

## California lawmakers scorn ‘corporate agribusiness’ while mulling drought relief for small farmers

Democratic lawmakers stood at odds with one another last week during a hearing on the impacts of the drought on agriculture. **The debate revived criticism from the previous drought over California’s escalating almond acreage and drove accusations that meat and dairy production is unsustainable and that outside developers have exacerbated water scarcity.**

The drought—now expected to extend into 2022—has also renewed debate over how the state should invest now to stem future droughts.

While some laid blame on corporate agribusinesses, others recognized the need for policies to address the state’s smallest farmers, who stand to lose the most as conditions deteriorate.

UC Davis Engineering Professor Jay Lund, who directs the Center for Watershed Sciences, soured hopes for any drought-busting storms this winter.

**“We have a very dry watershed, we have greatly depleted reservoirs, and we have water tables that are now much lower,” Lund told the Assembly Water, Parks and Wildlife Committee, which hosted the informational hearing. “It’s going to take more precipitation to make next year wet than it normally would take.”**

Another dry year will lead to more idling for lower-value crops to minimize the economic impacts on farmers, he explained. UC Merced Professor Josué Medellín-Azuara, a colleague of Lund’s, expected at least 280,000 acres to go fallow this year.

Lund added that agriculture has traditionally weathered droughts by pumping more groundwater. But the Sustainable Groundwater Management Act (SGMA) means “that water is going to have to be repaid” in wetter years through reduced pumping and long-term fallowing.



A Sacramento Valley farmer plows a rice field. (photo: DWR)

He recommended state agencies develop a formal statewide water accounting system, which would be necessary for tightening water rights administration and guiding SGMA implementation. **He expected water right curtailments to become much more routine in the future and to be mirrored by curtailments in groundwater availability.**

Staff researchers for UC Agriculture and Natural Resources (ANR) had more specific policy recommendations for immediate relief for small farmers. **The last drought hit immigrant and refugee farmers hardest since they had limited access to capital or other resources.**

A 2015 UC ANR survey of 68 Southeast Asian small-scale farmers in Fresno County found that 96% relied entirely on groundwater, according to [a policy brief submitted to lawmakers](#) ahead of the hearing. Nearly a quarter had lost their wells and more than half experienced reduced pumping flows. The resulting increased pumping led to higher electric bills for nearly all of the respondents. The study found that the loss of crops and higher farming costs can have mental health consequences and impacts on food security for immigrant communities in the San Joaquin Valley.



UC Davis Professor Jay Lund (photo: UCD)

The ANR recommendations focus on money to help with drilling new or deeper wells and similar improvements. This could come from direct state funding, zero-interest loans or grants through CDFA's water-use efficiency program. Incentives or credits for switching to less water-intensive crops would help as well.

And PG&E could play a part in lowering electricity costs from the increased groundwater pumping. This could come in the form of pump efficiency rebates or financing for repairs.

**“It's very important that we keep in mind the whole community that's impacted by these droughts,” said CDFA Secretary Karen Ross at the hearing. “The circumstances we find ourselves in are unavoidable.”**

Ross pointed out that the administration and Legislature are still ironing out the final details for a \$5.1 billion water and drought resiliency package approved in July for the current budget cycle. She urged more funding for groundwater recharge programs and multibenefit land repurposing.

The state is also in the midst of allocating \$50 million for healthy soils practices that increase water retention, \$40 million for on-farm water use efficiency projects, \$5 million for technical assistance grants for irrigation practices, and \$2 million for assessing the economic damages from the drought—such as fallowed fields and job losses.

On the federal level, Congress has included \$7 billion in the ag appropriations budget, with disaster relief expanding to include drought. USDA is also offering assistance on forage, short-term water hauling for livestock, \$22 million for conservation grants in California, and \$15 million for Klamath drought relief.

Jennifer Beretta, who [runs a dairy operation in Santa Rosa](#), worried that bureaucratic red tape would tie up any CDFA and USDA drought relief. She found applying for the state's healthy

soils program to be one of the hardest grant processes she'd ever dealt with, adding long delays for accessing the incentives money. USDA funding for these practices had also been tied up for the last five months.

Trucking in hay from across the country to maintain her herd was increasing her emissions footprint, setting back the climate goals at the center of the programs, she added.

The Community Alliance with Family Farmers (CAFF) is asking the state for another \$70 million in water use efficiency grants for farms with 200 acres or less.

**“Without state assistance, the local food system, the farmers markets will not be there when the drought ends,”** said CAFF Policy Director Dave Runsten.

Jeff Main, an organic small farmer in Yolo County, called this funding absolutely essential for keeping the water flowing to farms. The well on Main's Good Humus Produce farm has dropped 25 feet in the last two months alone, which he blamed on “deep and massive agricultural pumps” servicing thousands of acres of almonds, olives, grapes and pistachios on neighboring land that farmers only recently began to irrigate.

“The greatest disappointment for us has been the denial of a water crisis in our area by the aggressive multinational investment agribusiness culture,” said Main.

Earlier in the hearing, Asm. Al Muratsuchi of Torrance shared similar concerns. During a recent drive from his Los Angeles district through the Central Valley, he saw almond orchards that appeared to be draining aquifers and sinking the land through subsidence.

**“We're just not practicing sustainable agriculture,”** said Muratsuchi. **“I see all the talk, all the calls, about increased water storage merely going toward subsidizing what seems to be an unsustainable agricultural industry.”**

He worried the SGMA deadline of 2040 for groundwater sustainability was too far off and not enough to protect the land.

Daniel Hartwig, who manages Woolf Farming and Processing in Fresno County, had a different perspective after a recent drive through the west side of the San Joaquin Valley.

**“I see a lot of trees that definitely didn't get enough water,”** said Hartwig. **“There's going to be a significant impact to what the almond crop looks like this year and next year as well.”**

Sec. Ross also gave Muratsuchi her view on the industry's water conservation efforts.

**“Water reliability and affordability dictate more and more the kinds of crops we grow in the state,”** she responded, **before describing how California has been producing more almonds, tomatoes and dairy products using less water than decades ago.**

Asm. Ash Kalra of San Jose then criticized meat and dairy producers for inefficient water use as well as for greenhouse gas emissions.

**“Our current food system is absolutely unsustainable,”** said Kalra. **“That has more to do with large livestock than anything else, not just here but globally.”**

Kalra had shelved a bill in April that would have paid dairy and livestock producers to transition to plant-based commodities. The bill gained strong opposition from farm groups for how it

would rank crops by water use and market demand. Kalra said he plans to revive the measure in January as a two-year bill.

**Kalra and Muratsuchi struck a chord with Asm. Cecilia Aguiar-Curry of Winters, who runs an 80-acre ranch with her brothers. She called their comments “a little bit naïve.”**

“There's so many things I think that unfortunately not all of you understand,” said Aguiar-Curry. “It's our responsibility to help our small family farmers.”

She said lawmakers hold informational meetings like this one every year with few outcomes, though she shared that her policies have helped disadvantaged farmers secure technical assistance funding through CDFRA.

“If you're a big corporation, you have a lot of other assets,” she said. “But when you're a small family farm, you're just trying to make ends meet.”

After hearing several testimonies from farmers dealing with the drought, Asm. Jim Wood of Santa Rosa called the situation heartbreaking and an example of how one-size-fits-all legislation fails to meet the needs of small farmers. His North Coast district does not have “a lot of these massive farms,” he added.

In urging more collaborative solutions to the state’s many water issues, Cannon Michael of the Bowles Farming Co. in Los Banos called for “putting down some of the old fights and grudges” and to not simply accept that species must go extinct or so much farmland must be fallowed.

**“Every loss of a California family farm is a huge loss for not just California, but for the nation,” he said.**

## **Farm groups push Newsom to veto UFW bill on union elections**

The California Senate passed a measure last week that would alter election rules for farmworker unions to allow for a vote-by-mail option. The bill, sponsored by United Farm Workers, returns to the Assembly for a final confirmation vote on amendments before advancing to Gov. Gavin Newsom’s desk. Farm groups are now turning their attention to the governor, calling for Newsom to veto the measure and maintain fair elections.

Senator Connie Leyva of Chino, who previously served as president of the California Labor Federation, championed the measure, persuading 24 colleagues to vote in favor. While Republicans opposed the measure, two Democrats also stood against the proposal and five others abstained from voting.

**“It's easy to characterize the debate today as pro-union or antiunion,” said Sen. Steve Glazer of Orinda. “I don't think it's anything of the kind.”**

Glazer argued the issue was not about protecting agricultural workers and that Assembly Bill 616 instead threatened “the sanctity of the ballot box” and the process for ensuring fair elections, while undermining California’s democratic values. He repeated arguments made by William Gould, a former chair of the Agricultural Labor Relations Board (ALRB) who advocated against the measure in an opinion piece last week for the *Visalia Times Delta*. Gould argued AB 616 would take regulatory responsibility away from the ALRB and place it in the hands of private partisans, meaning unions would control the process.

“This bill is simple, my friends,” countered Leyva. “This bill is about allowing a different option for farmworkers to vote.”

She called Gould’s article misleading and inaccurate.

Sen. Melissa Hurtado of Sanger, also a former labor organizer and the daughter of farm laborers, said the farmworkers she has spoken with had different concerns.



Sen. Connie Leyva, D-Chino, advocated for AB 616 to ease voting in farmworker union elections.

**“The last thing on their mind is whether or not to join a union,” said Hurtado. “The one main concern on their mind is water, because if they don't have any water, they don't have a job.”**

Hurtado, who unseated a Republican incumbent in 2018 and faces an election in 2022, has been seeking more moderate ground on issues affecting the agriculture industry. Top among those is her bill for investing nearly \$800 million for repairing crippled parts of three conveyance canals in

the San Joaquin Valley.

Hurtado appreciated the intention behind AB 616, but argued that immediate action is needed because by the time the legislation would be able to help “there's going to be thousands of farmworkers without jobs.”

**“Do not confuse this issue,” shot back Leyva. “We do understand that farmworkers need water. And just because they may not vote for a union today, they might need that right and have it in place tomorrow or in the future.”**

Leyva assured her colleagues the ballots would be kept secret, not take away anyone’s rights and not allow for union abuse or coercion, as Republican senators alleged.

“The bill is solid,” said Sen. Dave Cortese of San Jose in backing the measure. “I'm a little surprised to some degree—other than the obvious concerns that the folks would have who are against organizing in the first place.”

The comment was directed at Republican Sen. Jim Nielsen of Gerber, who said he had been dealing with the issue since he first took office in the 1970s.

The California Farm Bureau was disappointed with the passage.

**“The Senate eliminated the farm employees’ right to choose for themselves whether they want to have a portion of their paycheck deducted and sent to a union,” said President Jamie Johansson in a statement. “AB 616, by the Agriculture Labor Relations Board’s own analysis, will result in fewer elections because AB 616 does not require them to occur.”**

Johansson added that farmworkers are already suffering job losses from the drought and will face fewer work hours when the state’s agricultural overtime law goes into full effect in January.



Ian LeMay, president of the California Fresh Fruit Association, worried the bill would allow unions to select the timing and manner of an election and who receives the card check form of the ballot. According to LeMay, unions could deliver a representation card to a select group of employees to sign in their presence.

**“We now call on Governor Newsom to have the same foresight as his predecessor, Governor Brown, did when he vetoed the previous card check attempt,” he said.**

## **Producers, consumers voice concerns during CDFA comment session on Prop. 12**

The California departments of food and agriculture and public health accepted oral public comments regarding their proposed actions for the implementation of Proposition 12 last week, following a request to hold such a hearing after the 45-day window for written comments closed on July 12.

The four-hour session, in which neither CDFA nor CDPH officials answered questions nor responded in any way, included objections to the proposed implementation plans and timeline for the initiative that California voters passed in 2018. The Farm Animal Confinement Initiative sets standards for the amount of space breeding sows, veal calves and laying hens must have and enforces those requirements by banning the sale of pork, eggs and veal in California, no matter where the animals lived, if housing does not comply.

**Concerns fell broadly into two categories: that because it has taken CDFA longer than expected to publish its rules, compliance by Jan. 1, 2022, as specified in the law, is impractical and that the implementation of Prop. 12 will disproportionately impact low-income communities, especially Asian and Latino ones, that are large consumers of eggs and pork.**

The North American Meat Institute, National Pork Producers Council, California Restaurant Association and others requested a delay in implementation. Though they offered different specific reasons, all asserted that a rule that is not even final as of the end of August cannot reasonably be implemented by Jan. 1. CDFA's final regulations were due 2 years ago (9/1/2019) and the proposed regulations are 193 pages long.

**Jill Damskey of the California Pork Producers Association, for example, said “we are about two years behind in getting real answers that we need in terms of auditing, labeling, biosecurity for these auditors to visit farms, the actual economic impact.”**



Mark Dopp, NAMI

Mark Dopp, general counsel of NAMI, said that if CDFA had complied with the original regulatory timeframe, the pork supply chain would have had 28 months to come into compliance. As the rule is not yet final, he said, “affected companies are on hold with respect to what they must do to comply with Prop. 12 to avoid the risk of criminal prosecution.” He asked the state to grant a 28-month moratorium on enforcement beginning once the final rules are published.

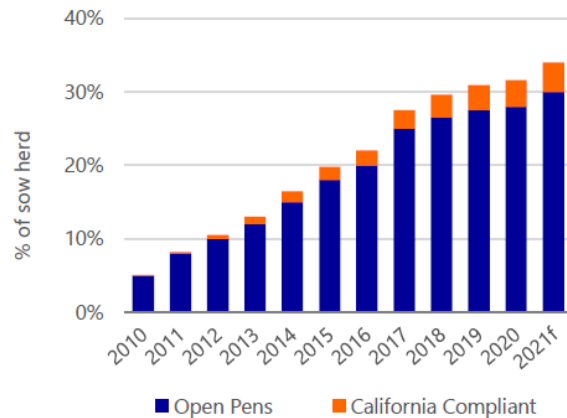
Small California meat processors and a small restaurant chain voiced concern that after barely staying in business through the pandemic, the potential disruption to their pork supplies and/or the likely increase in cost would dramatically hurt their businesses and their customers, potentially leading to job losses and food insecurity.

**A caller who identified herself as Latina said pork is a part of her cultural and family tradition but “I am afraid that with Prop 12 pork will be too expensive.”**

Steve Needham, vice president of Porky Products, which distributes meat nationwide, said if the law is implemented as currently scheduled, **California could see an 80% reduction in available pork, which he estimates would mean consumer prices would increase two to three times, leaving Californians, he said, “less food secure at the worst possible time.”**

A report from RaboResearch indicates that less than 4% of US sow housing is currently able to meet the Prop. 12 standards and that the U.S. pork supply chain faces “significant disruption” in 2022 as a result. **In addition, Rabobank analyst Christine McCracken projects that the shortfall in pork that meets the new standards is expected to boost California prices, especially for the 35% of California consumers who are the most price-sensitive, until the market can adjust. If the law was implemented on Jan. 1, 2022, RaboResearch estimates that pork supplies could fall 50% short of California’s needs.**

Figure 1: US sow housing adoption, 2010-2020



Source: Rabobank 2021

But, in an op-ed published in The Hill on Aug. 20, two professors from UC Davis said their calculations show **“the average price of uncooked cuts of pork would rise by 7.7% or about \$0.25/lb.” in California, which they say might translate to Californians eating about 6% less of those products annually.** They also found that only about 1% of the country's total hog herd would gain any living space as Prop. 12 only applies to breeding sows and many of those are already housed in group pens rather than individual stalls. The professors did find that costs would be incurred throughout the supply chain given the need to segregate hogs destined for the California market and label resulting products accordingly.

Some commenters specifically requested exemptions for show pigs raised by youth in 4-H and FFA. Other specific requests came from auditing and supply-chain companies.

Renae Donus, of the third-party auditing firm Global Animal Partnership, requested that CDFA consider changing the length of time between audits from 12 months to 15 months, which, she said, would still allow “the auditor to audit each farm and see the animals at every season over a 5-year period.”

And Milan Turk, Jr., with Provenance Chain Network, encouraged the state to seek cost-effective implementation technology that would allow California to “leapfrog forward and operate one of the most transparent, respected and trusted supply chains in the industry.”

One commenter, who didn’t offer an affiliation, advocated for implementation on time beginning Jan. 1.

Comments related to pork far outnumbered those for eggs, but Oscar Garrison of United Egg Producers **made a specific request that the labeling requirements for eggs sold in California be formulated so the same packaging could also be sold in other states, noting, “currently**

nine states have similar cage free laws pending on the books and the burden of having state-specific cage free declarations is unnecessary” to meet the spirit of the law.

He added that egg producers are committed to being in compliance when the regulations become final.

The oral hearing on Friday did not include any comments specifically about veal calves.

Prop. 12 has faced multiple lawsuits from pork producers and industry groups that have not succeeded in blocking the law’s implementation.

Under the new regulations, the use of breeding stalls is limited and the space requirement for sows is 24 square feet, versus the current industry average of 18-20 square feet, with few exceptions.

**“The space requirement will be costly but it’s not the most difficult challenge,” noted Michael C. Formica, Assistant Vice President & General Counsel for the National Pork Producers Council in an email to Agri-Pulse. “Prop 12 bans the use of breeding pens, not just gestation stalls.**

“After the piglets are weaned off, all producers move their sows into individual breeding pens to provide individualized care for them, protect them from fighting, and allow them to get all the nutrition they need. They will also breed the sows there. Some producers will keep the sows there for up to 35 days or so before moving them to a group pen. Others can do it much faster - 7 or 8 days. But all of that is illegal under Prop 12.”

Formica says that, under Prop 12, you can only confine sows for 6 hours in a 24-hour period, and 24 hours in a 30-day period.

“That’s the big issue that people are struggling with,” he adds. “What if you have something go wrong, and your sows stay in the pens for 7 hours? Did you just make the entire barn non Prop 12 compliant? What kind of specialized training do you need? What kind of safety measures will you have to take for your employees who now have to manage angry sows that are fighting each other and need to be bred?”

**In addition, Formica said “a lot of the details are incredibly vague or make no sense.” For example, he said that producers would not be allowed to let a sow touch the sides of the enclosure or touch another animal. “How do you do that?” he asked.**

In a written statement to *Agri-Pulse* this week, CDFA spokesman Steve Lyle said, "If substantive changes are made to the draft text of regulations, then there will be another 15-day public comment period." But he added that the timeline for implementation "will not change deadlines and requirements set in statute."

ANALYSIS BY THE LEGISLATIVE ANALYST

**Figure 1**  
**Minimum Space Requirements Under Current Law and Proposition 12**  
*Square Footage Per Animal*

Farm Animal	Current Law <sup>a</sup>	Proposition 12 <sup>a</sup>	
		Starting in 2020	Starting in 2022
Egg-laying hen	┌ Must be able to turn around freely, lie down, stand up, and fully extend their limbs. <sup>b</sup>	1 square foot of floor space	Cage-free housing <sup>c</sup>
Breeding pig		—	24 square feet of floor space
Calf raised for veal	└	43 square feet of floor space	Unchanged (43 square feet)

<sup>a</sup> Current law and Proposition 12 both include some exceptions to minimum space requirements.  
<sup>b</sup> State regulations generally require 0.8 square feet of floor space per egg-laying hen. There are no similar regulations for breeding pigs or calves raised for veal.  
<sup>c</sup> Cage-free includes indoor housing systems that provide 1 to 1.5 square feet of floor space per hen and allow hens to move around inside a building.



## Census data reveals population decline in ag-heavy counties

Many of the top agricultural counties in the United States are consistently losing population, except in those with processing facilities, according to an *Agri-Pulse* analysis of 2020 census data.

**While agriculture-rich states like California, Indiana, Iowa and Wisconsin are seeing population increases in several of their most productive agricultural counties, the three main Southern Plains states — Texas, Oklahoma and Kansas — are seeing consistent declines in most of their top agricultural counties. Many high-producing counties in Illinois, Nebraska and North Carolina are also subject to this downward trend.**

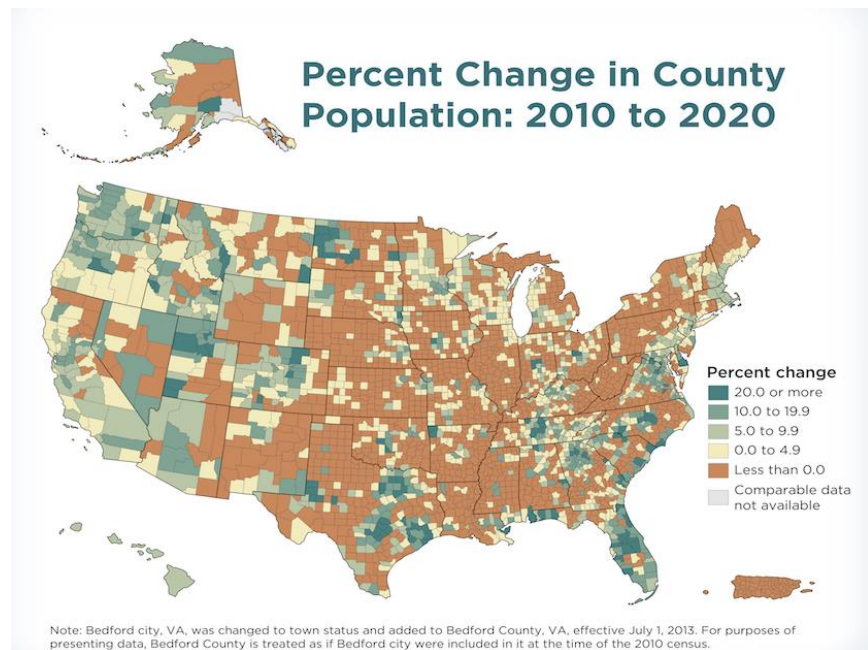
“These are long-term trends that go beyond any particular political institutions — we've seen the trends last through Democrats and last through Republicans,” Matthew Sanderson, a former professor of sociology, anthropology, and social work at Kansas State and current special adviser to the president at Kansas Wesleyan University, told *Agri-Pulse*. “These are long-term trends that are endemic and sort of built into the very structure of agriculture, which is designed to grow and scale and replace labor with capital.”

**The trend is particularly noticeable in the Texas panhandle region, where nine of its top 10 most productive agricultural counties — Deaf Smith, Hartley, Castro, Parmer, Sherman, Hansford, Dallam, Swisher and Lamb — are located, according to the 2017 Census of Agriculture.** Despite the state seeing a 15.9% growth in overall population in 2020, these nonmetro and rural counties have seen population losses ranging from 3.9% to 11.2% since the 2010 census.

**Similarly, all but two of Oklahoma’s top 10 agricultural counties, Texas and Grady, have lost people since 2010.** In Kansas, the seventh top producing U.S. state in 2019 in terms of cash receipts, the only three top agricultural counties that saw growth were Scott, Finney and Ford.

Finney County, which grew 4.6% since 2010, is home to a Tyson Fresh Meats plant, and Ford County has two processing facilities: a National Beef plant and a Cargill plant. Sanderson said these increases are being driven almost entirely by foreign-born workers who are employed at these plants.

“The non-Hispanic white population, which we normally think of as quote-unquote 'white' ... has been declining for decades in those areas,” he said. “The only growth they're seeing is entirely because of the foreign-born immigrant population. We can say that without a doubt.”



Source: U.S. Census data 2020

**However, the labor situation is far different on farms, particularly in Texas. Pat McDowell, the District 1 director for the Texas Farm Bureau and a resident of Wheeler County, said that it is “virtually impossible” for panhandle farmers to find hired hands. Faced with this dilemma, they choose to buy larger equipment to help them carry out the work.**

At the same time, local stores and businesses consolidate and begin to provide service to people not just in one town, but several within a wider radius. As this happens, these areas continue to become less densely populated as job prospects dwindle and bigger cities become more attractive to job-seekers.

“People want to move to San Antonio or a suburb of Dallas or a suburb of Houston,” McDowell told *Agri-Pulse*. “They want to move there because of the economic climate — they can pretty much find a job anywhere they want to.”

**The consequences of population decline aren’t just economic, they’re political as well. Kansas currently has four congressional districts, but over the years District 1, which encompasses 63 counties on the state’s northern and eastern sides, has expanded to cover half of the state. The other three districts are much smaller in terms of geography and draw on the state’s population centers: Topeka, Wichita and Kansas City, respectively.**

Kansas currently has four congressional districts, but over the years District 1, which covers 63 counties on the state’s northern and eastern sides, covers over half of the state. The other three districts are much smaller and draw on the state’s population centers: Topeka, Wichita and Kansas City, respectively.

However, as populations decline, the first district will continue to expand in size, and the major agricultural areas in the state are going to continue seeing less representation. Changes to state districts may be even more impactful because decisions at the state level directly impact conditions in these areas.

**“That is significant when you start talking about where economic development dollars are going to or road construction’s going through,” Kansas Farmers Union President Don Teske said. “As our population decreases in those western counties, their political power will also decrease as they become more of a minority in the state.”**

Nebraska, which sits above Kansas, saw slight to moderate population losses in all but one of its top 10 agricultural counties. Similarly, North Carolina saw significant decreases in all but two.

Among the hardest hit in North Carolina was Anson County, which lost over 18% of its population since 2010, and Duplin, which saw more than 16% decreases. The former is heavy in poultry production, while the latter produces a lot of hogs.

While population decline in agricultural counties is apparent in Texas, Kansas, Oklahoma, Illinois, Nebraska and North Carolina, California is seeing a completely different trend: growth. Nine of the state’s top 10 counties saw a population boost, with San Joaquin at the front with a 13.7% increase from 2010.

The key here, according to UC-Davis economist Dan Sumner, is that in California “agricultural” is not necessarily synonymous with “rural.”

**“What we don’t have here are really rural counties,” he told *Agri-Pulse*. “The major agricultural counties in terms of agricultural output are also the ones with quite a few people in them.”**

Fresno County, for example, was home to over 1.8 million people in 2020 and has the fifth-largest city in California. Kern County, which grew 8.3% since 2010, has the town of Bakersfield.

**The population of Sioux County, Iowa’s top agricultural producer and another densely populated county, increased by 6.4% to 35,872. While it is home to the towns of Sioux Center and Orange City, Iowa State University economist Dave Swenson said it stands as a unique exception to many of the trends that other farm counties were seeing.**

“Sioux County is the most densely farmed county in the state,” he said. “The average farm is smaller. The amount of labor per farm is higher than the state average, and then the amount of animals and productivity they get off of their farms — whether it's cattle feeding, dairy, pork production, or hay — is way higher than any other county in the state.”

Swenson said that in Iowa, population movement isn’t necessarily because of growing farm sizes or decreased need for labor. He noted that some farms were large and getting larger, but that Iowa still had a lot of small farms and areas with meat production required a lot of labor.

He attributes the population losses less to a lack of need and more to an availability of other jobs in the state’s population centers.

**“What’s happening in Kossuth, Carol and Delaware,” he said referring to the Iowa counties that lost population since 2010, “is mostly just simply out-migration, and out migration is less being caused by the ag economy than by increased employment opportunities elsewhere.”**

Most of the ag-heavy counties in Indiana and Wisconsin remained fairly stable, seeing both mild increases and slight decreases in population. Minnesota gained population in Stearns, Nobles, Blue Earth, Rock, Kandiyohi and Mower counties, but lost population in the other four counties with high agricultural production.

## **Time running out for N.M. dairy farm with contaminated cows**

Art Schaap is hurting, and he’s looking to USDA for help.

**The New Mexico dairy farmer whose cows have been contaminated with so-called “forever chemicals” is running out of resources to keep his operation going.**

“We’re kind of at the end of our rope,” says Schaap, who owns Highland Dairy in Clovis. “We can’t go that much farther. We’ve exhausted a lot of our equity just to keep these animals alive.”

**Schaap received more than two years’ worth of payments under the Dairy Indemnity Payment Program but those payments, which covered the lost milk sales but not the animals, dried up when the Biden administration took office.** In 2019, DIPP payments were limited to a term of 18 months, but Schaap (pronounced "Skop") had already received some payments by then. He says since Sept. 30, 2018, when he had about 5,300 cows in the herd, he has lost about 1,500, mostly from old age, and estimates that it costs about \$300,000 per month

just to feed them, which doesn't cover other costs such as electricity. He has been paying to feed the cows using money from two other dairy operations.

(After this story appeared, a USDA spokesperson reached out to say the department wanted to make it clear that the 18-month limit had been imposed during the Trump administration.)

**New Mexico attorney John Kern, who is representing Schaap, says his client is "exhausted financially. He's hanging on by a thread."**

Schaap's problems began in late 2018 when contamination of his cows was detected after testing found high levels of two types of per- and polyfluoroalkyl substances (PFAS) in his well water. **The source appears to be the adjoining Cannon Air Force Base, which conducted firefighting exercises on its property using foam containing PFAS, a group of more than 9,000 highly persistent compounds suspected of harming human health.**



*Cows at Highland Dairy in Clovis, N.M.*

Tests on Schaap's cows showed high levels of two of those compounds, PFOA and PFOS, leading to cancellation by his milk buyer of their purchase agreement; then, the New Mexico Department of Agriculture suspended Highland's Grade-A Permit for milk production. (EPA says studies on PFOA and PFOS "indicate that [they] can cause reproductive and developmental, liver and kidney, and immunological effects in laboratory animals.")

The Food and Drug Administration followed up with tests showing the cows were contaminated, and FDA and USDA determined in October 2019 that the "affected cattle were not suitable for food and meat and that the affected milk should not enter the food supply," according to a lawsuit Schaap filed against the Air Force. (The litigation is pending.)

Since late 2018, Schaap has received about \$13 million in payments under USDA's Dairy Indemnity Payment Program, set up to cover losses by producers "when a public regulatory agency directs them to remove their raw milk from the commercial market because it has been contaminated by pesticides and other residues," according to USDA's website.

**But when the Biden administration took office, the payments dried up, and Schaap is running out of options. Former USDA official Kristi Boswell, who was a senior adviser to former Ag Secretary Sonny Perdue, has been representing him in D.C., and says USDA officials have said they are working on regulations to implement changes in the program to address the issue. Highland is advocating that USDA buy the cattle rather than extend the milk payments.**

Schaap received 26 months of payments from USDA under the program, whose term was limited beginning in June 2019 to 18 additional months.

"We are hopeful that the rulemaking will be sent to OMB shortly and call for quick review and implementation," Boswell said. "We hope that the program terms account for the reality that Highland lost access to the milk and beef markets for the contaminated herd and should address animals that died without a market while waiting on the updated regulations from USDA." **"We're trying to get him a cow buyout," Kern says, calculating the price tag at about \$6.6 million for the value of the herd based on calculations using the indemnity program.**

**Schaap, however, says that won't cover all the losses, and says it's unlikely he will be able to reopen the dairy.**

USDA has not responded to requests for information about the pending regulation, but Maria Hurtado, a spokesperson for Rep. Teresa Leger Fernandez, D-N.M., says USDA officials have had "informal conversations" with OMB about the rule so OMB can expedite it once it is officially sent to the agency for review.

**Fernandez and New Mexico's two senators, Ben Ray Lujan and Martin Heinrich, have raised the issue with Ag Secretary Tom Vilsack, and New Mexico's Secretary of Agriculture, Jeff Witte, "has also been beating the drums," Kern says. "But we can't get any movement."**

But Fernandez told *Agri-Pulse* that when she spoke with Vilsack about the issue, he "acknowledged that this was the right thing to do, to provide the indemnity, to purchase the cows, that buying the milk was simply not the final solution."

Fernandez told *Agri-Pulse* she knows that approving government regulations is a "frustratingly slow process," but that "in this case, everybody agrees that we must remedy this harm. And so, it should be fast-tracked, because there is no disagreement on what the right thing to do is."

**The Senate and House Agriculture committees have made their desires clear in appropriations bills cleared by the House and by the Senate Ag Committee.**

The Senate report accompanying the ag spending bill says the ag secretary "shall utilize the Dairy Indemnity Payment Program to purchase and remove PFAS-contaminated cows from the market, rather than paying for prolonged monthly production indemnities."

The House report contains similar language, but says "the [ag] committee directs the Secretary to utilize DIPP to provide monthly indemnity payments to affected producers, including those producers who are no longer milking their herds, for the value of their unmarketable milk, as well as to provide these producers with the option to receive an indemnity payment for the value of the herd and the costs of depopulation if remediation is not practicable."

The House report also "encourages the secretary to extend the timeframe for monthly DIPP payments to 36 months and to explore whether DIPP or other USDA resources could assist producers with costs associated with a longer-term return to farm viability, including testing and remediation."

**Fernandez says Schaap's dairy is likely not the only one with PFAS contamination — one dairy farmer in Maine had his land contaminated by sludge, for example — but she said USDA has not expressed concerns to her about the expense of the program should other farmers come forward to seek compensation.**

Cannon Air Force Base said it was working with the Justice Department to respond to questions about its response to Schaap's situation "since the matter with Mr. Schaap is under litigation."



## House Ag members working to address lagging HBCU funding



House Ag Chairman David Scott, D-Ga.

As the country, including the food and agriculture sector, continues to grapple with racial injustices brought into focus in 2020, the historically Black land-grant colleges and universities are gaining attention.

**The issues facing HBCUs — and the possible approaches to fix them — are complex, but a pair of lawmakers who themselves are products of the institutions are leading efforts to improve the standing of the colleges and the students they educate.**

House Agriculture Committee Chairman David Scott, D-Ga., has introduced a bill to increase, and make permanent, a fund for student scholarships on those campuses. He said the effort has bipartisan support in part because he invited many of the presidents of those universities to Capitol Hill in June to testify before the full committee. Scott said after the “1890 Land Grant Institutions: Investing for Agricultural Resiliency, Equity, and Global Impact” hearing in June that some of his colleagues told him they’d never before met a Black university president. He’s pleased with the level of interest and hopes expanding the scholarship program will help “as we lift up the greatness of our wonderful world of agriculture.”

**Scott said the additional legislation is necessary to ensure the funding “will always be there as our cornerstone, our anchor.”**

Rep. Alma Adams, D-N.C., another ag committee member, said the committee is “trying to create opportunities” in agriculture and related academic programs to “really get young people interested in looking at this as a viable career.”

**She has introduced the bipartisan, bicameral IGNITE HBCU Excellence Act, which would help make up for deferred maintenance and outdated lab facilities at the 1890s and other historically Black colleges and universities.**

These efforts build upon a legacy of past and current programs aimed at addressing historical inequities in how the land-grant system has treated its HBCUs.

**“While we’ve got greatness here,” Scott said, “it is not an equal application of resources.”**

That dates back to the creation of the HBCU land-grant system in 1890. The Morrill Act of 1862 launched the original land-grant program, with the federal government providing each state money to support agriculture and industrial education. After the Civil War, southern and border states would have been required to open their doors to newly freed African-Americans. Scott says the “separate but equal” doctrine in place at the time allowed states to instead designate a school where land-grant funds for Black students, researchers and (eventually) extension services would be sent. **The 1890 funds went to those campuses, “but they were separate but not equal,” Scott said.**

**During the 20th century, various laws tried to increase the funding for all land-grants and create parity between the HBCUs and 1862s.** Separate laws were passed to provide research and extension funding to the 1890s, as parallels to the legislation that provided money to the 1862s. These include the Evans Allen Act for research and Section 1444 for extension, to complement the Hatch and Smith-Lever Acts that funded those, respectively, at the 1862s.



Purdue University professor Levon

One-to-one comparisons of funding to the original land grants and the 1890s are hard, if not impossible, to make because of the formulas used and the different sizes of the schools. In June, the Congressional Research Service presented data from the 2019-2020 school year showing that while there are three times as many predominantly white-serving land-grants as historically Black ones, the 1862s received 4.4 times as much USDA funding for research and extension. The HBCUs enroll far fewer students and the report did not break out students by whether they were in agriculture and food sciences or other disciplines. Still, Scott said disparities are obvious.

**“Fort Valley (State University) here in Georgia, for example, has not nearly the value of resources in terms of ... when you compare it with the University of Georgia,” Scott said. “Florida A&M does not have nearly an equitable basis, any way you look at it.”**

USDA does have specific pots of money exclusively for improving the 1890s. The National Institute of Food and Agriculture’s 1890 Institution Teaching, Research and Extension Capacity Building Grants Program has announced nearly \$22 million for projects ranging from research on hempseed as goat feed to curriculum expansion for merchandising, textiles and design, to outreach programs that support small producers. These grants do not require matching funds, a critical detail because for the last few decades, certain other NIFA programs have required up to a 100% nonfederal match. Most of the original land-grant universities have successfully received that matching money, and sometimes far more than required, from their home states or institutions. The historically Black land-grants have sometimes struggled to meet that requirement.

Congress allows the 1890 institutions to request waivers for up to 50% of the nonfederal obligation, an option not available to the predominantly white-serving institutions. A waiver allows the school to receive full federal funds even if less than the total amount is matched at the state level.

**Levon Esters, a professor at Purdue University, said that while he can’t point to any concrete examples, “some states may very well use that as an out” to avoid meeting the full match expectation. He said when states are distributing funds, “HBCUs historically have always been on the short end of the stick.”**

A 2013 policy brief from the Association of Public and Land-Grant Universities (APLU) showed from 2010-2012, 61% of 1890 grant recipients did not receive the full 100% match for extension or research and concludes that because of this shortage, those schools collectively missed out on more than \$56 million.

In more recent years, an *Agri-Pulse* review of funding data found that over the period of 2018-2020, the 1862 land-grants had an average matching rate of 97% (meaning only 3% of federal

funds were not matched by another source). The 1890 schools over the same period received 84% in nonfederal match money.

**As an example, Tennessee has provided the full federal match in recent years. But according to the state's Higher Education Commission, in the 2015 and 2016 fiscal years, the state met the obligatory match for the University of Tennessee (UT), but not for Tennessee State University (TSU), the state's 1890 school. In those years, the total federal appropriation to UT was about 2.5 times larger than TSU's.** The Tennessee Higher Education Commission is expected to provide a report next month "outlining recommendations on how the state can help meet TSU's infrastructure needs to address historic discrepancies," according to Steven Gentile, chief policy officer at the Tennessee Higher Education Commission.

North Carolina State University, the state's 1862 institution, met or exceeded the matching requirement for research and extension funding while North Carolina A&T State University, the 1890, met the extension match in 2018 and 2019 but not the research match, and didn't get a 100% match for either in 2020. No match for NC A&T has exceeded the federal allocation in those years.

**Adams — who is an alumna of NC A&T, and was on the faculty of Bennett College, an HBCU women's college — said that example shows funding for the land-grant that educates primarily students of color is not a priority for the state legislature "and that's wrong."** She said when she served in the North Carolina General Assembly, she saw that "the people who are doling out the dollars, who are controlling the public purse" often overlooked NC A&T. "So, we have to educate them."

In Congress, she's found a few ways to do that. She advocated for the requirement that schools provide a report each year on the state matching allocations (which is where the data cited here comes from). **She said there was also a discrepancy that allowed the 1862s to keep funds that were not spent in a certain time period, while the 1890s had to return unspent funds exceeding 20%. "To me, that's just discriminatory," she said, so she pushed for farm bill changes that eliminated the discrepancy.**

Adams said in working from Washington to improve equity for decisions largely made by states, she's had to be mindful not to hurt the people she is trying to help. The reports and the adjustment to requirements around returning unspent funds are ways she found for Congress to improve states' accountability without imposing penalties that might negatively impact the schools.

Esters looked at the financial standing of the 1890s in a 2018 research brief and showed that the endowment of all of the HBCU land-grant schools combined did not equal the endowment of North Carolina State University, which ranked 10th among land grant universities by endowment size. **After starting from behind, he said, "it's hard to catch up."**

Adams said some of the 1890s aspire to achieve R1 status, the highest ranking for academic research, but their outdated facilities are often unable to support the experiments faculty want to do. She said the testimony at hearings this summer and other accomplishments coming out of HBCUs should be evidence enough that investing in them is good for agriculture and many other fields.

**“If we've been able to do that (much) being only 3% of all of the institutions of higher education, imagine what we could do if we had the necessary funding,” she said, referring to all HBCUs, not just the land-grant ones.**



Rep. Alma Adams (D-N.C.)

Virginia State University president Makola Abdullah, who was among the 1890 presidents who testified before the House ag committee, added that Virginia State wants to “engage young people who come into the School of Agriculture to look at farming, agribusiness, all of those things” as career opportunities for students of color.

With a nod toward the involuntary role African-Americans played in agriculture during slavery, Scott said “our heritage is intertwined with agriculture, and our future is there. And we’ve got to lift up agriculture.” Though he doesn’t want to get too far ahead of pending legislation, he said

after making the scholarship program permanent, “we want to begin to reach out into areas of extension to connect our 1890 universities into similar areas where you see the 1862s are moving,” such as addressing climate change.

Ag Secretary Tom Vilsack has pledged to work toward righting some of the department’s historical wrongs. USDA “has shown through its actions that it has been resistant in the past” to address racial discrimination, Esters said. But now, as a country, “we’re at a good place for change to occur.”

**“It feels as if, in this moment, there's a heightened emphasis on equity,”** Abdullah said, with many people paying attention to past “injustices of underfunding of institutions and, more importantly, recognizing the current value that our institutions bring to the table in the agricultural space and outside of the agricultural space.”

## News Briefs:

**Farm groups, agribusinesses urge rural members to get vaccinated.** In response to growing concerns about COVID-19, more than 30 state and national agricultural organizations representing farm, commodity and agribusiness communities joined together to pen an open letter and promote vaccination among farmers and other rural Americans. “As we hear heartbreaking accounts of the COVID-19 resurgence depleting resources in rural communities and overwhelming already stressed rural health care systems, we can’t help but feel a deep sense of frustration,” the letter noted. “After so much progress in fighting the pandemic – the decisions we’ve all made to stay safe, the work to develop a vaccine and a distribution system that could reach every American -- we still have so far to go. The letter pointed to the science-based decisions that farmers make every day to protect crops and livestock and urged similar decision-making to support vaccinations in their communities. Chris Novak, CropLife America's president and CEO, who signed the letter said that he’s seen “firsthand how devastating the virus can be. Whether you live in the city or on the farm, we are all at risk if we don’t take steps to keep ourselves and our communities safe.” To see the full letter and list of [organizations supporting rural vaccinations, click here.](#)

**Walnuts gain more scientific cred for heart benefits.** A two-year study of older adults has found how adding walnuts to the diet confers health benefits. The new research, published in the American Heart Association peer-reviewed journal *Circulation* and funded in part by the California Walnut Commission, provided walnuts to half the nearly 700 participants while the others did not change their diets. After two years, the researchers found small reductions in LDL (or “bad”) cholesterol among those who ate the walnuts. Lower levels of LDL are associated with reduced risk of cardiovascular disease. In the study, researchers in California and Spain collaborated and found similar results in the two locations. But men in the walnut group showed greater reductions in LDL cholesterol, and the authors say this difference by sex requires further study before it can be confirmed. The study also found walnuts, with their heart-friendly omega-3 fatty acids, reduced IDL cholesterol, a marker independent of LDL that can also be a measure of cardiovascular risk. The Walnuts and Healthy Aging study is the “the largest and longest nut trial to date,” the authors wrote. They conclude that for older adults (the age of participants was 63-79 years old) “regular walnut consumption may be a useful part of a multicomponent dietary intervention” to lower the risk of cardiovascular disease.

**Madera County ag values down in 2020.** Madera County had a slight decline in the gross value of agricultural production in 2020. With a loss of \$52 million, a 2.6% decline, the value ended up at \$1.95 billion for the county, which ranks 10<sup>th</sup> in production for California. Ag Commissioner Rusty Lantsberger attributed this to a series of issues, from the pandemic to the drought, labor shortages, shipping disruptions and decreased commodity values. Almonds and milk retained the top spots, respectively, while pistachios—a more drought resistant crop—moved to number three, bumping grapes to the fourth position. Figs moved to number seven, after not being in the top ten in 2019. Both bearing acres and production for almonds increased since 2019, moving from 149,000 harvested acres to 157,000. However, lower prices led to a drop in value of more \$100 million.

**NRCS to invest \$50M for racial justice and equity grants.** The Department of Agriculture's Natural Resources Conservation Service is investing up to \$50 million nationally in cooperative agreements to support historically underserved farmers and ranchers with climate-smart agriculture and forestry. The Racial Justice and Equity Conservation Cooperative Agreements are available to entities for two-year projects that expand the delivery of conservation assistance to tribes and farmers who are beginning, limited-resource, socially disadvantaged, or veterans. Entities and individuals who provide outreach assistance to historically underserved groups are eligible and must apply by Oct. 25. Go to the [grants.gov announcement](#) for details and application instructions. NRCS Chief Terry Cosby said USDA is “committed to revising programs to be more equitable, and these producers deserve our support as they contribute to our vibrant and diverse agricultural communities.” “Historically underserved producers face significant barriers in accessing assistance for conservation and climate-smart agriculture,” said NRCS California State Conservationist Carlos Suarez. “The goal of this outreach is for NRCS in collaboration with partners to expand the delivery of conservation assistance to historically underserved farmers and ranchers. Proposals should support activities that introduce the concepts of climate-smart agriculture and assist producers with planning and implementation of conservation practices and principles.” NRCS says projects eligible for the funding should help producers improve soil health and water quality; provide habitat for local wildlife species of concern; improve the environmental and economic performance of working agricultural land; and build and strengthen local food projects that provide healthy food and economic opportunities.



## Farm Hands West: United Fresh Produce Association, Produce Marketing Association announce leadership

United Fresh Produce Association and the Produce Marketing Association have announced the leadership that will launch the start of the new association beginning in 2022. **Bruce Taylor**, CEO of Taylor Farms in Salinas, Calif., and a past chair of the PMA, will serve as the first chair. The executive committee will also include the current PMA chair, **Dwight Ferguson**, president



Bruce Taylor

and CEO of the California Agricultural Leadership Foundation, and the current board chairman of United Fresh, **Danny Dumas**, president of Canadian fruit and vegetable company Couchesne Larose. **Laura Himes**, senior merchandising director at Walmart, is the chair-elect, and **Patrick Vizzone**, the head of food, beverage and agribusiness, international, and head of Hong Kong Coverage for ANZ Banking Group, will serve as the committee's secretary-treasurer. **Martha Hilton**, vice president of produce and floral merchandising for Wegmans Food Markets, will serve as the United Fresh Start Foundation's chair and a member of the executive committee.

West Pak Avocado has hired **Stephen Sheldon** as director of global sourcing. Sheldon comes to West Pak Avocado from the Limoneira Company, where he served as global sourcing manager.

Wholesum has elevated **Joanna Jaramillo** to marketing manager. Jaramillo joined Wholesum in June of 2018 as the company's marketing coordinator.

Nature Fresh Farms has brought on **Brenda Necic** to be the retail sales account manager. Bringing eight years of experience in the produce industry, Necic previously worked at Mastronardi Produce as sales manager.

President **Joe Biden** has announced his intent to nominate **R. Nicholas Burns** to be ambassador to China and **Rahm Emanuel** to be the United States' envoy to Japan.

Burns currently serves as professor of the practice of diplomacy and international relations at Harvard University's Kennedy School of Government. He is also the executive director of the Aspen Strategy Group and security forum and senior counselor at the Cohen Group. During his time working at the State Department, Burns served as undersecretary of state for political affairs, ambassador to NATO and to Greece, and spokesman. He also was on the National Security Council staff. Emanuel is the former mayor of Chicago and also served as White House chief of staff to President Obama. From 2003 to 2009, Emanuel served in the U.S. House of Representatives, where he held a number of leadership positions. He also served President Clinton as assistant to the president for political affairs and senior adviser for policy and strategy. He is currently the national chair of the Advisory Council of Youth Guidance's Becoming a Man (BAM) mentoring program.

President Biden has also announced his intent to nominate **Carla Koppell** as the nominee for assistant administrator for development, democracy, and innovation at the United States



Carla Koppell

Agency for International Development. Koppell currently works as a senior adviser at the Georgetown University School of Foreign Service and a distinguished fellow with the Georgetown Institute for Women, Peace and Security.

The White House has announced **John Porcari** will be the port envoy to the Biden-Harris Administration Supply Chain Disruptions Task Force, which was established in June to address supply and demand mismatches that emerged following the administration's vaccination and economic relief efforts. In his career, Porcari served as the deputy secretary and chief operating officer of the Department of Transportation during the Obama-Biden administration, was the Maryland secretary of transportation, and was chairman of the Maryland Port Commission.

President Biden plans to name **Rostin Behnam** to lead the U.S. Commodity Futures Trading Commission, according to media reports. Rostin currently serves as the acting chairman of CFTC. He was nominated by President Trump to serve as the commissioner of the CFTC and was unanimously confirmed by the Senate. He was sworn in to serve as a commissioner on Sept. 6, 2017, and his term expired in June 2021.

**Rob Nooter** has accepted the post of executive director of the International Biochar Initiative, effective Sept. 13. Nooter has previously worked for the International Fund for Agricultural Development as a senior policy and outreach consultant, and for the International Fertilizer Development Center as a senior development officer.

**Brian Reuwee** has joined the team at Rabo AgriFinance as senior vice president of marketing and communications. Reuwee previously was vice president at Fleishman Hillard in St. Louis. Before that, he worked at Osborn Barr Paramore.

The National Corn Growers Association has brought on **Angus Kelly** to be the director of public policy, trade, and biotechnology. Kelly previously worked for Syngenta and the National Cotton Council, and also was in the Peace Corps. During his time working for Syngenta, Kelly was a lobbyist working in the nation's capital and then took on leadership roles with the company that brought him to the European Union, Hawaii, and Switzerland.



Angus Kelly

National Sustainable Agriculture Coalition has hired **Cathy Day** to be the climate policy coordinator. Before joining NSAC, Day taught environmental science and studies and sustainable food systems programs at Stetson University. She also led the implementation of the Sustainable Farming Fund. NSAC has also brought on **Jesse Womback** as a policy specialist. Womback most recently worked at the Nature Conservancy in Ohio focused on improving water quality and carbon outcomes. She previously served at Americorps VISTA developing programming for local food farms and businesses in southern Minnesota.

**Hannah Packman** has left the National Farmers Union, where she was the communications director and has taken a new job with The Nature Conservancy helping support its Shellfish Growers Climate Coalition. Packman was with NFU for the last four years.



Brian Allmer

**Michael Brune** has submitted his resignation as executive director of the Sierra Club, a position he has served in the last 11 years. His resignation will go into effect at the end of the year. Taking over as the new executive director will be **Dan Chu**, who currently serves as the executive director of the Sierra Club Foundation. **Eva Hernandez** has been tapped to take on the new role of managing director. She has served in many leadership roles with the organization, including deputy national program director and regional organizing director.

**Ian Roberts** has been promoted to vice president and general manager of the foodservice unit at Conagra Brands, effective Sept. 1. Roberts has been with Conagra for more than 16 years, most recently as the vice president and general manager for Canada. Before joining Conagra he was with Kellogg Co.

**Brian Allmer** passed away on June 27. He was 55. Allmer was a member of the National Association of Farm Broadcasting. He began his career at KSIR Radio in Fort Morgan, Colo., and later formed the Brian Allmer Radio Network (The BARN). Allmer and his wife, Connie Jean, had two children and hosted nine foreign exchange students. He was very passionate about supporting youth and giving back to his community. A visitation will be held today from 6-8 p.m. at Adamson Life Celebration Home. Life Celebration to be held at 1 p.m., Sept. 2, at the Island Grove Event Center, Greeley, Colo.

**Best regards,**

**Sara Wyant**  
**Editor**

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