

Industry Link

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GAO says EPA violated federal law to subvert public opinion

The non-partisan Government Accountability Office (GAO) found that the Environmental Protection Agency (EPA) violated federal law in promoting the agency's *Waters of the United States* (WOTUS) rule. The decision found the EPA engaged in covert propaganda and grassroots lobbying to support the WOTUS rule. Philip Ellis, National Cattlemen's Beef Association (NCBA) president, said this report confirms what producers have long suspected: an agency with a radical agenda.

The GAO decision finds that the EPA's use of Thunderclap, in which a single social media message can be shared across multiple Facebook, Twitter and Tumblr accounts at the same time, was a prohibited use of EPA's appropriations for unauthorized publicity or propaganda purposes.

"From the start, the EPA's use of social media, and particularly Thunderclap, raised concerns with stakeholders opposed to the WOTUS rule," said Ellis. "The use of these messages, without attribution to the agency, was clearly intended to deceive the public to engage in the spread of EPA's propaganda without consideration of the rulemaking process. By crafting the social media message to appear grassroots, the EPA misused taxpayer funds to support expansion of federal jurisdiction."

The GAO also found that the agency's website links to policy engagements on the Natural Resources Defense Council and Surfrider Foundation webpages constituted grassroots lobbying in violation of the grassroots lobbying prohibition.

"The Army Corps of Engineers has raised concerns that the EPA exaggerated the scientific basis for their jurisdictional determinations, the courts have twice found rationale to halt implementation of the rule, and both Chambers of Congress have taken action to withdraw the rule," said Ellis. "It is time for Congress to act to fully defund implementation of the WOTUS rule and bring accountability to the EPA."

The GAO's general counsel has advised the EPA to report the violations and the costs associated with the violation of the law to the president and Congress as required by the *Antideficiency Act*.

Source: NCBA.

WTO announces final retaliation amounts to COOL; Congress repeals COOL

The World Trade Organization (WTO) announced that it is authorizing Canada and Mexico to move forward with a combined \$1,009,760,000 in retaliatory tariffs, which could have begun in mid-December, in response to U.S. noncompliance on country-of-origin labeling (COOL) for muscle cuts of beef and pork.

The WTO announcement is the final step in a WTO dispute that has been ongoing for more than seven years. Despite efforts by the USDA to amend the rule, the WTO has repeatedly ruled that the U.S. COOL rule discriminates against imported livestock in violation of U.S. trade agreements.

COOL was repealed in the fiscal year 2016 omnibus legislation package, which covered a number of diverse or unrelated topics, by Congress in mid-December. Groups such as the COOL Reform Coalition, which represents more than 140 companies and associations from a broad spectrum of industries, and NCBA supported the repeal of COOL.

Groups like the United States Cattlemen's Association (USCA), the Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA) and National Farmers Union (NFU) opposed repeal and instead favored the Stabenow-Hoeven option of a voluntary COOL.

Sources: *COOL Reform Coalition, NCBA, NFU, R-CALF USA and USCA.*

USDA finalizes rule to enhance consumer protection

The USDA Food Safety and Inspection Service (FSIS) announced a new measure that will improve the agency's ability to determine the source of foodborne illnesses linked to ground beef, stopping foodborne illness outbreaks sooner when they occur.

Based on lessons learned from previous outbreak investigations, FSIS is requiring that all makers of raw ground beef products keep adequate records of the source material, so that the agency can quickly work with the

suppliers to recall contaminated product. Outbreak investigations can be hindered when retail stores produce ground beef by mixing product from various sources, but fail to keep clear records that would allow investigators to determine which supplier produced the unsafe product.

This new requirement complements expedited traceback and traceforward procedures announced in August 2014 that enhance the agency's ability to quickly and broadly investigate food safety breakdowns in the event of an outbreak connected to ground beef.

Source: *USDA FSIS.*

AMS strengthens USDA Process Verified Program

For almost 20 years, USDA's Agricultural Marketing Service (AMS) has administered the Process Verified Program (PVP) to help agricultural suppliers differentiate their products in an increasingly competitive marketplace. The changes provide the public with greater transparency and confidence in the "USDA Process Verified" shield.

First, to ensure consistency, increase efficiency, and protect the integrity of the PVP, AMS moved the program to a single-management structure that works across commodity programs. By providing uniform requirements and auditor procedures, this guarantees that the USDA Process Verified shield represents the same level of transparency and independent USDA verification regardless of the product.

In addition, the USDA PVP will now require any marketing claim or verified process point to be clearly defined, in plain language, on the USDA website. All products with the USDA Process Verified shield will also display the website address, so that consumers can easily find additional information about the actual meaning of any marketing claims or process points.

Both of these changes increase transparency and accountability by making it easier for consumers to understand the meaning of PVP-approved marketing claims. Consumers can be confident that labeling claims associated with the USDA Process Verified shield are subject to rigorous, on-site, third-party audits conducted by independent federal employees.

In turn, companies can assure customers that USDA has independently verified that their quality management systems meet the highest international standards. This allows companies to effectively communicate about specific production practices and marketing claims — from antibiotic use in animal agriculture to genetic modification of

grains — that are important to consumers.

Learn more at
<http://processverified.usda.gov/>.

Source: *USDA.*

Forty million dollars available to restore sage grouse habitat

Agriculture Secretary Tom Vilsack announced the availability of \$40 million to help ranchers and other partners in 11 western states restore and protect sagebrush habitat for greater sage-grouse on privately owned land. This investment is part of USDA's four-year, \$211 million Sage Grouse Initiative 2.0 through the Working Lands for Wildlife (WLFW) partnership. The WLFW partnership uses seven focus species, including sage grouse, to steer public and private conservation investments that improve struggling landscapes and strengthen agricultural operations.

USDA's Natural Resources Conservation Service (NRCS) uses the Sage Grouse Initiative to build on the success of \$296.5 million invested with farmers and ranchers in 11 western states for sage grouse habitat conservation from 2010 to 2014.

Source: *USDA.*

Private property rights threatened by president's threat to veto Red River Bill

President Obama threatened a veto of Rep. Mac Thornberry's (R-Texas) bill, *H.R. 2130, the Red River Private Property Protection Act*. NCBA President Philip Ellis called the veto threat another example of egregious federal overreach.

"The president's threat to veto the *Red River Private Property Protection Act* is par for the course for this administration, and it is yet another example of our executive branch's blatant disregard for private property rights and commonsense compromise. This bill would settle the dispute over 90,000 acres [of] land along a 116-mile stretch of the Red River the Bureau of Land Management claims may be considered public domain by requiring a survey of the contested area to be completed within two years and approved by the states of Texas and Oklahoma.

"If left unchecked by Congress, it sets a precedent that the Secretary of Interior can lay claim to private land without legal consequence, due process or just compensation," Ellis added.

Source: *NCBA.*

Administration support for biotechnology

The FDA's rejection in November of

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petitions to the White House for mandatory labeling of genetically modified organisms (GMOs) is “a victory for consumers and farmers alike,” according to American Farm Bureau Federation President Bob Stallman.

“This administration has long been a

champion for nutrition, and this action recognizes how biotechnology is changing the way we grow food — for the better,” Stallman said in a statement.

Earlier in November, FDA also placed its stamp of approval on a genetically engineered animal product, AquAdvantage Salmon. The agency’s action “is a milestone for expanding farmers’ and ranchers’ ability to produce

nutritious food critical to a healthy diet,” Stallman said.

In announcing its approval of AquAdvantage Salmon, the agency noted, under the *Federal Food, Drug, and Cosmetic Act*, the FDA can only require additional labeling of foods derived from genetically engineered (GE) sources if there is a material difference — such as a different nutritional profile — between

the GE product and its non-GE counterpart. In the case of the AquAdvantage Salmon, the FDA did not find any such differences.

“Thanks to these decisions, consumers will continue to benefit from access to a variety of nutritious foods in the marketplace,” Stallman said. “Consumers have a right to know what’s in their food, but they should be given the facts — facts grounded in science. New voluntary guidance on labeling from the FDA will help companies provide more helpful information for those consumers looking to make the best choices for their families.”

Source: American Farm Bureau Federation.

Central resource for interstate livestock movement

The National Institute for Animal Agriculture (NIAA) and the U.S. Animal Health Association (USAHA) have announced the availability of their new website dedicated to simplifying interstate travel requirements for producers, veterinarians and marketers doing business across state lines.

InterstateLivestock.com, powered by Trace First, makes it simple to find health requirements before traveling. Users enter their origin, destination and species and the website gives a comprehensive list of requirements. By entering their location they can also find the nearest approved tagging site. The site currently includes cattle regulations in its first phase, with other species planned in the future.

The site is a result of collaboration with state animal health officials to provide accurate results for movement regulations, particularly after hours. The 24/7 access is intended to give instant access to the information and support animal health protection across the United States.

The new website was unveiled at the 119th USAHA annual meeting in late October.

Source: National Institute for Animal Agriculture.

Texas state checkoff program begins second year

After a successful inaugural year, the Texas state beef checkoff program began its second year of collections that fund programs aimed at strengthening and expanding beef demand.

Texas beef producers voted in June 2014 to establish a state-level beef checkoff program, which was approved by a wide margin of 66% of voters. The Texas Department of Agriculture conducted the referendum upon petition by cattle industry organizations under the authorities designated by the Texas Legislature.

The program is funded through a refundable \$1-per-head assessment on cattle at each point of ownership transfer in Texas. The funds are managed in accordance with Texas law by the Beef Promotion Research Council of Texas (BPRCT). The BPRCT consists of

20 Texas cattle producers appointed by the Texas commissioner of agriculture. All state beef checkoff programs are overseen by the BPRCT.

The BPRCT contracts with the Texas Beef Council to conduct demand-building programs in the areas of promotion, research and education.

Fiscal year 2016 began Oct. 1, 2015, for the BPRCT with a budget of \$9.51 million.

Source: Beef Promotion Research Council of Texas.

USDA removes farm program payments to managers not actively engaged in farming

The USDA Dec. 15 finalized a rule to ensure that farm safety-net payments are issued only to active managers of farms that operate as joint ventures or general partnerships, consistent with the direction and authority provided by Congress in the 2014 Farm Bill. The action, which exempts family farm operations, closes a loophole where individuals who were not actively part of farm management still received payments.

Since 1987, the broad definition of “actively engaged” resulted in some general partnerships and joint ventures adding managers to the farming operation, qualifying for more payments, that did not substantially contribute to management. The rule applies to operations seeking more than one farm manager, and requires measureable, documented hours and key management activities each year. Some operations of certain sizes and complexity may be allowed up to three qualifying managers under limited conditions. The changes apply to payments for 2016 and subsequent crop years for Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC) Programs, Loan Deficiency Payments (LDP) and Marketing Loan Gains (MLG) realized via the Marketing Assistance Loan program.

As required by Congress, the new rule does not apply to family farms, or change regulations related to contributions of land, capital, equipment or labor. The changes go into effect for the 2016 crop year for most farms. Farms that have already planted fall crops for 2016 have until the 2017 crop year to comply. For more details, producers are encouraged to consult their local Farm Service Agency office.

Source: USDA.

Beef Cattle Institute and Kansas Beef Council to host free BQA training sessions

The Beef Cattle Institute at Kansas State University and the Kansas Beef Council will host three advanced beef cattle care and health training sessions throughout Kansas during January. The checkoff-funded sessions will provide up-to-date standards and technologies to improve animal welfare and food safety.

The meetings will be hosted at 6 p.m. and are scheduled for the following dates and locations:

- Jan. 13 – Sylvan Sales Commission, Sylvan Grove
 - Jan. 18 – Pratt Livestock Inc., Pratt
 - Jan. 21 – Anderson County Livestock Auction, Garnett
- Producers and veterinarians will receive Beef Quality Assurance (BQA) training and information relevant to the cow-calf, stocker and feedlot industry segments; animal husbandry best

management practices; and downed animal care and humane euthanasia training. In addition, stockmanship principles and low-stress cattle-handling techniques will be studied. All producers and veterinarians who attend will earn BQA certification. BQA certification is valid for three years.

Each workshop is free of charge and includes a complimentary meal. Pre-

registration one week or more prior to the event is requested by contacting the Beef Cattle Institute at 785-564-7459 or email kjoliver@vet.ksu.edu. Walk-in attendees are welcome but are not guaranteed a meal.

Source: K-State.



National Ag Day essay contest deadline is Jan. 29

The Agriculture Council of America (ACA) calls on ninth- to 12th-grade students to submit an original, 450-word essay or a two-minute video essay about the importance of agriculture. This year's theme is "Agriculture: Stewards of a Healthy Planet" and the deadline is Jan. 29, 2016. The ACA asks teachers and parents to encourage their students and children to participate.

The theme presents an opportunity for students to address how the individuals involved in agriculture have a duty to protect the planet and its people through what they produce. Entrants may choose to either write an essay or create a video focusing on how today's growers are overcoming challenges to provide a safe food supply to uphold our planet's health.

The national written essay winner receives a \$1,000 prize and round-trip ticket to Washington, D.C., for recognition during the Celebration of Ag Dinner March 15. During dinner, the winner will have the opportunity to read the winning essay and join with industry representatives, members of Congress, federal agency representatives, media and other friends in a festive ag celebration. The video essay winner wins a \$1,000 prize, and the winning video will play during the Celebration of Ag Dinner.

The Ag Day Essay Contest is sponsored by CHS Inc., National Association of Farm Broadcasting, National Agri-Marketing Association and Penton Agriculture.

All written entries should be sent to: 2016 Ag Day Essay Contest, Agriculture Council of America, 11020 King Street, Suite 205, Overland Park, KS 66210, or submitted by email to essay@agday.org. Students may upload video essays at <http://agday.leapfile.net> mail video entries on a compact disc to the address above. Visit www.agday.org to for official contest rules and details regarding entries.

Source: Agriculture Council of America