, says the amount of methane in the atmosphere is steady over time because the livestock population stays the same. Methane has a lifespan of about 10 years.

"What this means is, if a country like Ireland, New Zealand or the United States keeps their livestock herds steady, then they keep their methane steady. If they keep their methane steady, then they are not increasing global warming," he said in an interview on alltech.com. He said the key is efficiency in the production of food, and

what the animal eats. For example, a grain-finished steer goes to slaughter at 14 to 18 months. A grass-fed steer is slaughtered at 26 to 30 months.

"...That means that, if an animal lives almost twice as long, then it will have much more time to produce environmental impacts," he said.

What New Zealand — and other nations — need to do is promote efficiency in livestock production, not add to the tax burden.

Ironically, New Zealand is already at or near the bottom of the list of those nations impacting the climate. For example, the overall carbon dioxide output for its 5.1 million citizens is something less than 1% of the world total, according to the Union of Concerned Scientists. For the sake of comparison, China emits 29% of the carbon dioxide and the U.S. emits 14%.

With their new "climate" tax, the folks in New Zealand have only come up with a tax on food and clothes. It will cause New Zealanders to pay more for meat, milk — and even for their sweaters. It won't impact climate change significantly.

The other problem with simplistic taxes on burps is they don't look at the whole picture. They don't include the value of that livestock. For example, the fact that billions of people survive by eating meat and drinking milk is often left out of the calculus of climate change.

So too is the fact that livestock such as sheep and cattle produce high-quality protein from low-quality land, much of which could not support food crops.

Sure enough, animals burp and produce methane. But they also help feed 8 billion people on the planet, sustaining civilization. That has value, but in New Zealand it doesn't count.

Some consumers are being misled by milk prices in stores

Recently on a trip to central New York state, I stopped at a large supermarket to observe their milk prices. One more time, I was astonished to see that the store-brand milk was selling for \$3.32 per gallon (whole milk). However, right beside the store brand was a different brand's gallons of milk selling for \$5.54 a gallon.

A store worker nudged me and said, "Sir, both you and I know the two different gallons of milk came from the same source."

This is the same situation that had been going on between consumer prices in this particular area.

You must understand Pennsylvania has a minimum price that milk can be sold for, and that price is \$4.76 per gallon. In northeastern Pennsylvania, the red cap whole milk is selling for \$4.85 per gallon in many stores. These are June 2022 prices.

It is no wonder that when some Pennsylvania consumers shop in New York state, they ask why is New York milk selling for less than Pennsylvania's milk? The milk sold in Pennsylvania is the same price in most of the stores. The difference in New York state is that some stores evidently are selling their milk as a loss leader. That means it is sold below cost.

Remember that in New York state when a selling price is \$3.32 per gallon they are misleading consumers.

Will consumers question the worthiness of whole milk at \$3.32? And on the other side they are gouging consumers on the \$5.54 price.

In addition, please remember Pennsylvania and its \$4.85 price. This price contains an 8 cent premium per gallon that goes to qualified dairy farmers.

So what's the answer? Maybe because there's so much milk that travels between New York and Pennsylvania that it's time for New York state to implement a minimum price for a gallon of milk like Pennsylvania has.

Let's stop confusing consumers on the low price while gouging consumers with a high price.

The fact is that the pricing formula that is used by the USDA does not take into consideration the cost of producing milk at the farm level. Please believe this!

Remember the milk dealers in Pennsylvania could sell the red cap milk at a higher price. Evidently, they don't believe in gouging consumers.

There are also some important bills in Pennsylvania and New York legislatures that would allow whole milk back in our schools.

Also, please remember that U.S. Rep. GT Thompson has a bill that, if passed, would allow the option of serving whole milk in schools.

Let's stop fiddling around and get these bills passed. Let's get the "chalk" milk out of our schools and hospitals and replace it with good, wholesome, nutritious whole milk.

When whole milk was thrown out of our schools, I immediately put out the alarm about the need to get whole milk back in our schools.

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