



# TEXAS CATTLE FEEDERS ASSOCIATION

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# NEWSLETTER

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## **Supreme Court of the United States Hears Hawkes Case**

Wednesday, the Supreme Court of the United States (SCOTUS) heard oral arguments in the pending case *Army Corps of Engineers (Corps) v. Hawkes Co., et al.* Ultimately, the Court's opinion will determine whether a landowner may seek judicial recourse against a federal agency's jurisdictional determination prior to denial of a permit or an enforcement action.

The hearing comes after the District Court sided with the Corps argument that a jurisdictional determination is not subject to judicial review because it is not a final agency action. However, the landowners appealed the case to the U.S. 8<sup>th</sup> Circuit Court of Appeals who reversed the lower court's decision, finding that the jurisdictional determination is a final agency action that can be challenged in court. The Corps then appealed decision to the Supreme Court.

The substance and tone of the Justice's questions have led a number of observers to speculate that the SCOTUS may take issue with the Corps argument and uphold the 8th Circuit's decision. Specifically, Justice Anthony Kennedy noted the quagmire of the Clean Water Act's jurisdictional reach stating, "...the Clean Water Act is unique in both being quite vague in its reach, arguably unconstitutionally vague, and certainly harsh in the civil and criminal sanctions its puts into practice."

"The statement by Justice Kennedy is a powerful affirmation and recognition of the difficulties cattle producers face on a daily basis with the Clean Water Act and WOTUS," said NCBA Environmental Counsel Scott Yager. "A victory by Hawkes would be a major win for landowners across the country."

Earlier this month, NCBA, American Farm Bureau Federation, U.S. Chamber of Commerce and several other groups filed an amicus brief with the SCOTUS supporting Hawkes' position. A court decision is expected by the end of June.

To read the filed amicus brief, go to <http://tinyurl.com/Hawkes-4-1-16>.

## **USDA Seeks Input on NAHMS Survey Development for Cow-Calf Producers**

The USDA National Animal Health Monitoring System (NAHMS) will be conducting a beef industry cow-calf study in 2017. In order to craft the most informative survey possible, and to derive data that will be most beneficial to the cattle industry, please visit <http://tinyurl.com/NAHMS-Survey> and answer a short 10-question survey which should take five minutes or less to complete.

USDA initiated the NAHMS in 1983 to collect, analyze and disseminate information on animal health, management and productivity across the United States. The NAHMS team conducts national studies on the health and health management of United States domestic livestock and poultry populations. These studies are designed to meet the information needs of the industries associated with these commodities, as identified by people within those industries.

The beef industry cow-calf study will initiate data collection in late 2017. This will be the fourth time NAHMS will study the cow-calf segment of the beef industry. The cow-calf study will involve producers in 20+ states representing more than 70 percent of the beef cows and beef cow operations in the U.S. The data from the study are only reported in summary form, individual responses are confidential.

Additional information about NAHMS including reports from prior beef studies (cow-calf and feedlot) can be found at [www.aphis.usda.gov/nahms](http://www.aphis.usda.gov/nahms).

## **Study Examines Ecology of Antimicrobial Resistance in Beef Production**

A recent study titled *Resistome Diversity in Cattle and the Environment Decreases During Beef Production* examines the ecology of antimicrobial resistance (AMR) in the beef production system using shotgun metagenomics. According to Beef Research, this study is unique because it follows the same groups of cattle from feedyard entry through harvest to market-ready beef products. Samples were collected throughout the process and AMR genes were identified. However, none of the samples collected at the harvest facility harbored any AMR genes. These findings give light to the success of interventions used in the beef industry to

improve microbial food safety and preventing not only pathogens, but also preventing resistance genes from reaching the final beef product.

To view the study, visit <http://elifesciences.org/content/5/e13195v1/article-data>.

### **Panel Approves on Antibiotic-Resistance Progress Report**

The Presidential Advisory Committee on Combating Antibiotic-Resistant Bacteria approved this week a report detailing the progress of the federal government in its efforts toward combating antibiotic resistance. The report, Initial Assessments of the National Action Plan for Combating Antibiotic-Resistant Bacteria, not only reviews progress of the program but also gives recommendations to improve efforts.

The report recommends increased funding for the Food and Drug Administration to conduct antibiotic surveillance of the retail meat National Antimicrobial Resistance Monitoring System (NARMS) program. It also recommends increased funding for the USDA to implement field activities related to on-farm surveillance.

Now that the Advisory Committee has approved the report, it will go to Health and Human Services Secretary Sylvia Burwell for approval, followed by President Obama. To read the full report, visit <http://tinyurl.com/PACCARB>.

### **Teicholz Disinvited from Food Policy Panel, Reinstatement Petition Emerges**

Nina Teicholz, author of “The Big Fat Surprise: Why Butter, Meat and Cheese Belong in a Healthy Diet” and 2014 TCFA Convention speaker, was confirmed to participate in a panel discussion at the National Food Policy Conference set to take place in Washington, D.C., next month. Teicholz said that she was disinvited after other panelists said they wouldn’t participate with her. Panelists currently scheduled for the event include Margo Wootan, director of nutrition policy at the Center for Science in the Public Interest; Barbara Millen, former chairwoman of the 2015 Dietary Guidelines Advisory Committee; and Angie Tagtow, executive director of the USDA’s Center for Nutrition Policy and Promotion. Teicholz’s spot on the panel has been filled by Maureen Story, president and CEO for the Alliance for Potato Research and Education.

Teicholz responded to the situation saying, “To my mind, this is an effort to exclude uncomfortable realities, where you simply don’t allow alternative viewpoints to be part of the conversation. Silencing the conversation won’t work forever.”

A petition has emerged in support of Teicholz in an effort to have her reinstated to the panel. View the petition at <http://tinyurl.com/Teicholz-Petition>.

### **Wendy’s Expresses Support for Beef Production**

Wendy’s representatives have expressed a shared vision with beef producers. Liliana Esposito, Wendy’s Director of Communications, explained that Wendy’s is looking forward to working with the beef industry in an effort to bring their customers a product that they love, which is their “fresh never frozen” beef burgers.

Esposito expounded on the company’s position on antibiotic use in its supply chain. In reference to the move by other food companies to source “antibiotic-free” beef, Esposito added, “We won’t make inflammatory statements that affect the industry and don’t have a plan in place as to how to achieve that supply... The best beef comes from healthy, well-cared for animals. Sick animals need to be treated and you’re not going to hear anything different from us.”

Esposito also gave insight to Wendy’s plans to incorporate information on their beef quality efforts and standards into their marketing strategy and that they wish to partner with producers in these efforts. “We recognize consumers are looking for more information and transparency. We need to convey to them the quality assurance practices in place and that they are constantly being improved.”

To read the full article, visit <http://tinyurl.com/Wendys-4-1-16>.

### **Increases Expected for South American Beef Exports**

According to Rabobank’s first-quarter report, South American beef exports are expected to increase by 11 percent this year due to favorable currency values, improved access to importing countries and increased availability of beef.

“On the supply side, cattle producers have been encouraged to maintain cows in their herd rather than sending them to slaughter—a result of high calf prices driven by low calf availability,” the report reads. “Meanwhile, the weaker currency has made Brazilian beef very competitive on international markets, and strong global demand has pushed local market prices higher. The resulting high domestic beef prices have pushed consumers towards cheaper competing proteins, such as poultry, freeing up additional beef for exports.”

To read more details captured in the report, visit <http://tinyurl.com/Rabobank-4-1-16>.

## **AABP Accepting Applications for Dr. Bruce Wren Continuing Education Awards**

The American Association of Bovine Practitioners (AABP) is accepting applications for the Dr. Bruce Wren Continuing Education Awards. AABP will award one beef and one dairy veterinarian \$5,000 each to fund post-graduate continuing education efforts.

Applications are due July 15. To learn more, visit [www.agrilabs.com/about-us/scholarship-opportunities](http://www.agrilabs.com/about-us/scholarship-opportunities).

## **NAMI Releases Meat MythCrusher Video on Worker Safety**

The North American Meat Institute released a new video in its "Meat MythCrushers" series to address worker safety in the meat industry. The video highlights many safety improvements that have been made in the meat packing industry as well as the significant decrease in injury rates over the last few decades.

"At one time, 25 to 30 years ago, there was a lot of discussion about that," Dennis Burson, meat extension professor and food safety specialist at the University of Nebraska-Lincoln, says in the video. "But today things have changed. We're down to about 5.7 injuries per 100 people" – a number that's in line with most other manufacturing industries, he added.

To view the latest video, visit <http://tinyurl.com/NAMI-4-1-16>.

## **TCFA Dues Rebate Criteria and Forms Available**

If you fed 10,000 head or more in 2015, you may apply for a dues rebate. The rebate applies to the cumulative number of cattle fed by a single feeding entity. Rebate applications must be completed and returned to the TCFA office by April 15.

For information or to request an application, contact Brady Miller at (806) 358-3681 or [brady@tcfa.org](mailto:brady@tcfa.org).

## **TCFA BQA Cattle Care & Handling Seminar**

TCFA, in conjunction with Texas A&M AgriLife Extension Service, will host three upcoming Beef Quality Assurance (BQA) Cattle Care & Handling seminars for member feedyards. The date and location options will be as follows: April 19 at Bartlett I, Tulia; April 20 at Dawn Custom Cattle Feeders, Dawn; and April 21 at Cactus Feedyard, Cactus. Please note that the trainings at Dawn Custom Cattle Feeders and Cactus Feedyard will include moving and handling cattle with horses, while the training at Bartlett I will focus on moving and handling cattle on foot.

Each one-day program will be held from 9:00 a.m. to 3:30 p.m. Attendees will receive signed training logs that can be used to fulfill the TCFA BQA requirements for annual employee training. The registration fee is \$30 per person or \$100 per feedyard for unlimited employees. The deadline to register is April 15. For more details including how to register, visit <http://tinyurl.com/BQA-2016-03-11>.

## **2016 Fed Beef Challenge**

The best cattle in Cattle Feeding Country will make their way to the historic Amarillo Livestock Auction on Wednesday, April 13 for the 2016 TCFA Fed Beef Challenge. Feedyards from throughout the TCFA area will bring their top quality steers, heifers and Holstein steers to compete for awards, cash and bragging rights. In addition to the carcass contest to determine the best beef, there will be a live evaluation contest, steak feed and special activities benefiting the TCFA Education Foundation.

Contact Brady Miller at (806) 358-3681 or [brady@tcfa.org](mailto:brady@tcfa.org) for more information.

## **2016 TCFA Feedyard Camp**

TCFA, in conjunction with Texas A&M AgriLife Extension Service and West Texas A&M University, will host the 2016 Junior Fed Beef Career & Leadership Program, also known as "Feedyard Camp." The program is open to incoming high school juniors or seniors who are interested in a career in the fed beef industry.

Participants will receive hands-on instruction about feedyard operations, as well as career opportunities in the fed beef industry. The registration fee for camp is \$100, which covers all costs excluding travel to and from Canyon. Students may obtain an application, which must be returned to TCFA by May 1, online at <http://tinyurl.com/fy-camp>. Contact Brady Miller at [brady@tcfa.org](mailto:brady@tcfa.org) or Rachel Hernandez at [rachel@tcfa.org](mailto:rachel@tcfa.org) with any questions.

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