

# Opinions

## EDITORIAL

### Scrutiny of animal handlers will not go away

Stealth filming of animal and Spoultry operations and slaughterhouses has generated controversy in recent years. The film has shocked the public, motivated activists and caused producers to review husbandry practices.

Farm state legislatures have responded — under intense lobbying pressure — by passing laws that make undercover filming operations a criminal offense. Seven states — Iowa, North Dakota, Utah, Montana, Missouri, Kansas, Idaho and North Carolina — passed laws to that effect in recent years.

The legislative response is understandable, given that those who film

gain access by lying. Opponents of the laws, which they label as “gag laws,” have filed lawsuits based on free-speech rights.

Iowa’s law suffered a blow in January when a judge in the U.S. District Court for the Southern District of Iowa tossed out the law on free-speech grounds.

The Animal Defense Fund, as expected, celebrated the judge’s ruling.

“Ag gag laws ... are an attempt by animal exploitation industries to hide some of their worst forms of animal abuse in the United States,” said Stephen Wells, executive director of the Animal Legal Defense

Fund.

Iowa’s livestock producer groups and others who backed the legislation were taken back by the judge’s decision.

The decision is likely to be appealed.

A federal judge in Idaho overturned a similar law that made undercover filming a crime back in 2015.

Minnesota doesn’t have a law against the practice, although bills have been introduced in recent years.

It appears the ag industry is losing ground on the issue in general. For starters, critics of these laws have successfully labeled them “ag gag.”

The label has become a battle cry and a public relations banner for animal rights groups.

Whether Iowa’s filming laws will eventually be restored or not, the agriculture industry certainly suffers a significant hit each time an undercover film shocks the country.

Iowa’s and Minnesota’s turkey, chicken, beef and hog industries have been proactive in pushing proper husbandry.

Abuses should not be and are not condoned. It is not morally defensible or economically wise to abuse animals. Farm and industry laborers are trained in proper practices. When abuses are revealed, many employees

have been fired and education efforts implemented.

It’s wrong for animal rights activists to deceive. Deception, even for a perceived good cause, is not acceptable.

It’s possible that new laws could be crafted in such a way to withstand constitutional challenge. Scrutiny of animal and poultry handlers will not go away, nor should it.

At a time when most consumers want to know how food produced, farmers can ill afford to tolerate abuses or grow complacent.

## ED FISCHER'S POINT OF VIEW



## COMMENTARY

### Spring needs to bring 2 thaws: snow and ag trade

For those of us who have slid, shoveled and skated through the wildest up-and-down February weather in years, here’s a warm thought: corn planters are rolling in southern Texas.

Need another reason to plant a smile on your face? In eight weeks, corn planters will be running all over today’s wintry Midwest.

After that brief pleasantness, however, the outlook gets pretty cold pretty fast. Early February reports from the U.S. Department of Agriculture strongly suggest that average — not good, not great; just average — 2019 crop yields will deliver less than average prices.

Worse, last year’s trade wars with China, Canada, Mexico and the European Union continue. And that’s despite the finally-finished 2018 Farm Bill that, once again, places American exports at the center of your farm and ranch’s profit plan for years to come.

How center?



ALAN GUEBERT

According to May 2018 data compiled by USDA’s Foreign Agricultural Service, exports account for 76 percent of all American-raised cotton, 59 percent of all sorghum, 35 percent of all rice, 50 percent of all soybeans, 46 percent of all wheat, 21 percent of all pork and corn, 16 percent of all poultry, 15 percent of all dairy, and 10 percent of all beef.

That means, on average, American agriculture exports 20 percent of everything it grows. Given our farm policy, in fact, we must export 20 percent of everything we grow if U.S. farmers and ranchers are to have a fair shot at profit.

It also means that today’s frozen standoffs between the White House and our biggest, most dependable ag customers must thaw to head off another year of melted margins. Last year, according to a Feb. 7 Wall Street Journal front page story on a recent “wave” of farm bankruptcies, “(M)edian farm income for U.S. farm households was a negative \$1,548 ... despite record productivity.”

But the fuel for any thaw with any tariff-targeted nation is anyone’s guess. In fact, today’s trade fights with our biggest customers requires moves by the White House that the White House isn’t prepared to make.

For example, the EU recently reinforced its strong stand against including agriculture in

any upcoming U.S.-E.U. bilateral trade talks. “We’ve made it very clear that agriculture would not be included,” the EU trade commissioner repeated Jan. 9.

The White House refuses to acknowledge the EU’s stand and, until it does, the talks will remain just that — all talk, no deal.

That’s standoff one; standoff two is equally frozen.

Mexico, the U.S. and Canada continue to operate under the 1993 NAFTA deal even though the White House tariffs against both — and their retaliatory tariffs on U.S. ag goods — have everyone eyeing each other with deep distrust. Yes, there is the pending NAFTA 2.0 deal awaiting approval by all three but, say Mexico and Canada, American tariffs must be removed before any endgame begins.

Even if the Trump Administration did remove the tariffs — it requires but a presidential nod — approval of the new trade deal must go through the Democratically-controlled U.S. House of Representatives. The chances of Democrats handing Donald Trump a political victory with the 2020 presidential campaign season well underway is roughly equivalent to the old snowball surviving in, well, you know where.

Last, but not least, is China, which, ironically, may be the easiest trade nut for the tariff-loving White House to crack. The reason is arithmetic: The U.S. buys nearly \$400 billion more of Chinese goods than China buys of U.S. goods. As such, any prolonged trade fight between these consumer giants threatens China’s economy four times more than ours.

In mid-February, that reality began to take root in China-U.S. talks. A wild card, however, is the White House overplaying its advantage. Still, both appear ready to extend their March 1 deadline if a path to reopen trade channels can be seen.

It can’t come soon enough because if trade relations with our best ag export customers remain frozen after farm country begins to thaw, it’s going to be a long, hot summer for ranchers, farmers and politicians alike.

Guebert is an agriculture journalist who lives in Delavan, Ill.

## COMMENTARY

### WOTUS controversy: What’s that about?

BY HARWOOD SCHAFFER AND DARYLL E. RAY

Government regulations! They are the bane of our existence when they limit an action we want to take, require us to fill out paperwork, or make something that we want to do more expensive. But let the lack of regulations negatively affect us and we are the first ones calling on the relevant government entity for relief.

Harwood observed this phenomenon when he was living in Martin County, Minnesota. While farmers may complain about the farming practices of some of their neighbors at the coffee shop, they generally avoid seeking to get the government involved in solving the problem. But when concentrated hog operations began to proliferate, if they weren’t overwhelmed by the smell of hog barns to the west of them, they had to smell raw hog manure spread on open ground in the fall and not incorporated into the soil until spring, everything changed.

Some of the earliest governmental units to place a moratorium on approving permits for new hog operations were rural townships, and many of those complaining were neighboring farmers. They were not happy about having to keep their windows closed on nice spring and fall days; that’s not to mention hog manure odors wafting over their graduation, confirmation and birthday parties.

How one feels about government regulations depends upon whose ox is being gored, and that is true of most of us.

We share this observation because of the current administration’s consistent efforts to reduce or eliminate regulations, including

one that many farmers have complained about: WOTUS. That’s short for the Obama administration’s promulgation of the regulation known as “Waters of the U.S.”

On Feb. 28, 2017, President Trump issued Executive Order 13778, “Presidential Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.”

While not making any immediate changes to WOTUS, the executive order set in motion a process that included the suspension of the WOTUS changes by EPA Secretary Scott Pruitt in January 2018, and the issuance of a new rule, “Revised Definition of ‘Waters of the United States,’” in December 2018 by acting EPA head Andrew Wheeler.

Due to the government shutdown, the new rule has not been published in the Federal Register ([www.epa.gov/wotus-rule](http://www.epa.gov/wotus-rule)). As a result, the 60-day comment period will not start until official publication, but readers can download the rule from that site and read it for themselves.

The gist of the change is that it removes ephemeral streams from the jurisdiction of the EPA and the Army Corps of Engineers, which is responsible for the navigable waters of the United States. Ephemeral streams are generally described as those which are dry most of the year but regularly flow for seven days or less as the result of heavy rains or snow melt. Most of the areas affected by the inclusion of ephemeral streams are in the arid West.

So why might the original WOTUS rule that was made by the Obama era make sense and why might the repeal be

a problem?

That brings us to our original illustration. The smell coming from hog barns and manure spread on the ground, but not immediately incorporated in the soil, is called an externality. It affects people who are not direct parties in the production of hogs.

Economic activities in ephemeral stream areas have the potential to create an externality because these activities may be a source of a portion of the pollutants that affect the perennial streams that are still covered by the revised WOTUS. The purpose of requiring entities — farming and otherwise — to obtain permits from the EPA when they engage in making changes to these ephemeral stream areas is to determine if the activity will ultimately affect water quality downstream. While ephemeral stream areas in the arid West may be more difficult to identify than other covered waterways in other areas leaving farmers in a quandry, the issue of externalities is no less important.

A better solution changing WOTUS may be to require the federal government to map the areas that it determines are in the watershed of ephemeral streams. Then farmers will not be faced with not knowing whether they need to apply for a permit before making changes to their land.

That sounds like a win all the way around and we wouldn’t have to worry about gored oxen.

Dr. Harwood D. Schaffer is an adjunct research assistant at the University of Tennessee. Dr. Daryll E. Ray is an emeritus professor at the University of Tennessee.

## LETTERS TO THE EDITOR

### Feedlot law is there to protect everyone

I would like to thank Winona County for protecting its people. By putting a cap on the number of animal units on a single property feedlot, you have demonstrated foresight and resolve. It is imperative that you adhere to the current regulations for the health and safety of our people and environment.

The law was implemented with a great deal of thought and should not waver for the economic advancement of a few. You cannot ignore our karst topography and climate change affecting your consideration.

While some feel the law is restrictive, it encompasses a number of factors that have far-reaching consequences beyond granting a

variance to the petitioning party. Water usage and quality, nitrate contamination, flaws in the manure management systems, disregard for the comprehensive plan and the demise of small and mid-sized farms are but a few issues. Neighboring wells and nearby water supplies are already in jeopardy and struggle to meet EPA and Minnesota Department of Health standards for safe drinking water.

The board of adjustments will soon rule on the Daley farm variance. Your input on this decision is important. Let your voice be heard.

Richard E. Ahrens, LEWISTON

### Rights of corporations do not usurp rights of a person

I would like to thank Senior Judge James Gritzner for his unequivocal support for the First Amendment and freedom of speech. The senior judge evaluated the facts against the “Agricultural Productions Facility Fraud” law, a deceptive name and offensive statute. He found no provision in the Constitution where the rights of corporations override the rights of natural persons. (Corporations are NOT people.)

If these corporations had nothing to hide, and all the facilities treated land, water, people and animals with respect, then why hide behind this law? If this were so, they should want outsiders to verify that these are great facilities; it would be great PR.

But the Farm Bureau and pork producers are infuriated. They are terrified that so-called “radical” groups who care about public health, food safety, fair treatment of workers

and preserving a healthy environment can now educate the public about these giant corporation’s violence done to people, animals, our rural communities in the name of pure greed.

After all, who cares about public health or food and worker safety or Iowa’s waterways when profits are at stake? Don’t corporations have the absolute right to pursue profit no matter the cost, regardless of individual freedoms and liberties of the U.S. Constitution? The Farm Bureau and pork producers clearly think so.

By the way, Judge Gritzner was appointed by President George W. Bush and confirmed by a Republican-controlled Senate. Clearly an “activist judge” if I ever saw one.

Matthew Peirce, URBANDALE, IOWA

## LETTERS INVITED

Agri News invites readers to express their opinions on matters of public interest through the Letters to the Editor column. We encourage shorter letters and reserve the right to edit letters. A letter must contain the signature of the author, the author’s address and a telephone number where the writer can be reached between 8 a.m. and 5 p.m. The telephone number won’t be published, but it will be used to verify the letter. Anonymous letters will not be published. Send letters to: Letters to the Editor, Agri News, P.O. Box 6118, Rochester, MN 55903-6118, or e-mail them to [kallas@agrinews.com](mailto:kallas@agrinews.com).