



TEXAS CATTLE FEEDERS ASSOCIATION

NEWSLETTER

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Volume 49, Number 31

July 31, 2015

COOL Not Included in Highway Bill

Neither of the country-of-origin labeling (COOL) amendments – one full repeal and one establishing a voluntary program – offered for inclusion in the Senate Highway Bill were considered. Instead, the Senate held a rare Sunday session to consider amendments that would repeal Obamacare and reauthorize the Export-Import (Ex-Im) Bank. Proponents of the Obamacare amendment could not muster enough votes to clear the procedural hurdle necessary to end debate on the amendment, and it was subsequently pulled from consideration. The Ex-Im Bank reauthorization amendment was approved on Monday night. The Senate then went on to pass a six-year reauthorization of the Highway Bill.

Because of the inclusion of the Ex-Im Bank reauthorization and the complexities of the Highway Bill itself, the House leadership determined they needed more time to adequately debate the Senate-passed bill and refused to consider it before they adjourned for their August recess. Instead, the House passed a three-month extension of the current Highway Bill, which was set to expire today. The Senate, in turn, passed a three-month extension of the current bill.

TCFA and NCBA are working with members of the House and Senate to identify other vehicles and secure the votes necessary to repeal COOL before Mexico and Canada impose retaliatory tariffs. The WTO process to determine the exact amounts of the tariffs is ongoing.

6th Circuit Chosen To Hear Appellate Suits Over EPA Clean Water Act Jurisdiction Rule

The U.S. Court of Appeals for the 6th Circuit has been chosen to hear suits over the EPA Waters of the U.S. (WOTUS) rule, consolidating 12 separate challenges filed in several circuits.

The 6th Circuit will be asked to consider a host of arguments against the rule, which EPA and the Army Corps of Engineers released jointly in June. Critics have argued that the rule generally exceeds the agencies' authority under the Clean Water Act and is at odds with the Constitution by expanding the reach of the water law. Several suits also claim the rule violated the Administrative Procedure Act by not giving enough time for public input on the policy, and the rule should have included a more comprehensive review.

The 6th Circuit was one of five appeals courts preferred by industry and states seeking to narrow the rule; they also filed in the 5th, 8th, 10th and 11th Circuits. NCBA and a coalition of other agricultural groups had filed a suit with the 5th circuit in New Orleans. Environmental groups, who have argued that the rule fails to protect some important categories of waters, filed in the 2nd, 9th and D.C. circuits.

There are also a number of lawsuits that have been filed in U.S. District Courts to challenge the final rule. The legal system has yet to sort out whether the District Courts or the Appellate Court will or should act first.

In other news, internal documents revealed that the Army Corps of Engineers believed the draft copy of WOTUS had “fatal” flaws that would make it tough to implement and defend in court. Senate Environment & Public Works Committee Chairman Jim Inhofe (R-Okla.) said the documents show the “rule is lacking factual, technical, and legal support.”

EPA Agrees Lawsuit Seeking CAFO Air Reporting Rules Can Move Forward

In a response filed with the U.S. Court of Appeals for the District of Columbia Circuit on July 13, the EPA said it is not in opposition of the court setting a schedule to brief the merits of a petition brought years ago by environmentalists seeking to challenge the Concentrated Animal Feeding Operation (CAFO) reporting exemptions in *Waterkeeper Alliance, et al. v. Environmental Protection Agency*.

In April, plaintiffs asked the court to rule on the legality of EPA's 2008 rule exempting CAFOs from reporting requirements for ammonia and hydrogen sulfide under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the Emergency Planning and Community Right to Know Act (EPCRA).

The 2008 rule exempts farms from right-to-know reporting requirements under CERCLA and EPCRA that require facilities emitting significant quantities of hazardous substances into the air to report those levels. The

rule “exempts all animal feeding operations . . . from the CERCLA requirement to notify the National Response Center of releases of hazardous substances into the air from animal waste, and exempts all but the largest [CAFOs] from the EPCRA requirement to report such releases to state and local officials,” the plaintiffs stated in their April motion in the case. In 2009, the plaintiffs petitioned the D.C. Circuit to review the exemption rule, arguing it violates CERCLA and EPCRA.

But the suit, filed by Waterkeeper Alliance, Sierra Club, the Humane Society of the United States, Environmental Integrity Project and The Center for Food Safety, was set aside when EPA sought to resolve the litigation by agreeing to a pact with the groups, while the agency gathered more data it said it needed before creating mandatory reporting requirements for CAFOs. The court issued its mandate in the case in 2010, but EPA never issued reporting rules.

EPA has said its reconsideration of the exemptions is contingent on development of final emissions estimation methodologies for CAFOs.

House Agriculture Committee Chairman Says No CFTC Increases Without Dodd-Frank Reforms

On Wednesday, the House Agriculture Committee held a hearing over Dodd-Frank implementation. Chairman Mike Conaway (R-Texas) worked to leverage Democrats to support reforms to Dodd-Frank by refusing to raise funding for the Commodity Futures Trading Commission (CFTC). Chairman Conaway started the hearing saying, “Both the House and Senate have proposed level funding for the agency, and I do not believe it is appropriate to have any conversation that moves that line while so many end-user and good-government issues remain outstanding and unresolved.”

To read more, visit <http://tinyurl.com/CFTC-7-31-15>.

National Conversation on Homeland Security Technology

The Department of Homeland Security (DHS) is building the National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kan. This new state-of-the-art biosafety level 3 and 4 facility will bring enhanced capabilities to address animal and zoonotic pathogens of high consequence to our livestock and public health sectors in the U.S., according to Tammy Beckham, DVM, PhD, director at the Institute for Infectious Animal Diseases.

According to the press release, “Construction of the NBAF is a major step toward ensuring resiliency in our livestock sectors and preparing our nation for future animal and public health disease events. However, in addition to facilities, a robust program, complete with industry, academia, federal, state, and global partnerships that works to define capabilities and address gaps in these capabilities, will be needed to ensure success of this facility.”

For this purpose and others, DHS is hosting a National Conversation on Homeland Security Technology, which will be online and in-person platforms to help find solutions for homeland security challenges in the U.S., and to help prepare NBAF to protect our country from foreign animal and emerging diseases.

To read more and to learn how to join the conversation, visit <http://tinyurl.com/NBAF-7-31-15>.

Scientists and Consumers See Agriculture Issues Very Differently

A recent poll by Pew Research Center is showing a major disconnect between scientists and the general public when it came to their viewpoints on scientific issues, including those involved in production agriculture. Consumers are increasingly influenced by social media, and mass media outlets’ growing sensationalism is drawing more popularity than objectivity and sound science.

The poll found that 88 percent of scientists say that it’s safe to eat genetically modified foods, while only 37 percent of the general public felt it was safe. It found that 89 percent of scientists were in favor of using animals for scientific research, while only 47 percent of the public agreed. Also, 68 percent of scientists said it was safe to eat food grown with pesticides, while only 28 percent of the general public thought it was safe.

To read more about the report, visit <http://tinyurl.com/7-31-15-poll>.

El Niño Weather Expected to Continue

El Niño weather patterns have caused record rainfall in Texas and much of the Southwest so far this year, and according to Weather Channel forecasters, it’s not over yet. They predict that El Niño has a 90 percent chance of lasting (and possibly intensifying) through the upcoming winter and an 80 percent chance of making it to spring of 2016. Other scientific reports from organizations such as the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration show that this year’s El Niño may end up being the strongest on record, depending on how it progresses.

To read the full article, visit <http://tinyurl.com/elniño-7-31-15>.

Southern Plains Beef Symposium

The 2015 Southern Plains Beef Symposium will be held next Saturday, Aug. 8, in Ardmore, Okla., at the Ardmore Convention Center. This 25th anniversary of the event is set to host six experts presenting on various aspects relating to the symposium theme of retaining profitability and market share. Along with the presentations will be a trade show, prime rib lunch, cash prize drawings and industry updates. Speakers include Brad Morgan, senior director of protein at Performance Food Group; Ty Lawrence, associate professor of animal science at West Texas A&M University; Charlie Bradbury, head of Grassfed Beef Regional Beef Division at JBS; Jayson Lusk, regents professor and Willard Sparks endowed chair in the Department of Agricultural Economics at Oklahoma State University; David Lalman, extension beef cattle specialist at Oklahoma State University; and Jim Robb, director and senior agricultural economist at Livestock Marketing Information Center.

Registration is available in advance or at the door. For more information or to register, visit www.southernplainsbeefsymposium.org/Index.html.

Beef Industry Internship Available in Washington D.C.

The National Cattlemen's Beef Association (NCBA) and the Public Lands Council's (PLC) government affairs office in Washington, D.C., is now accepting applications for the spring 2016 public policy internship. The internship is open to college juniors, seniors and graduate students and runs from Jan. 11, 2016 through May 13, 2016.

"The internship gives college students the opportunity to work alongside staff on a range of issues that impact U.S. cattlemen and women," said NCBA Executive Director of Legislative Affairs Kristina Butts. "The internship is designed to work closely with the lobbying team on Capitol Hill; to assist with NCBA and PLC's regulatory efforts; and to work closely with the communications team."

Applications are due by Oct. 1, 2015. To learn more about the internship and how to apply, visit <http://www.beefusa.org/newsreleases1.aspx?NewsID=5086>.

Texas A&M Beef Cattle Short Course to be Held This Coming Week

Record cattle prices are creating opportunities for producers to increase revenue, and several of these strategies will be discussed at the 61st Texas A&M Beef Cattle Short Course, scheduled for Aug. 3-5 on the Texas A&M University campus in College Station.

Topics to be discussed include sustainability in the beef industry, winning and losing in the cattle business, future opportunities for beef producers, as well as a long-term weather outlook. The cattleman's college portion of the event allows participants to choose workshops based on their level of production experience and their needs. Topics include animal health, nutrition, reproduction, breeding, genetics, selection, research, marketing and handling. Management sessions will cover business, forage, range and purebred cattle.

Registration is \$180 per person and includes educational materials, trade show admittance, admission to the prime rib dinner, lunches, breakfasts and daily refreshments. Registration information and a schedule can be found on the short course website at <http://beefcattleshortcourse.com>.

TCFA Says Goodbye

TCFA Past President James Bruce "Jim" Waterfield III, 81, of Canadian, Texas, passed away on July 28. Jim graduated from Oklahoma State University in 1956, shortly after which he began his career as a rancher and cattle feeder in Canadian. He was an active member of the First United Methodist Church and was still serving on committees and teaching Sunday school; he was serving his 46th year as director and chairman of the board of InterBank. Jim served as TCFA President in 2001 and had served in many professional and community activities in Canadian and elsewhere. View his obituary at <http://tinyurl.com/Jim-Waterfield>.

TCFA Past President Edward Ray "Mike" Bowles, 79, of Salado, Texas, passed away on July 26. Mike was an Army veteran and served during the end of the Korean War. After being honorably discharged, he attended California State Polytechnic University and graduated in 1964 with a degree in Animal Science. Mike was a long-time leader and early pioneer in the cattle feeding industry in the Texas Panhandle. Mike served as TCFA President in 1986. View his obituary at <http://tinyurl.com/Bowles-Mike>.

Please join us in keeping the Waterfield and Bowles families in your thoughts and prayers.