

Bill aimed at improving freight rail shipping introduced in U.S. Congress

By **SIERRA DAWN McCLAIN**
Capital Press

WASHINGTON, D.C. — Several members of the U.S. House of Representatives have introduced a bill aimed at improving freight rail service.

The bill, called the Freight Rail Shipping Fair Market Act, would expand the power of the Surface Transportation Board, a federal agency that regulates transportation, to hold railroads accountable to provide more reliable service.

Proponents say the legislation could improve rail service reliability, which many customers say has recently been erratic. Opponents say the bill would inflate the federal government's power, interfering with the free market.

The bill was introduced by Reps. Donald Payne, Jr., D-N.J., chair of the Subcommittee on Railroads, Pipelines and Hazardous Materials; Peter DeFazio, D-Ore., chair of the House Committee on Transportation and Infrastructure; David Scott, D-Ga., chair of the House Committee on Agriculture; and Jim Costa, D-Calif., chair of the Subcommittee on Livestock and Foreign Agriculture.

"I am pleased to join Chair Payne on the Freight Rail Shipping Fair Market Act, which will hold the

freight rail industry accountable for their appalling service to shippers and ultimately help American families burdened by the increased price of goods," DeFazio said in a statement.

The legislation would allow the Surface Transportation Board to regulate railroads in several ways.

First, it would strengthen the Board's authority to address rail service emergencies. An example of a recent emergency, according to the Board, was when the poultry company Foster Farms complained that Union Pacific Railroad Co. wasn't delivering feed on schedule to the company's chicken farms in California.

Second, the bill would require rail contracts to include service delivery standards and remedies.

The legislation would direct the Board on how to resolve common carrier obligation complaints.

Additionally, the act would allow shippers to charge railroads demurrage charges for not meeting obligations.

Finally, it would fund the Board to resolve disputes more quickly.

Railroads oppose the bill, saying it "threatens the viability of the nation's freight rail system."

The Association of American Railroads says the act would unfairly re-regulate the industry and grow the

government's and Board's jurisdiction.

The association argues that the Staggers Act of 1980, which partially de-regulated the rail industry, allowed railroads to operate with more fluidity and earn more sustainable revenue. This bill, they say, would erase those advancements.

"This imprudent proposal turns the clock back more than 40 years and reinstates an unbalanced regulatory framework that replaces free-market principles with unjustified government mandates," said Ian Jefferies, CEO and president of the association.

Some say the Board already has sufficient power and more regulation won't solve deeper challenges.

On May 12, the Board's chairman, Martin Oberman, testified before a U.S. House committee that expanding the Board's regulatory oversight would not solve labor and supply chain challenges.

"While the problems facing the rail industry today are significant, in my view, the Board can use its existing authority to mitigate those problems in a meaningful way," Oberman testified.

More than two dozen agricultural groups, however, welcomed the legislation, including the Agriculture Transportation Coalition, American Farm Bureau Federation and National Cattleman's Beef Association.

Farm Bureau chapters seek to limit Ecology's reach

By **DON JENKINS**
Capital Press

Two county Farm Bureau chapters in Washington are advocating limits on the Department of Ecology's power to require small livestock operations to get a CAFO permit.

Farms that confine livestock must have a CAFO permit if manure washes or seeps into water. The permit lays out Ecology's rules for storing and spreading manure.

Statewide, 24 operations have CAFO permits, including one dairy with fewer than 200 cows. The other operations are larger.

Ecology, however, can require any farm that confines any number of animals to get a permit if the department designates them a "significant contributor" of pollutants.

Yakima County Farm Bureau President Mark Herke said Wednesday that he's concerned the CAFO rules could be used to target people with just a few animals.

"I feel the bureaucracies are getting more aggressive. If some authority is written down, Look out!" he said.

Ecology is currently revising the CAFO permit. Ecology proposes to keep its authority to designate farms



Matthew Weaver/Capital Press File

Cattle in a Washington feedlot. Two county Farm Bureau chapters want limits on the Department of Ecology's power to require small livestock operations to get a CAFO permit.

with any number of animals as significant sources of pollution.

Thurston County Farm Bureau President Greg Schoenbacher said the rules should be revised to exclude the smallest operations, such as the hobby farms in his county.

The rules now could apply to one horse in a stable, he said. "There's a tremendous amount of ambiguity here."

The Yakima and Thurston chapters have hired former Washington Farm Bureau CEO John Stuhlmiller as a consultant on the issue.

Stuhlmiller said that small farms should have a chance to work with conservation districts or the Voluntary Stewardship Program before being required to get a CAFO permit.

The permits would

impose impractical rules on small farms and expose livestock owners to fines — up to \$10,000 a day — and even jail if they can't comply, he said.

"I don't know of one small CAFO that's been tagged by Ecology as of yet, but it doesn't mean it couldn't happen," Stuhlmiller said.

Ecology spokeswoman Stacy Galleher said in an email that Ecology and Department of Agriculture inspect farms and offer technical assistance to stop the discharge of pollutants.

If problems continue, Ecology considers factors such as how much waste went into water and the likelihood of future discharges before designating a farm a significant contributor of pollutants, she said.

Wolf advocates sue Washington Fish and Wildlife

By **DON JENKINS**
Capital Press

Five environmental groups on Friday sued the Washington Fish and Wildlife Commission, claiming it failed to comply with Gov. Jay Inslee's order to write a rule on when wildlife managers can shoot wolves to protect livestock.

The suit, filed in Thurston County Superior Court, alleges that the commission's 5-4 vote in July against adopting a rule directly contradicted Inslee's directive.

The suit names the Department of Fish and Wildlife and its director, Kelly Susewind. A department spokesman said the agency does not comment on

pending litigation.

The Center for Biological Diversity, Cascadia Wildlands, WildEarth Guardians, Western Watersheds and Kettle Range Conservation Group filed the suit.

The organizations sought to put into law new limits on when Fish and Wildlife can resort to lethal control to stop predations by wolves. Inslee,

sympathetic to their arguments, ordered the department in 2020 to write a rule, while acknowledging he couldn't dictate the contents.

By one vote, the commission decided to not take any action, leaving the department's current policy in place. The policy gives Susewind considerable flexibility in authorizing lethal control.

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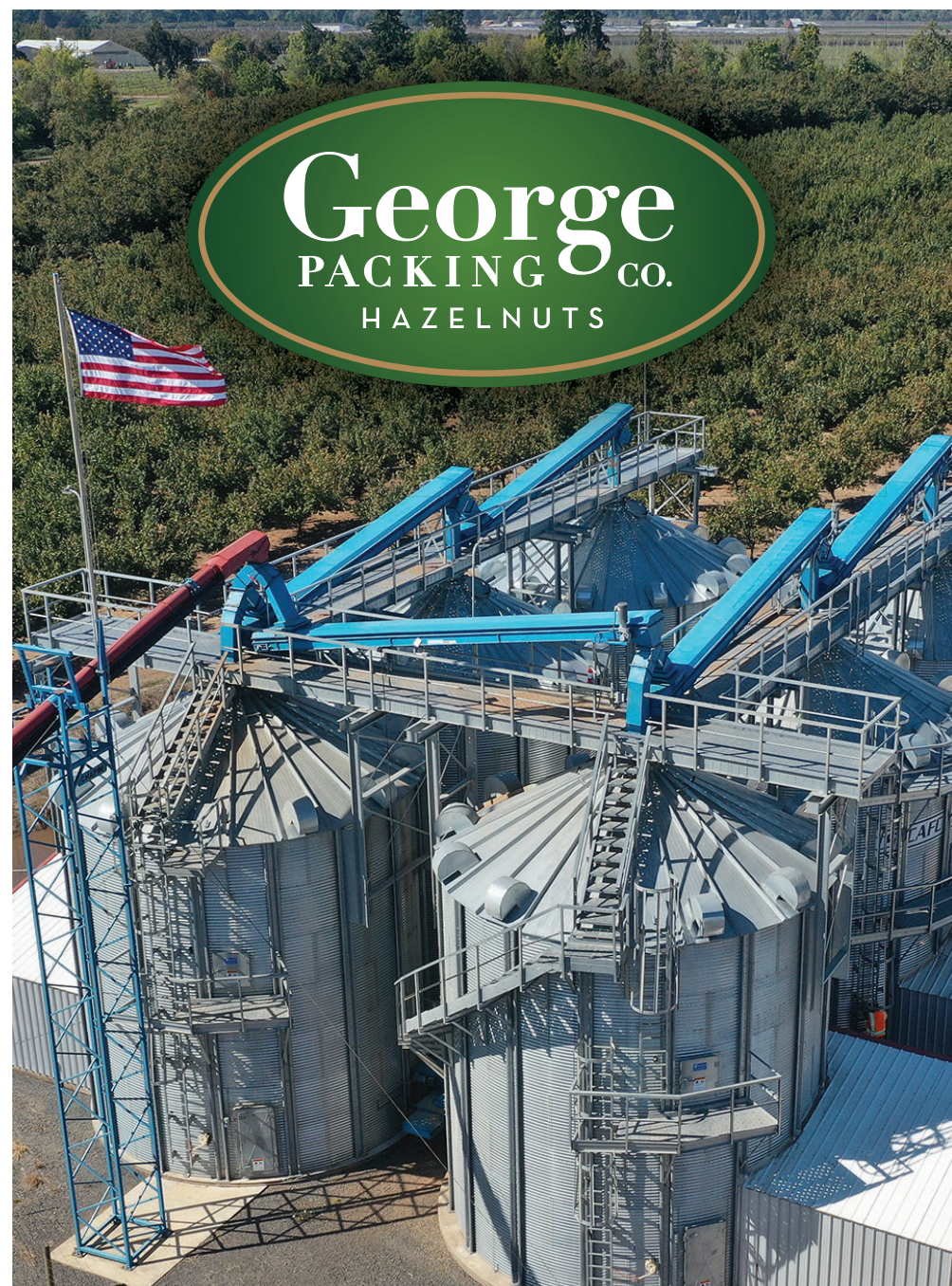
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