

Industry Link

Federal Court validates cattlemen's concerns on EPA's scientifically shoddy approach

The Florida Cattlemen's Association (FCA) and the National Cattlemen's Beef Association (NCBA) April 28, 2011, challenged the Environmental Protection Agency's (EPA) determination letter and final rule establishing numeric nutrient criteria (NNC) for Florida's lakes, rivers, streams and springs. The lawsuit, which was filed in the U.S. District Court for the Northern District of Florida in Tallahassee, resulted in a mixed ruling Feb. 18, 2012. Judge Robert Hinkle invalidated the criteria for streams and certain aspects of the downstream protection values for lakes, ruling them "arbitrary and capricious." This action ultimately prevents EPA from implementing its proposed criteria for these water bodies in the state of Florida.

While the Court upheld several of EPA's arguments, FCA and NCBA are encouraged by the outcome.

"We hope the recent ruling prompts EPA Administrator Lisa Jackson to pull back from implementing federal nutrient criteria in Florida and properly return the authority back to the state where it belongs. It is clear that EPA's heavy hand will have irreparable harm on Florida agricultural producers if the agency's actions are not stopped. Just as importantly, EPA must be stopped from applying this flawed model to other watersheds across the country," said NCBA Deputy Environmental Counsel Ashley Lyon. "EPA's science-be-damned approach should be stopped. Criteria must be based on science. EPA's approach is not based on science and was rightly invalidated."

According to Jim Handley, FCA executive vice president, the court's ruling stating that EPA's reference method used to derive the NNC is arbitrary and capricious should force EPA to rightfully return the issue to Florida.

"EPA needs to scratch this rule. It isn't good for Florida. It isn't good for America. We are not alone in our opposition to the NNC rule. Florida Attorney General Pam Bondi and Florida Agriculture Commissioner Adam Putnam, as well as their predecessors have challenged the rule on behalf of Floridians. Our elected leaders have been outspoken against this rule. Furthermore, Florida's own Department of Environmental Protection asked EPA to rescind this rule," said Handley.

Handley said the NNC rule will cause substantial financial damage to an already struggling economy. This rule is estimated by EPA to cost Florida approximately \$113 million in implementation costs and roughly \$35 million annually. However, other experts predict this rule carries a much heftier price tag. A study conducted by the

Florida Department of Agriculture and Consumer Services, the University of Florida, and Soil and Water Engineering Technology Inc. concluded that the economic impact could easily reach \$3.1 billion in implementation costs and annual costs could top \$974 million. The study also predicts 15,000 agricultural jobs will be lost.

TAHC accepting comments on two new rule proposals

The Texas Animal Health Commission (Commission) is currently accepting public comments on rule proposals that were authorized during the Jan. 24 commission meeting.

The Commission proposed amendments to Chapter 51, entitled "Entry Requirements." The purpose of the proposed amendments are to make Texas' entry requirements more consistent with current national interstate movement standards.

The Commission is specifically amending Section 51.3, entitled "Exceptions," to clarify and modify interstate entry requirements for sheep, goats and swine. The first amendment will waive the prior requirement for an entry permit and certificate of veterinary inspection (CVI) for swine consigned directly to slaughter or consigned to a specifically approved livestock market from their farm of origin.

The proposed changes to Section 51.3 would also no longer require an entry permit for sheep and goats consigned from USDA-sanctioned "Consistent States," which means they have an active scrapie surveillance and control program.

The Commission is removing a requirement related to vesicular stomatitis (VS) in Section 51.7. Currently, when VS has been diagnosed in another state, the veterinarian issuing the CVI must write on the CVI that any equine, bovine, porcine, caprine, ovine or cervidae entering Texas from that state have not been exposed to the disease. The Commission has determined that other state's quarantine and movement restriction safeguards are adequate to ensure exposed animals are not moving, without requiring the written statement. The Texas requirement prohibiting entry of certain livestock from a premises or area under quarantine for VS will be left in place to protect Texas livestock.

In Section 51.14, the Commission is removing the requirement that swine imported into Texas for feeding, breeding or exhibition purposes must be accompanied by a CVI certifying that swine have not been exposed to hog cholera, which is now called Classical Swine Fever (CSF). CSF has been eradicated from the United States for several years, so this requirement is no longer necessary.

The previous rule proposals have a comment period of 30 days. They may be commented on until 5 p.m. March 18, 2012. A detailed description of the proposed rules can be found on the TAHC website at www.tahc.state.tx.us under Rule Proposals (www.tahc.state.tx.us/regs/proposals.html).

The Commission proposed amendments to Chapter 35, entitled "Brucellosis." The Commission is proposing to remove the brucellosis (Bang's disease) test requirement for change of ownership of adult sexually intact cattle, and to add a requirement that cattle be permanently and officially identified when there is a change of ownership.

On Aug. 1, 2011, the Commission ceased to enforce the requirement for a brucellosis test at change of ownership due to a lack of funds to supplement the cost of testing at livestock markets. The agency is therefore proposing to amend the rule to officially end the test requirement. Historically, cattle that were tested for brucellosis had permanent official identification (such as ear tags) applied at the same time. This practice was a significant asset to the agency's ability to successfully track or trace cattle as needed for all disease programs, not just brucellosis. The identification capability was also lost at the time that testing requirements ceased. The Commission is now proposing to require that all cattle that are parturient or post-parturient or 18 months of age and older, except steers and spayed heifers, changing ownership within Texas shall be officially identified with Commission-approved permanent identification.

This particular rule has a comment period of 60 days. It may be commented on until 5 p.m. April 17, 2012. A detailed description of the proposed rule can be found at www.tahc.state.tx.us under Rule Proposals (www.tahc.state.tx.us/regs/proposals.html).

Comments on the TAHC's proposed regulations must be submitted in writing to Carol Pivonka, Texas Animal Health Commission, 2105 Kramer Ln., Austin, Texas 78758; by fax to 512-719-0721 or by email to comments@tahc.state.tx.us.

NMA and NAMP make new association official

The National Meat Association (NMA) and the North American Meat Processors Association (NAMP) made their consolidation into a new association official in early February, the two associations announced in a joint statement. This action sets in motion establishing a new North American meat industry trade association consisting of member companies of both groups, and the termination of NMA and NAMP as separate entities. The target date for the start of the new association is July 1, 2012.

The new association will be one

of the larger trade groups in the global meat trade, with more than 700 member companies in the United States, Canada, Mexico and other countries. Nearly 400 of them are meat processors.

NMA is the successor organization to the Western States Meat Association, which was formed by the mergers of Western States Meat Packers Association, Pacific Coast Meat Association and

Mountain/Plains Meat Association. The organization became the National Meat Association in February 1995.

NAMP was established in 1942 as the National Association of Hotel and Restaurant Purveyors. It changed its name several times, most recently in 1996. NAMP developed its *Meat Buyer's Guide* in 1961, which the new association will continue.

CattleFax names 2012 officers, directors

Kent Bamford of Haxtun, Colo., has been elected president of CattleFax, a member-owned, member-directed cattle market information and research organization. Kevin Hughes, Boise, Idaho, was named president-elect.

Bamford is owner of Bamford

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Feedyard, a Colorado operation that includes a 15,000-head feedyard and diversified farm, both irrigated and dryland, as well as a trucking company. He is a past president of the Colorado Livestock Association, a board member and treasurer for the Colorado Beef Council, and a board member for the

National Cattlemen's Beef Association (NCBA). Bamford also serves as the Intermountain Regional Director for CattleFax. He is a graduate of Colorado State University.

Hughes is a cattle feeder and president of Agri Beef Risk Management Co., a division of Agri Beef Co., a

vertically integrated ranching, cattle-feeding and processing company based in Boise. A native of Arizona and graduate of the University of Arizona, he is a past member of the Chicago Mercantile Exchange (CME), trading in the live cattle futures and options market as an independent floor trader. He

served on the CME live cattle marketing and advisory committees and currently serves on the NCBA marketing committee. He serves as the CattleFax northwest director.

Named new directors on the organization's board were Todd Allen, Newton, Kan., central director; Tom Jensen, Omaha, Neb., finance director; and Dale Smith, Amarillo, Texas, southwest director.

Allen is president of Cargill Cattle Feeders. Jensen is senior vice president of the First National Bank of Omaha, heading up the Agribusiness, Correspondent Banking and Renewable Fuels Departments. Smith is a partner and president of McLean Feedyard Ltd. and a managing partner in Corsino Cattle Co., which operates a commercial cow-calf herd in the Texas Panhandle and a stocker operation in Texas, New Mexico, Oklahoma and Mississippi.

USDA to tap veterans, transitioning service members for careers in ag

Agriculture Secretary Tom Vilsack and The American Legion National Commander Fang Wong Feb. 28 signed a Memorandum of Understanding to help veterans and transitioning military service members find positions that promote agriculture, animal and plant health, food safety, nutrition, conservation and rural communities. With this partnership, USDA and the American Legion will leverage existing resources to expand opportunities for veterans while promoting USDA programs and services in communities throughout the country.

Today, about 6.1 million veterans live in rural communities — a higher concentration than anywhere else in the country. More than 5,300 American Legion posts are located in counties with populations of fewer than 40,000 and one-third of the Legion's membership call rural America home.

USDA and the American Legion have agreed to promote USDA vacancy announcements; share information about activities in newsletters; provide information about USDA programs and vacancies through established networks, as well as on the Internet; and promote veteran-owned business participation in USDA contracts. USDA will provide information about the opportunities and support it offers, so that service members who want to start their own rural business, farm or ranch are aware of USDA programs, grants, loans or small business contracts. USDA education, training, outreach and mentoring programs, such as www.start2farm.gov, will help encourage young, hard-working veterans to be the next generation of America's farmers and ranchers.