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KEVIN ENGELBERT

# USDA's Organic Leadership Being Asked To Resign

BY RITA BRHEL  
P&D Correspondent

The organic industry is in agricultural news again this week with word that the leadership of the U.S. Department of Agriculture's National Organic Program (NOP) has been asked to step down.

The Cornucopia Institute, a watchdog group in Cornucopia, Wis., has sent a letter to the U.S. Agriculture Secretary, Tom Vilsack, calling for a change in leadership of the NOP following the April announcement that the USDA is being sued for changing a rule without allowing for public comment and without consideration of the Congress-established, 15-member National Organic Standards Board (NOSB) regarding a list of allowed chemicals in organic production.

“Although the USDA ignored some of the NOSB recommendations in the past, until recently they never went 180 degrees in the opposite direction in deference to the preferences of powerful corporate interests,” said Kevin Engelbert, a certified-organic dairy farmer and former NOSB member from Nichols, N.Y. “And they never reversed the 23-year tradition of allowing the NOSB the autonomy to create their own procedure manual, set their own agenda and create their own work plan.”

At issue is a rule that implements the organic law's sunset policy, which requires that all allowable materials on the National List of Allowed and Prohibited Substances be de-listed every five years unless the Board approves by a majority vote to relist them. In making the decision as to whether to relist the materials, the Board is charged with considering public input, new scientific findings and new available alternatives.

In September 2013, without public consideration, the USDA announced an immediate rule change that would allow materials to remain on the National List in perpetuity unless the Board takes initiative to vote it off.

“I thought we had improved the sunset process during my tenure on the board,” said Barry Flamm, a certified-organic sweet cherry grower and former chairman of the NOSB from Polson, Mont. “Besides taking the teeth out of the sunset provisions, the reversal is a real affront to all of us who believed in the public governance process that Congress built into the organic law.”

According to The Cornucopia Institute, the rule change at question is supported by many corporate agribusinesses with investments in organic as well as by many organic certifiers and industry lobbyists. At the same



time, however, the rule change found favor with few producers, consumers and public-interest groups because of their inability to continue to collaborate in the process of maintaining the chemicals list as they had done in the past.

Beyond the sunset rule change, The Cornucopia Institute named several other changes in perspectives that the USDA's NOP has taken in direct conflict with the NOSB, including:

- **Nanotechnology** – In a 2010 resolution, the NOSB determined that inadequate science existed to show that food or food packaging manufactured through nanotechnology was safe for human consumption and therefore was inappropriate for certified-organic products. The NOSB recommended a thorough examination on nanotechnology and asked the USDA for technical assistance in doing so. Instead, in 2015, the NOP unilaterally decided against the NOSB resolution and ruled to allow products made with nanotechnology to be allowed on a case-by-case basis.

- **Hydroponics** – Also in 2010, the NOSB issued a statement that all organic plants must be grown in soil with federal regulations focused on enhancing soil fertility, as that has a direct correlation with nutritional content of the food. This meant that produce grown without the use of soil, as in hydroponics where plants are grown in water, air or in a mixture of nutrients sans soil, would not be allowed to be certified organic.

However, the NOP continues to allow some large-scale operations to continue labeling their produce as organic despite being, and without needing to identify as, hydroponic.

- **Aquaculture** – Without consulting the NOSB, the USDA has allowed the approval of synthetic inputs for organic aquaculture without having any framework of how these operations are to be managed.

The Cornucopia Institute is calling for the resignation of NOP director Miles McEvoy specifically. In addition to allowing the sunset rule change without full notice and public comment-making, as well as NOSB input on this and other issues, including allowance of nanotechnology, hydroponics and organic aquaculture approvals, the Cornucopia charges that McEvoy has failed to move forward on major fraud investigations.

“We have giant factory farms, like Shamrock Dairy in Arizona, which the USDA has found to have violated the law, still operating more than six years after legal complaints were originally filed,” said Mark Kastel, co-director of The Cornucopia Institute. “If it weren't for our work, this pending enforcement action would still be secret.”

He further charges the USDA of failing to publicize the names of companies or farms found to have broken organic law or were otherwise penalized. In fact, at a recent USDA training for organic certifiers, it was reported that

McEvoy was coaching attendees on damage control tactics for organic livestock corporate farms that are under investigation for violating organic law.

“Since the NOP is responsible for not only investigating the alleged improprieties at these factory farms, but also overseeing the performance of the certifiers that inspect those operations, the apparent bias is extremely troubling,” Kastel said.

The Cornucopia Institute maintains that it represents the interests of the nation's organic producers and consumers, and is not targeting the USDA, NOP or McEvoy for any reasons other than to protect the U.S. organic industry.

“For those of us who were practicing organic agriculture prior to Congress authorizing the USDA to oversee this industry, the behavior of current management at the NOP is a big disappointment,” said Helen Kees, president of The Cornucopia Institute's Board of Directors and a certified-organic beef and vegetable producer from Durand, Wis. “The authority of the NOSB has been undermined, and it doesn't really matter whether Miles McEvoy is the chief architect or just willingly carrying out orders. The organic community needs an independent voice that can be universally respected to head this important regulatory body.”

## Commodity Prices Have Farmers Facing Tough Decisions

BY LURA ROTI & ERIN WILCOX  
For the South Dakota Farmers Union

Spring fever hasn't spread among South Dakota's farmers as expected this planting season. Jeff Kippley attributes the atypical behavior to current commodity prices which are down about 65 percent from the last five-year average.

“Normally, when you see a 70 degree day, guys are chomping at the bit to get into their fields. This spring very few farmers I have talked with are excited to get planting because they're worried they may not turn a profit on what they grow,” says Kippley, a Brown County grain and livestock farmer who is also the co-owner of H&R Block of Aberdeen.

As a farmer and tax accountant, Kippley has a unique perspective on the situation. He has seen some clients' on-farm income drop as much as 85 percent due to 2014 corn markets. The current outlook for the 2015 crop is not an improvement.

“Days of guys looking for ways to spend money are gone,” says Kippley, referencing corn market prices in surplus of \$7 just a few years ago. “The markets were extremely strong from 2009 to 2013. I saw many farmers buying equipment trying to avoid paying the government more than \$100,000 in taxes.

Today, they are looking for ways to cut costs.” Farmers aren't the only folks impacted by low commodity prices. Cost cutting by an industry which accounts for about \$25.6 billion, or 30 percent of South Dakota's total output, is sure to impact the entire state, explains South Dakota State Economist, Jim Terwilliger. “There are a lot of indirect and induced economic impacts that agriculture has on the economy,” says Terwilliger, who points to the \$43.9 million in tax revenue poured into the General Fund and generated by 2014 farm machinery sales.

Eight months into fiscal year 2015, Terwilliger says revenue from ag machinery sales is already down 22 percent. The state's fiscal year runs July-1-June 30. “This accounts for about a \$9.7 million reduction to the General Fund for 2015,” he says, adding that in response to the reduction, he presented a revised version of General Fund Revenue on March 9, 2015, to the Appropriations Committee. “For the most part the Legislature was able to fund most of the things the Governor and Legislature wanted by making adjustments to other areas of the budget that were experiencing lower caseloads.”

The general fund covers expenditures for the state such as Medicaid, State aid to schools, Board of Regents, Corrections, the Judicial System, Legislature and Elected officials, and Agriculture and Natural Resources.

As one would expect, when the state's No. 1 industry is cutting back, the ripple effect is sure to hit Main Street. Kippley says that the farm equipment sector is among the first to feel the financial blow. “I have seen some W-2s from guys who work in sales for ag machinery dealerships, earning \$130,000 in 2013 drop to \$55,000 in 2014. These guys are worried about losing their jobs in 2015,” he says.

Terwilliger references Raven Industries' recent layoff of 75 employees.

“They suggested that the layoffs were in departments closely connected to agriculture and sales were down due to lower incomes generated in the farm sector,” he says, adding that currently, other areas of South Dakota's economy remain strong.

This depends upon adjustments underway in rural communities across the state, says Doug Sombke, a fourth generation Conde crop and livestock farmer and President of South Dakota Farmers Union. “Farmers I visit with have really pulled back on their major investments, whether it's buying new equipment, pick-up trucks or family vacations,” Sombke says. “The impact of low commodity prices isn't isolated to South Dakota's rural communities.

Farm families shop everywhere. These prices will impact Rapid City and Sioux Falls as well.” Sombke says some farmers are deciding to plant fewer acres of corn because of the high input costs associated with the crop. “Right now, they have no positive break-even mark for pricing of the 2015 crop.”

He pencils it out explaining

## Sorghum: A Drought-Tolerant Crop Option For The 2015 Season

**BROOKINGS** — Even in the drought conditions facing many South Dakota farmers this spring, there are crops which can survive, explained Ruth Beck, SDSU Extension Agronomy Field Specialist.

“Drought tolerant crops like grain sorghum or milo will help producers hedge some of their risk,” she said.

Sorghum is a warm season grass, like corn, and is considered to be relatively drought (or heat) tolerant. “While sorghum requires about 6.5 inches of moisture to get to the point where it will produce grain, the production with additional moisture is very efficient, accumulating about 500 pounds of grain or about 9 bushels per acre-inch,” said Beck referencing a document written by her colleague, SDSU Extension Plant Pathology Field Specialist Robert Fanning.

She explained that sorghum's drought tolerance stems from its large fibrous root system which allows it to extract water from very deep in the soil profile. “It also has the ability to tolerate water stress at any growth stage to some degree,” Beck said.

Another benefit Beck noted is the fact that sorghum does not enter a high water use period during its life cycle until August. “This gives producers a better window to receive some much needed precipitation and rebuild soil moisture,” she said.

### OTHER BENEFITS OF SORGHUM

Beck noted that in addition to relative drought tolerance, sorghum offers other benefits including the fact that the seed is cheaper than corn seed and the plant is not susceptible to some of the pests and diseases that plague corn such as Goss's Wilt, corn rootworm or corn borers.

If producers are concerned about crop



PHOTO: IGROW

rotation, Beck said these benefits would allow producers to go back into sorghum residue with corn or soybeans next year. “However, due to the late harvest of sorghum and disease issues, it would not be recommended to seed winter wheat into fields after sorghum,” she said.

If producers are considering a late switch to sorghum, Beck said it will be important to check the labels of any herbicides which have already been applied to fields in question.

“Ensure that no rotation restrictions exist for sorghum on any products which have already been applied. In many cases residual herbicides have already been applied to fields scheduled to be seeded to sorghum since these products require rainfall for activation,” she said. She added that obtaining adequate moisture

to make these products work properly is less likely when they are applied at or after seeding. Post emerge weed control options for warm season volunteer grass control in milo are limited.

### REDUCE EROSION

Another reason that sorghum may be a viable crop option this year is that it can offer producers a chance to get some residue on soils that may not have any now. “This will protect the soil surface from wind and water erosion,” Beck said.

Before planting sorghum, Beck encouraged growers to seek advice from a crop insurance agent.

To learn more and view the results of the SDSU sorghum variety trials visit iGrow.org.