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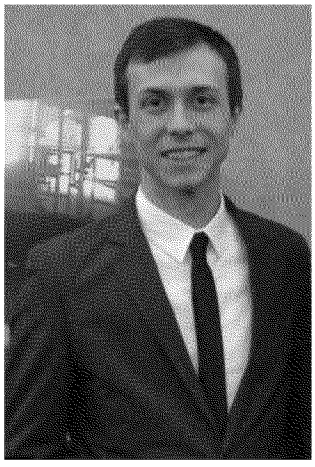
Animal welfare activists: New ways they want to change farming

Animal welfare activists have moved beyond agitating for changes to sow and hen housing to taking on chicken producers, and aquaculture is in their sights next. **The activists' methods are familiar to the pork and egg industry: Publicizing practices they object to, and pressuring restaurant, food service and supermarkets to change production and slaughter processes.**

In the meantime, activists hope that additional alternatives to meat, including synthetic or "cultured" meat, can make it to the market and be accepted by consumers who are reluctant to become vegetarians.

Those are some key takeaways from a first-of-its-kind "Future of Food" conference sponsored by the Humane Society of the United States. The conference kicked off Friday night with a keynote address from Princeton University's highly controversial philosopher Peter Singer, a key founder of the modern animal rights movement because of his 1975 book, "Animal Liberation."


Nathan Runkle, Mercy for Animals

Singer laid out three "problems" that he says must be addressed by reducing the consumption of animal products worldwide: **animal suffering, greenhouse gas emissions, and the "stress" on farmland of producing animal feed.** He also argued that all animals "should be able to live out their lives with a minimum of interference from us."

Here's a look at some of the major issues for the movement:

Broiler chickens. The animal rights movement is pushing for changes not just in farming practices but also in breeding. Activists have already had some success. Perdue Foods in June announced a series of commitments that include retrofitting 200 chicken houses with windows so that the health of those birds can be compared with birds in fully enclosed housing. And in September, Perdue announced that it would end the use of plastic nasal implants that are designed to prevent roosters from gaining access to hen feeders.

But activists are finding that it's tougher to sell the public on why broiler production needs to change than it is to make a case to the public for cage-free eggs, which is a simpler message. "The broiler issue can be a little more complicated in terms of communicating with the public," said Nathan Runkle, the founder and president of Mercy for Animals.

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Fish. Singer and grassroots activists see aquaculture and the fishing industry as a future target, not just in fishing practices but in processing. Here again, the activists have a challenge in winning public support. "What we have seen with chickens has set the stage for work to be done on fish now," says Runkle, who complains that the media has so far ignored the concerns his group has raised about fish supposedly being skinned alive.

"It's difficult for people in general to sympathize with fish," in part because fish "don't have an emotive face," Runkle said. "Fish have needs and they do suffer." Leah Garces, executive director for Compassion in World Farming USA, said fish "**don't have facial expressions, they don't scream. It's hard for us to get it."**

Singer makes the same case against fish farming that he does against animal agriculture in general - that it requires the production of feed and, in the case of some fish, the harvesting and consumption of smaller fish. It's a variation of the sustainability argument that surfaced in development of the 2015 federal dietary guidelines. Singer, who argues "fish feel pain, too," says, "I don't think we have sustainable commercial fisheries, and even if we do, we don't have humane ways of killing (fish)."

Corporate policies. Activists have little hope that Congress will pass new restrictions on production or slaughter methods, so they will continue to rely on corporate purchasing policies to force changes on suppliers. One company that has been particularly receptive to pressure from activists is the Compass Group, the British food service giant whose subsidiaries include Bon Appetit Management and Restaurant Associates.

Susie Weintraub, executive vice president of strategic marketing and business excellence for Compass Group North America, said the company was using its "scale to tip the supply chain" away from meat consumption toward what she called a "plant-forward" diet. **"We are seeing quantitative improvements in whole grain purchases and produce and we are reducing our red meat purchasing which leads to a reduction in red meat consumption,"** she said.

Compass chefs are being encouraged to use **"plant-based alternatives" to meat, but "not necessarily telling our customers that they're eating less meat."**

Some activists are hopeful that synthetic meat, grown from stem cells, will catch on with consumers who reject vegetarianism. Bruce Friedrich, a former activist with People for the Ethical Treatment of Animals who runs The Good Food Institute to promote meat alternatives, argues that lab-grown meat can be appealing to consumers if it's called **"clean meat" and is promoted as originating in a "friendly neighborhood meat brewery."**

But Weintraub isn't so sure that synthetic meat will ever have a large market among traditional consumers who like meat. **"They eat meat, that's what they do. .... You're going to a have a lot of skeptics. I hate to say it, but you are."**

The states. Activists have been generally successful in preventing the enactment of "ag gag" laws aimed at stopping the release of secret video recordings inside livestock and poultry operations. The movement appears poised to score a victory Nov. 8 in Massachusetts, where residents will vote on a ballot measure that would bar the close confinement of sows, hens and veal calves. A WBUR poll last month **showed the measure is favored 66 percent to 25 percent.** The ban on hen cages and confinement crates would apply to food brought into the state as well as produced inside Massachusetts.

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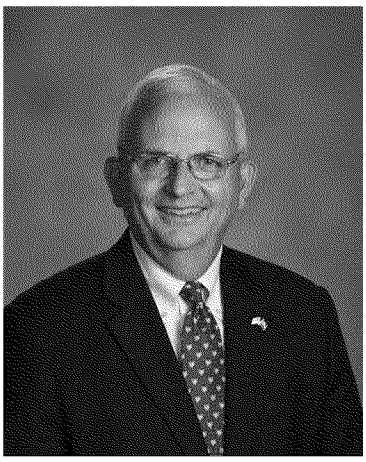
"The states represent an incredibly important venue for animal production generally and currently for farm animal welfare," and Nancy Perry, senior vice president for government relations at the American Society for the Prevention of Cruelty to Animals.

Southeast still tallying ag damage from Hurricane Matthew

By many accounts, Hurricane Matthew wasn't as bad as initially predicted, but that doesn't mean the storm left ag producers in the Southeast unscathed.

Matthew danced up the coasts of Florida, Georgia, South Carolina, and North Carolina late last week before eventually heading out to sea Saturday night. So far, it has been blamed for at least 34 deaths across five states, but damage figures aren't yet known. One thing is for sure: It could have been worse.

"Any additional challenge during an already challenging year is unwelcome, but when you look at what it could have been, we still leave the event with a lot to be thankful for," Georgia Agriculture Commissioner Gary Black said in an interview with *Agri-Pulse.*


Gary Black, Georgia Ag. Dept.

Black said that many of the state's staple commodities will be impacted, but not devastated by the storm. The state's peach harvest was completed long before the hurricane came close, the peanut harvest was mostly done, and Matthew didn't reach pecan production areas. Of the peanuts that are still in the ground, there will be some losses due to the amount of rain that came with the storm, but some areas were dry enough that the moisture will actually help.

The main commodity to watch in Georgia and in neighboring states will be cotton. With harvest about to begin, many of the cotton bolls had opened up, exposing the fiber to the elements. The wind and rain accompanying the storms either destroyed or dislodged the fibers, and losses with that commodity could be sizable. Black said he wasn't aware of any facility damage or loss among the state's poultry producers.

In North Carolina, "we're looking at significant crop losses" in certain counties, Brian Long, public affairs director for the state Department of Agriculture and Consumer Services told *Agri-Pulse*. He said the cotton yield, which "was expected to be pretty good," will be hurt by the storm.

"Any crop that was still in the field there is going to have impacts," he said. Many fields are under water and will be for some time, "and even when that water recedes the fields themselves will be in poor condition," he said.

Aside from cotton, **Long said the state's sweet potato crop (North Carolina is the nation's top producer) will be impacted.** Losses in the state's animal ag sector were hard to gauge, but Long said he heard possibly 1.5 million-1.7 million birds were lost in the poultry sector.

In a release, the South Carolina Department of Agriculture also mentions a **"significant loss of the cotton crop" as well as a "moderate" loss of soybeans. In addition, South Carolina reported losses of about 203,000 birds.**

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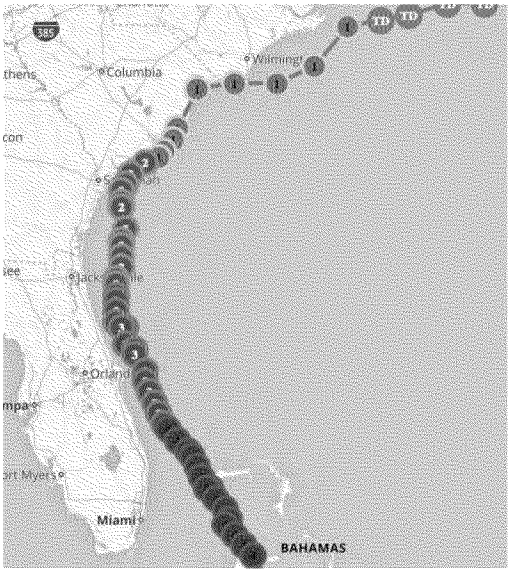
In Florida, the state's citrus industry was terrified about what a Category 4 hurricane would do to a citrus crop almost ready for harvest, but the damage was greatly mitigated as the hurricane never made landfall in the state. Andrew Meadows with Florida Citrus Mutual said early estimates are for losses of "no more than 10 percent." The Florida Citrus Commission also voted last week to allow processors to use grapefruit with slightly lower sugar solids-to-acids ratio. The new ratio, effective through Jan. 4, is seven to one; it was eight to one, which would have required fruit to spend more time on the tree to achieve.



Hurricane Matthew's path (Weather Channel graphic)

A common theme among the officials *Agri-Pulse* communicated with for this story was that the true impact of the storm won't be known for some time. For example, some North Carolina rivers still hadn't crested when Long spoke to *Agri-Pulse*, so the impact of the high water wasn't fully known. He said the state has set up a phone number (1-866-645-9403) for producers experiencing damages, and there has been a "steady call volume" since the storm began. None of the states could offer a timeline on when final damage figures could be expected.

New database tracks conservation payments for first time

Just in time for debate on the next farm bill, policymakers will get their first in-depth look at what farming practices and equipment are being funded by the Environmental Quality Incentives Program and the Conservation Security Program. The Environmental Working Group on Thursday will release a database that **tracks spending through those and other conservation programs down to the county where the money is flowing. The data also will be broken down by the size of the contract.**

The database doesn't identify the farms that are receiving the money, as EWG now does with commodity program payments. Congress prohibited such disclosure for conservation programs in the 2008 farm bill. But the data will include the type of practices and equipment that are being funded through the programs, down to the county level.

Data for EQIP, which provides subsidies and technical help for equipment and conservation practices, go back to 1997. Data for CSP, which provides annual payments for new and existing practices, go back to 2010. The data cover 350 individual EQIP practices that farmers may choose from as well as 200 individual CSP enhancements.

There also will be data on the Conservation Reserve Program, breaking down payments by conservation cover practice, and for the former Wildlife Habitat Incentives Program, which the 2014 farm bill merged into EQIP.

Craig Cox, EWG's senior vice president for agriculture and natural resources, briefed aides to the House and Senate Agriculture committees and USDA personnel on the database last month. He says the data will be valuable not just to the committees but to field staff with USDA's Natural Resources Conservation Service (NRCS) and Farm Service Agency, which administer

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the programs. "It's going to be much easier for them to get a comprehensive picture of what these programs have invested in," he said.

Craig Cox, EWG

Cox believes the numbers will make the case for tweaking the programs to ensure that spending is more focused on priority resource challenges, like water quality in areas such as Iowa and the Great Lakes region.

The CSP data will be broken down by payments for existing and new practices as well as the type of practices for which farmers are receiving the money. The top practices CSP has been rewarding farmers for include using drift-reducing spray nozzles, rotating supplement and feeding areas, using GPS for targeting chemical applications, and testing plant tissue for nutrient management. (Cox says that low-drift nozzles appear to be popular in part because they are a relatively easy way for contract applicants to increase their scores.)

For EQIP, fencing is the most common practice the program funds, followed by nutrient management and watering facilities.

The release of the CSP data comes as NRCS is carrying out an overhaul of the program that will, among other things, revamp the system for ranking contract applications and allow farmers to choose from new groups of enhancements that are designed to work as a system. **Farmers can qualify for bonus payments by choosing one of the bundles but the EWG data will show that CSP bundles have not been very popular so far, Cox says.**

The new precision agriculture bundle for no-till farming, for example, has four available enhancements, including using precision application of pesticides and fertilizer and leaving standing grain crops for wildlife cover.

Cox says the data would be even more useful if they could be broken down by farm below the county level to tell more precisely how the money was targeting issues of concern, such as impaired water quality. The EQIP data can be analyzed at the watershed level, but the CSP data cannot, so EWG is reporting both by county in order to be consistent, he said.

The database will be available at this site on Thursday.

Report: EU victory on food names would be disaster for US dairy

A new report by Informa Economics IEG warns that the American dairy industry stands to lose billions of dollars if the U.S. were to agree to EU demands that hundreds of cheese names only be used by European producers in specific geographical regions.

The report was commissioned by the Consortium for Common Food Names, which is supported by the American Farm Bureau Federation, the International Dairy Foods Association and other U.S. and Canadian ag groups.

The EU campaign to restrict food names has become one of the most contentious issues in negotiations with the U.S. over the Transatlantic Trade and Investment Partnership (T-TIP).

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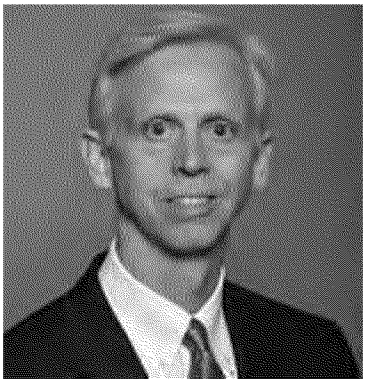
U.S. groups like the National Milk Producers Federation (NMPF) are urging U.S. negotiators to fight back and protect American companies' ability to produce and sell products like Asiago cheese, even if it's not made on the Asiago plateau in the Veneto region of Italy.

If the U.S. dairy sector was unable to use what producers consider common product names like Asiago, feta and Parmesan, the damage would be severe, forcing some farms to eventually shut down completely, according to the report.


Jim Mulhern, NMPF

The study concludes that if the EU were to have its way on so-called Protected Geographical Indications (PGIs), there would be a 21 percent reduction in cheese consumption over 10 years, costing the dairy industry about $5.2 billion in lost sales.

"The damage Europe's GI agenda could do to the U.S. dairy industry is severe," NMPF Chief Executive Jim Mulhern said in a statement. "By 2025, our dairy farmers would lose up to 15 percent of their income and the U.S. dairy herd would shrink by up to 9 percent, or 850,000 cows. Thousands of dairy farmers would be forced out of business."

CCFN Executive Director Jaime Castaneda told reporters in a teleconference that consumers want to buy cheeses with names like Asiago, Havarti, Parmesan and Gruyere. If the U.S. producers are forced to rename their cheeses, shoppers would be confused and sales would fall, he said. The report backs up Castaneda's concern. One conclusion in the 60-page study is that U.S. milk prices would drop by 5 percent to 12 percent over the first three years.

"Europe's GI policies could ultimately ban the use of hundreds of common names in the United States and around the world, thereby impacting not only the companies producing those products but also their workers and supplying farmers," the CCFN said. "It would force award-winning U.S. cheese makers out of markets they have worked for generations to create. U.S. manufacturers would face a choice of simply abandoning these markets or selling their products under unfamiliar names like 'crumbly white cheese' or 'hard grated cheese.'"

Tom Suber, president of the U.S. Dairy Export Council, said USDA and the Office of the U.S. Trade Representative are squarely on the side of the consortium. He said the industry-sponsored report released today will give U.S. negotiators "analytical backing" as they argue with their European counterparts.

US cautious about China's plan to lift beef ban

China is once again saying it's willing to lift its ban on U.S. beef, but American officials are taking a wait and see attitude, noting that the world's largest country made the pledge a decade ago and never followed through.

U.S. government and industry officials, however, acknowledge the environment is different now. China's beef demand has grown and the U.S. is in the final stages of allowing the importation of Chinese chicken, resolving a longstanding contentious issue between the two countries. Still, as one former USDA official said, the devil may be in the details.

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As of now, USDA officials tell *Agri-Pulse*, China has not officially divulged any of its regulatory demands for importing U.S. beef, which the Asian nation, and much of the rest of the world, banned after the U.S. discovered its first case of bovine spongiform encephalopathy (BSE) in 2003.

"They haven't given us any protocols," said one USDA official who asked not to be named because of the delicate nature of the ongoing negotiations. "We're looking at nothing."

Another USDA official said the Chinese recently wrapped up an inspection of U.S. beef production and said "the audit seemed to go OK," adding, "We're still waiting to see what they tell us and that's where we are right now."

Agriculture Secretary Tom Vilsack welcomed China's announcement last month that the country was ready to begin importing U.S. beef after a 13-year ban. But China made a similar announcement back in 2006. That declaration touched off rounds of negotiations, with John Clifford, USDA's chief veterinarian at the time and the point man on all things BSE, being dispatched to Beijing to try to work out the details. Clifford and others, including then Farm and Foreign Agriculture Service Under Secretary J.B. Penn had been traveling regularly to Asia since the BSE discovery, working out deals to resume imports with Hong Kong, Taiwan and others, but not China.

The U.S. soon learned China was agreeing to only allow imports of boneless beef cuts under a bevy of restrictive terms, and the George W. Bush administration rejected the overture.

Mike Johanns, then the U.S. agriculture secretary, said at the time that China should be opening its market to all U.S. beef products, in accordance with the international standards established by the (World Organization for Animal Health). **"We will not be satisfied until a full range of U.S. beef products are once again accepted into the Chinese market,"** he said.

USDA officials at the time complained that to adhere to the complex Chinese demands, the Agricultural Marketing Service would have had to create a whole new Beef Export Verification program with special guidelines.

This time around, Vilsack called the Chinese announcement **"a critical first step to restore market access for U.S. beef and beef products," but he also stressed that success would hinge on "further technical discussions on the specific conditions that will allow trade to resume."**

One good sign, a USDA official said, is that Chinese auditors mentioned that the country is willing this time to accept imports of bone-in cuts of beef.

Chase Adams, a spokesman for the National Cattlemen's Beef Association, said it was too early for celebration. **"Our thought is, let's see what the details are,"** he said.

There are other reasons for optimism, several USDA officials said. First, the World Organization for Animal Health announced in 2013 that it was placing the U.S. into the "negligible," or lowest

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risk category, for BSE. Back in 2006 when China first lifted its beef ban the U.S. fell into the higher "controlled" risk category.

Perhaps even more significant, USDA is in the final stage of clearing China to ship its chicken to the U.S. There has never been any official communication from China that the country wants its chicken cleared before it allows in U.S. beef, but government and industry officials have said for years that they suspected that was the case.

"I don't think anyone thinks China is doing this out of the goodness of their heart, but poultry has certainly been their latest sticking point," Adams said.

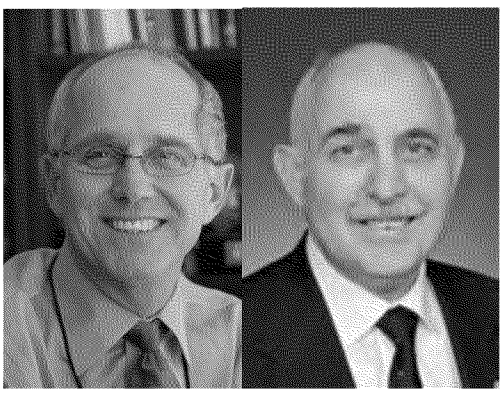
A team of FSIS auditors traveled to China last year to inspect and evaluate the country's ability to safely slaughter poultry and came back with good news. In March, FSIS informed China that the country had passed the audit and said FSIS will "recommend moving forward with the rulemaking process for poultry slaughter system equivalence and the issuance of a proposed rule." A USDA official said the department is on track to publish that proposed rule before the end of the year.

Oh, brother: CropLife questions makeup of glyphosate panel

When the Scientific Advisory Panel begins four days of meetings next week to examine the carcinogenic potential of glyphosate, Christopher Portier won't be there.

But his brother Kenneth, whom EPA picked to serve as one of the scientists reviewing the world's most widely used herbicide, will be in attendance.

And that has the crop-protection industry concerned.



Christopher (left) and Kenneth (right) Portier

Christopher Portier, former director of the U.S. National Center for Environmental Health at the Centers for Disease Control and Prevention, **served as an "invited specialist" on the International Agency for Research on Cancer panel that determined glyphosate is "probably carcinogenic to humans."**

He has been a lightning rod for criticism since the IARC assessment came out in March 2015 and sparked a worldwide pushback from principal manufacturer Monsanto and the ag chemical industry in general to prove that it is not.

The European Food Safety Authority released its own analysis, which concluded glyphosate is not likely to be carcinogenic, after which Portier led a group of 95 scientists who wrote a letter to EFSA and published a study disputing that characterization and taking issue with EFSA's methodology.

Christopher's brother, Kenneth Portier, is also a scientist: He's vice president of the Statistics & Evaluation Center at the American Cancer Society, and has served on more than 60 Scientific Advisory Panels for EPA.

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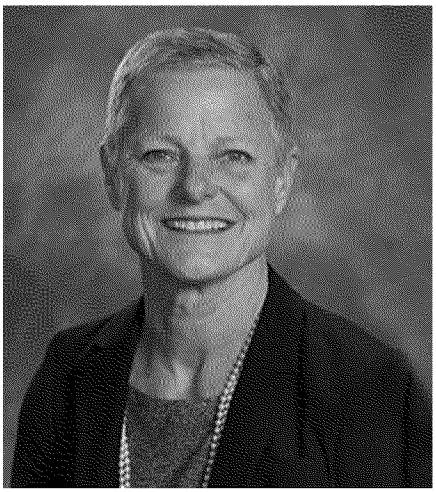
Despite those qualifications, his family ties have CropLife America raising questions about the SAP.

"It's hard to know if it's a fair panel," said Janet Collins, CLA's senior vice president of science and regulatory affairs, when asked about the SAP members last week. (Technically, the appointed scientists are members of the Science Review Board. The SAP is a permanent body that contributes a few of its members to panels that examine issues arising under the Federal Insecticide, Fungicide, and Rodenticide Act.)



Janet Collins, CropLife

When questioned specifically about Kenneth Portier, Collins noted that Christopher Portier has been "leading the charge" in defending IARC's monograph and speculated that the brothers have "probably talked about" this area of common interest.

"I'm not intending to call this particular gentleman out," she said, referring to Kenneth Portier. "I'm not in any way disparaging him or his credentials." But she added, "There appears to be a conflict of interest."

"Somebody who wanted to could argue that he shouldn't be on the panel," she said.

Agri-Pulse could not reach Kenneth Portier for comment, but Christopher defended his brother's credentials. In a phone interview, he said that Kenneth is "perfectly well qualified" to be on the glyphosate SAP.

"I don't believe anybody in their right mind would say he's not perfectly qualified. If they're trying to say he's biased, good luck, how are you going to prove it?"

"My brother chaired EPA's SAP for seven years," he continued. "Nobody has ever questioned his integrity or his scientific acumen – in fact, his statistical acumen. They're welcome to question it now, but they're just going to get a lot of negative feedback on it because he's done an excellent job for EPA over the years."

Portier also said that he and his brother don't always see eye to eye. **"He doesn't agree with everything I believe,"** Christopher said.

Asked whether he had spoken with his brother about glyphosate, Christopher Portier said, "In broad terms. I told him it's a battle between hazard and risk, and that he does understand."

"It's always an interesting tactic, I find, to change the message," Christopher said. "The message is not what I'm saying is wrong, the message becomes, 'But his brother's on the panel.' I'd prefer if they'd come straight at me and come after my message."

Portier also addressed the criticism that because he works part time for the Environmental Defense Fund – and did at the time of the IARC review – that his involvement with the IARC monograph is somehow tainted.

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"I work for them two days a week, mostly on air pollution and air pollution modeling, and on climate change and climate change modeling." The work, he said, has "nothing to do with pesticides."

"Nobody has paid me a cent to do what I'm doing with glyphosate," he said. "I have no conflict of interest whatsoever."

Christopher Portier has submitted comments to EPA in advance of the SAP meeting, at which the scientists will consider the studies and methods used by EPA to conclude in a recent paper that glyphosate is not likely carcinogenic.

In his comments, Portier said EPA incorrectly downplayed the significance of rat and mouse studies because of the size of the doses, even though the doses did not exceed 5 percent of the animals' body weight.

The data he examined, he said, "demonstrate an association in humans to (non-Hodgkin lymphoma), evidence in rats for thyroid tumors, and very strong evidence in mice for renal tumors, hemangiosarcomas and malignant lymphomas. EPA's exclusion of doses above 1,000 mg/kg/day is unscientific and their argument of a lack of significance above this dose is unsupported."

"In every case where EPA could choose between a public health protective choice where slight weaknesses in a study or a lack of a very strong finding could raise concerns, versus a choice where every study must be perfect and definitive, otherwise it is not used, EPA has chosen to discard positive findings, leaving them to finally conclude there is no concern. These data simply do not support a finding that glyphosate is 'not likely to be carcinogenic to humans.'"

Also commenting were some of the scientists who recently prepared a paper that found glyphosate is not likely be carcinogenic. Intertek Scientific and Regulatory Consultancy Services put together the panel for that paper on commission from Monsanto.

That paper said that "even without data IARC did not include, there is no support for IARC's conclusion that glyphosate is 'probably carcinogenic to humans.'"

In their comments, five of the 15 scientists on the Intertek panel praised EPA for "an excellent and thorough review of glyphosate."

"We agree with the agency that it is important to give more weight to studies evaluating endpoints that measured gene mutations and chromosomal aberrations (i.e. permanent DNA damage) than to endpoints reflecting DNA events that may be transient or reversible such as primary DNA damage (e.g., comet assays)," they said.

The SAP meeting will be held Oct. 18-21 in Arlington, Virginia. The online docket for the meeting is here.

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NCBA, PLC critical of federal sage grouse plans

While the greater sage grouse may have avoided an Endangered Species Act listing, the Bureau of Land Management is still working to conserve the bird's habitat. But those conservation efforts aren't sitting well with cattle ranchers.

On Tuesday, the National Cattlemen's Beef Association and the Public Lands Council submitted a report detailing their grievances with BLM's Instruction Memorandums on greater sage grouse habitat. Ethan Lane, PLC's executive director, said on NCBA's Beltway Beef audio program that the IMs are "disproportionately affecting ranchers."

"We want to make sure that just because we're the easiest to regulate and that we're the target of opportunity, that we don't become the first place BLM and the Forest Service go to make sure they check that box," he said.

The report itself strikes a similar tone. It says that livestock grazing "remains an inappropriate focal point" for BLM and other involved agencies despite grazing not being "in the top 10 list of threats" to habitat. (Rangeland wildfire, invasive weeds, and development pressure make up some of the other threats).

BLM Director Neil Kornze said the IMs "respond to state and stakeholder desires to see clear and consistent application of our management activities across the western greater sage-grouse states while providing the flexibility needed to respond to local situations and concerns."

Two of the seven IMs deal specifically with grazing issues: one on grazing permits and leases and another on grazing management thresholds. BLM says through the IMs, they will prioritize review of grazing permits that are within "the highest quality habitat" for breeding populations of the sage grouse. Renewal or modification of grazing permits in priority habitat "must consider and may incorporate specific indicators of land health."

NCBA and PLC request in their letter that BLM, the Forest Service, and the U.S. Fish and Wildlife Service **"provide clear instruction at the field level that livestock grazing is not a significant threat"** and that grazing "should not be held to a standard" beyond ecological limits in some sites. They also ask that the appropriate authorities cease application of the Resource Management Plans on permits "until these critical issues have been adequately addressed and mitigation refocused on primary threats to the species."

USDA to buy another $20 million of cheese to help the dairy market

USDA says it's planning to buy $20 million worth of domestic cheddar cheese in a renewed effort to soak up record surpluses and boost prices for dairy farmers

This will make the second $20 million purchase in about seven weeks. It was on Aug. 23 that the USDA announced the first purchase for the same reasons.

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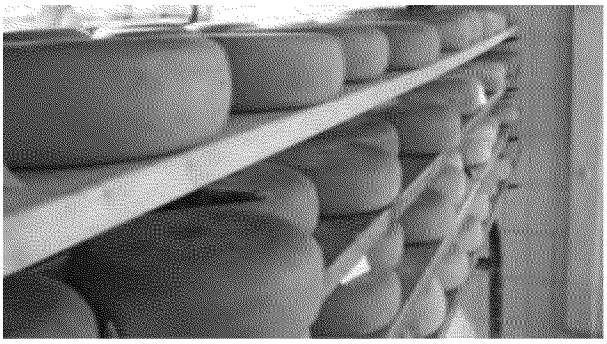
"While our analysis predicts the market will improve for these hardworking men and women (in the dairy industry), reducing the surplus can give them extra reassurance while also filling demand at food banks and other organizations that help our nation's families in need," Agriculture Secretary Tom Vilsack said in a statement.

The National Milk Producers Federation has expressed thanks for the purchases, **but the group had previously said USDA would need to buy at least $150 million worth of cheese – about 90 million pounds – to significantly improve prices.**

Vilsack made the announcement following a meeting on Tuesday with dairy farmers in La Crosse, Wisconsin, where he also discussed how the Trans-Pacific Partnership would benefit the dairy industry.

Vilsack went to the meeting armed with a new report from the USDA's Foreign Agricultural Service (FAS) that predicts TPP "could create an additional $150 million to $300 million in annual U.S. dairy exports."



Dairy farmers have been supportive of the TPP, but they are also concerned that Canada will not live up to its pledges to create more access for U.S. products.

Increased market access will be key for the industry because trade is the only way the U.S. dairy sector will be able to see major growth, USDA said.

"Free trade agreements have contributed to the growth in U.S. dairy exports and helped to address tariff and nontariff barriers that disadvantage U.S. products in overseas markets," the USDA said about the FAS report. "U.S. dairy exports to free trade agreement partners grew from $690 million in the year prior to each agreement's entry into force to $2.8 billion in 2015, driven by lower trade barriers and increased U.S. competitiveness," USDA said.

Legality of US conservation mitigation policy questioned

The U.S. Fish and Wildlife Service (FWS) may not have the authority to ensure that mitigation for land use – compensation for resources that would be destroyed – achieve a "net conservation benefit," as envisioned by the Obama administration in recently proposed policies.

That's the opinion of Kerry McGrath, an attorney with Hunton & Williams in Washington who conducted a webinar for the National Agricultural Law Center earlier this week. McGrath discussed the administration's mitigation policies for streams and wetlands, and, as proposed by FWS on Sept. 2, for endangered species. The species mitigation policy proposal carries a comment deadline of Oct. 17, but FWS has received a handful of requests for an extension, including from the American Farm Bureau Federation.

The renewed focus on mitigation results from a memorandum issued by President Obama last November, in which he said agencies "should establish a net-benefit goal or, at a minimum, a no-net-loss goal for natural resources the agency manages that are important, scarce, or sensitive."

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That memo also said agencies "should give preference to advance compensation mechanisms" – in other words, ways to compensate for harmful impacts *before* they occur.

But McGrath, looking to provide advice on potential areas for comment, said there is "limited statutory authority" for requiring advance compensation or a net benefit. She also noted that since a policy is not a rule, "legally it could be a little difficult" to challenge, as it is not "final agency action."

Kerry McGrath, Hunton & Williams

In a FAQ document released with its September proposal, FWS acknowledged that under the Endangered Species Act, "there is no mandatory obligation to improve or maintain the current status of affected resources" and said its "preference" is that landowners provide compensatory mitigation before anything happens on the land in question. Another key element of the policy is a preference for "consolidating compensatory mitigation on the landscape," such as conservation banks, areas set aside that contain habitat for the affected species.

But McGrath said that unlike wetlands mitigation banks, which have steadily grown in number over the past 25 years – there are now close to 2,000 nationwide – there are fewer than 150 conservation banks covering 170,000 acres.

"Wetland mitigation banking is the most established." McGrath said. "They're permitting wetland mitigation banks faster than people really need – not that they're always in areas you need."

Although FWS has listed conservation banks as an attractive option for landowners, McGrath said that as a "relatively new concept," there aren't enough of them to provide the number of conservation credits needed.

"You might be in an area where there aren't enough credits … so sometimes it's kind of necessary and it can be a lot cheaper to do your own mitigation," she said.

In addition to a dearth of conservation banks, McGrath said that there are no "established metrics" for how to use conservation credits. The process is "not really standardized, especially for species."

Another potential pitfall is that FWS might implement the policy as if it has the legal authority to do so. **"There's certainly the concern that these goals … will be treated by service staff as binding requirements," she said.**

One potential business opportunity for farmers is setting up their own wetlands mitigation or conservation bank, McGrath said. But be prepared for a lot of paperwork. **"It's a permitting process on steroids,"** she said, mentioning transaction costs and "not a lot of flexibility." One unanswered question is whether other uses, such as cattle grazing, would be allowed.

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"The answer is not very clear," she said. **"I've seen different answers from different Army Corps (of Engineer) districts on cattle grazing."**

In testimony before the Senate Environment and Public Works Committee last month, Ryan Yates, with the National Endangered Species Act Reform Coalition, said the service's "landscape scale approach is overly expansive and fails to consider the role of states and local jurisdictions in species conservation. The service cannot incorporate landscape scale mitigation into permitting decisions or authorizations without explicit statutory authority, which requires such a broad ecological approach."

News Briefs…

Sorghum exports off to fast start. Sorghum exporters are off to a great start in the new marketing year that started Sept 1. Export commitments to close out the first month of the 2016/17 marketing year saw another new trading partner enter the market as Nigeria purchased almost 100,000 bushels of the grain. Nigeria is the seventh country to enter the U.S. sorghum market this marketing year, compared to six sorghum trading partners in the first month of the previous year and just four partners in the entire 2014/15 marketing year. Commitments from the final week in September brought the total for the marketing year to 39.2 million bushels, or 15.7 percent of the USDA export target of 250 million bushels. This pace far exceeds last year's pace as well as the five-year and 10-year averages for the first month of the marketing year.

Global battle against hunger stalling. The global community needs to do more if it is going to meet the UN target of ending world hunger by 2030, according to the 2016 Global Hunger Index. The GHI, calculated each year by the International Food Policy Research Institute (IFPRI), indicates that if hunger keeps declining at the same rate as it has since 1992, more than 45 countries – including India, Pakistan, Haiti, Yemen and Afghanistan – will still have "moderate" to "alarming" hunger scores in the year 2030. "Simply put, countries must accelerate the pace at which they are reducing hunger," said IFPRI Director General Shenggen Fan. "Ending global hunger is certainly possible, but it's up to all of us that we set the priorities right to ensure that governments, the private sector and civil society devote the time and resources necessary to meet this important goal." The report was not all bad news. For example, it shows the level of hunger in developing countries has fallen by 29 percent since 2000. Twenty countries, including Rwanda, Cambodia, and Myanmar, have all reduced their GHI scores by over 50 percent each since 2000. The GHI, now in its 11th year, ranks countries based on four key indicators: undernourishment, child mortality, child wasting and child stunting. The 2016 report ranked 118 countries in the developing world, almost half of which have "serious" or "alarming" hunger levels.

Pork Board names Pig Farmer of the Year. Brad Greenway, from Mitchell, South Dakota, has been named America's Pig Farmer of the Year for 2016. The award from the National Pork Board recognizes a farmer who excels at raising pigs using the so-called We Care ethical principles and who connects with today's consumers about how pork is produced. NPP says Greenway has focused "on doing what's right for people, pigs and the planet" on his family farm for the last 40 years. He and his wife, Peggy, own two wean-to-finish pig barns. They also raise beef cattle and grow corn, soybeans, wheat and alfalfa. In affirming the We Care principles, a famer acknowledges a responsibility, among other things: to produce safe food; to protect animal well-being; to ensure practices to protect public health; and to safeguard natural resources. Click here to learn more about Greenway's farm and the America's Pig Farmer of the Year Award

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Dakota Access pipeline given green light. The Dakota Access pipeline can move forward, a federal court said Sunday. Ruling just four days after holding oral arguments, the D.C. Circuit Court of Appeals said the Standing Rock Sioux Tribe had "not met the narrow and stringent standard" for a permanent injunction under the National Historic Preservation Act (NHPA), giving Dakota Access Pipeline (DAPL) "rights of access to the limited portion of pipeline corridor not yet cleared – where the tribe alleges additional historic sites are at risk." That area includes a couple of miles of land west of Lake Oahe in North Dakota. Last month, the court granted a temporary halt to construction of the 1,200-mile pipeline from North Dakota to Illinois shortly after the Army Corps of Engineers agreed to review its earlier decision to approve work near the lake. In its two-page ruling, the appeals court, which heard arguments Oct. 5, said the tribe had not met the four-part test to stop work, including a showing of "irreparable harm" to its interests and a demonstration that a halt to the work would not damage the public interest. Dakota Access contends that further delays could cost hundreds of millions of dollars. The appeals court, however, said its ruling "is not the final word. A necessary easement still awaits government approval – a decision Corps' counsel predicts is likely weeks away; meanwhile, DAPL has rights of access to the limited portion of pipeline corridor not yet cleared." NHPA's consultation process is "designed to be inclusive and facilitate consensus," the court said. "We can only hope the spirit of (that law) may yet prevail." The tribe said the fight isn't over.

Farm Hands on the Potomac…

Former American Farm Bureau Federation President **Bob Stallman** is one of six new members of the Foundation for Food and Agriculture Research's board of directors. The new members were announced last week following FFAR's board meeting in Washington. Also named to five-year terms on the board were: **Doug Cameron**, managing director of First Green Partners; **Carl Casale**, president and chief executive officer of CHS Inc. and a former executive vice president and chief financial officer for Monsanto Co.; **Gail Christopher**, senior adviser and vice president at W. K. Kellogg Foundation; **Mehmood Khan**, M.D., vice chairman and chief scientific officer of global research and development at PepsiCo.; and **Pam Marrone**, founder and CEO of Marrone Bio Innovations. To see a complete list of FFAR's Board, click here.

Kourtney Determan has been named manager of strategic and digital communications at the National Chicken Council. Determan joined NCC in 2014 as a communications associate following an internship with the National Pork Producers Council.

Arne Duncan has joined the board of directors of Revolution Foods. Duncan served as U.S. Secretary of Education from 2009 until early this year. Revolution Foods provides freshly prepared meals to U.S. schools and has a line of foods available in grocery stores.

Steven Titlebaum is settling into his new job as director of development at the United Fresh Start Foundation. Titlebaum previously held the same title at Gallaudet University in Washington, D.C. The foundation's mission is to increase children's access to fresh produce.

Kelly Davis, director of regulatory affairs at the Renewable Fuels Association, has been re-appointed to the Commerce Department's Renewable Energy and Energy Efficiency Advisory Committee. The panel advises the agency on U.S. renewable energy and energy efficiency products and services. In all, 34 members were appointed or reappointed to the committee. For a full list of panel members, click here.

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U.S. Wheat Associates has hired **Boyuan Chen** as country director in the organization's office in Taipei, Taiwan. He starts the new job Nov. 1. Chen will replace Ron Lu, who is retiring after 33 years with USW.

Sara Harper has started her new job as vice president for engagement and sustainability at The UpField Group. On its website, UpField says it leads the industry "by connecting sports fans and venues to farming, food and renewable energy." Harper previously was director of sustainability and supply chain solutions with KCoe Isom.

The board of directors of SNAC International – formerly the Snack Food Association – has approved the appointment of **Elizabeth Avery** as the association's president. Avery will begin that job on Jan. 16, 2017. Later in the year, on July 1, she'll replace retiring CEO **Tom Dempsey**. Since 2004, Avery has served in several roles at PepsiCo, most recently as senior vice president for global public policy and government affairs. From 1999 to 2001, she had a similar role with the Snack Food Association.

John Goldberg is hanging out his shingle as a John Goldberg Consulting, offering advice on food, agriculture and environment policy. Goldberg, who's also a master scuba diving instructor, left the House Agriculture Committee in September after 22 years of service as a science adviser.

Justin Schneider is the new president of the American Agricultural Law Association. Schneider, director of government relations for the Indiana Farm Bureau, assumed the new role last week at the AALA's annual Agricultural Law Symposium. **Jennifer Zwagerman**, associate director of the Drake Agricultural Law Center and director of career development at Drake University Law School, is AALA's new president elect.

Hans Walter Becherer, a former president, CEO and board chairman of Deere & Co., passed away Oct. 6. The Detroit native joined Deere in 1962 and was named president and chief operating officer in 1987, a year after joining the company's board of directors. He succeeded **Robert A. Hanson** as chief executive officer in September 1989 and assumed the role of chairman the following year. He retired as a Deere employee and board member in 2000.

Best Regards,

Sara Wyant

Editor

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