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August 6, 2021

# Texas Agriculture

Published by Texas Farm Bureau for commercial farmers and ranchers

## Taxed to Death

Tax proposals sow  
seeds of destruction  
for family farms,  
ranches

Pages 16-17





# Answering the media's call on state, national ag issues

Texas Farm Bureau (TFB) has responded to nearly 120 media inquiries so far this year. That's more media inquiries than we received in all of 2020.

The reason is the nature of news.

Many news cycles since January have involved high-profile issues related to farming and ranching and the people who produce our nation's food, fiber and fuel.

COVID-19, Biden administration executive orders, the winter storm and the border crisis are among the high-profile issues driving media attention.

Those issues led local, state, national and international news outlets and reporters to contact our organization. We're asked to provide sources for comment or background details for better clarity on a topic that the reporter is pursuing.

Each inquiry is considered and weighed. We take into account any prior relationships with reporters and outlets and if TFB has assisted them in the past and, if so, the outcomes of those experiences.

Our organization's media relations philosophy is to generally respond favorably to media interest when and where we can.

Sometimes, though, we decline the opportunity, particularly if it's from international press. We often refer international inquiries to state or federal government resources that are better suited for the inquiry. We feel our efforts should focus on opportunities that reach U.S. audiences.

The value of exposure to our TFB message and perspective cannot be underestimated.

The general public is an important target of our communication efforts,

and we've been able to reach more U.S. residents this year than in the past because of our work with more national media.

National publications and broadcast outlets generate opportunities. National reporters sometime call TFB because of an article they've seen published or a segment they've seen aired by another national news outlet. The issue gains traction and momentum with each subsequent story. News coverage generates news coverage, in some cases.

A good example of this dynamic was our July 22 appearance on *FOX*



By Russell Boening  
President



**TFB Communications staff provided production for TFB President Russell Boening's live interview from his farm last month with FOX & Friends.**

*& Friends*. An associate producer of the morning news program contacted TFB after reading an article in the *New York Post* that featured TFB's comments on the impacts of the border crisis and the request to the Biden administration to reimburse farmers and ranchers for damages.

The *FOX & Friends* live interview was a valuable opportunity that we readily accepted (*see page four*). It allowed TFB to reach an estimated 1.1 million viewers, the largest audience

among morning news programs.

Every media interview adds reach, volume and depth to our Farm Bureau message, regardless of audience size.

I'm one of many leaders, members and staff who have participated in interviews this year on behalf of our organization. Each interview opportunity is unique, and we do our best to match an appropriate contact to each request.

We greatly appreciate all who have answered the media's call.



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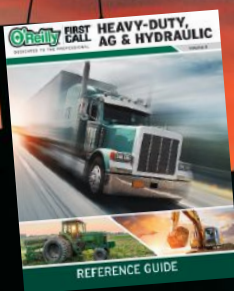




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## Border crisis stories continue to dominate national news

Texas Farm Bureau (TFB) President Russell Boening discussed the ongoing border crisis with several national news outlets in late July.

According to federal data, the number of immigrants illegally entering the U.S. right now is one of the largest surges in nearly two decades. Border apprehensions have surpassed one million for the 2021 fiscal year. Texas farmers and ranchers are facing serious financial hardship and disruption with each wave that crashes through their fences and crops, causing damages to personal property.

“We feel like the borders aren’t secure. We feel like the administration could do more to help secure the borders,” Boening said in an interview with *FOX Business*’ Edward Lawrence.

Boening’s comments have been featured in stories and videos published by the *New York Post*, *Newsweek*, *Yahoo News*, *FOX & Friends* and more.

He discussed a letter and effort spearheaded by TFB. The organization, along with all state Farm Bu-



*Texas Farm Bureau President Russell Boening visits with Ainsley Earhardt of FOX & Friends from his farm in Wilson County.*

reaus, Puerto Rico Farm Bureau and the American Farm Bureau Federation, sent a letter to the Homeland Security, Agriculture and Interior Departments requesting assistance to secure the border and provide restitution to farmers and ranchers.

“Basically we’re saying that the property damage is coming because of the large influx of illegal immi-

grants. So with that being said, we feel like there needs to be some compensation to the property owners,” he said.

Farmers and ranchers along the border continue to share stories of financial hardship and disruption from the surge of illegal immigrants. View their stories online at [texasfarmbureau.org/border-crisis-impacts](https://texasfarmbureau.org/border-crisis-impacts).

## Texas Farm Bureau releases 2020 Accomplishments report

Despite the challenges brought forward by the COVID-19 pandemic, Texas Farm Bureau (TFB) accomplished its mission of being The Voice of Texas Agriculture in 2020. A look at the year’s activities, successes and programs are available in the 2020 Accomplishments report.

The 32-page report is the first of its kind for the organization, and it includes a message from TFB President Russell Boening.

“I hope members take pride in the accomplishments highlighted in this annual report. This is not a complete list of achievements. It’s only a small sampling of program

areas that excelled in 2020,” Boening said.

Membership achievements, advocacy efforts, leader development, youth and educational outreach and communications efforts are outlined in the report. A section on TFB and county Farm Bureaus giving back to local communities is also included.

County Farm Bureaus can order printed copies of the report by contacting Penny Cox, TFB Communications administrative assistant, at [pcox@txfb.org](mailto:pcox@txfb.org).

The report can be found in the grey footer of the TFB website by clicking “TFB Accomplishments” or by visiting [txfb.us/2020accomplishments](https://txfb.us/2020accomplishments).



## Beef exports to China keep growing

China can’t get enough of American beef, according to a July International Agricultural Trade Report by the U.S. Department of Agriculture’s Foreign Agricultural Service (FAS).

The trend is expected to grow, with FAS noting U.S. sales only accounted for 4% of the market’s share by volume.

“The potential for growth in U.S. beef exports is strong in future years as China import demand is expected to grow more than 30% during the next decade,” FAS analysts wrote.

Through May 2021, China ranks as the third-largest U.S. market by both volume and value, outpacing Mexico and Canada, which have been consistently ranked as top U.S. markets.

FAS noted the increase is partly due to reduced competition from Australia, the top U.S. competitor in beef exports. As the nation struggles to rebuild herds after a multi-year drought, Australian beef production remains depressed in 2021.

A reduction in exports from Argentina may also give U.S. beef sales a boost in China.

Another reason for increased exports to China is American ranchers produce a high-quality product, said Tracy Tomascik, Texas Farm Bureau associate director of Commodity and Regulatory Activities.

Organizations and programs like the national and state beef checkoff programs and U.S. Meat Export Federation also contribute to greater demand by increasing knowledge of and exposure to American beef in foreign markets, he noted.

U.S. beef exports are expected to reach a new high of more than 1.5 million tons this year, a 16% increase over 2020 and 8% above 2018’s previous record.



# Animal ag groups launch Protein PACT

Twelve organizations representing farmers and companies who make the vast majority of America's meat, poultry and dairy, as well as animal feed and ingredients, unveiled the Protein PACT for the People, Animals, and Climate of Tomorrow.

It is the first joint initiative of its kind designed to accelerate momentum and verify progress toward global sustainable development goals across all animal protein sectors.

Alongside the debut of the Protein PACT, the North American Meat Institute released its draft sustainability framework and is soliciting public comments to inform the organization's efforts to set transparent baselines and measure progress toward ambitious sustainability goals.

The Meat Institute draft sustainability framework encompasses more than 100 metrics developed through extensive collaboration with sustainability experts, supply chain partners and Meat Institute members.

After incorporating public feedback, the Meat Institute will set targets for public commitments by packers and processors of all sizes to verify progress in all five Protein PACT focus areas:

- optimize contributions to healthy land, air and water
- be the leading source of high-quality protein in balanced diets
- provide the most humane care and raise healthy animals
- produce safe products without exception
- support a diverse workforce and ensure safe workplaces.

Interested stakeholders can learn more about the Protein PACT and submit feedback on the Meat Institute's draft sustainability framework at <https://theproteinpact.org>.

The Protein PACT is partially funded by U.S. farmers and ranchers, including with support from the pork, dairy and soybean checkoffs.

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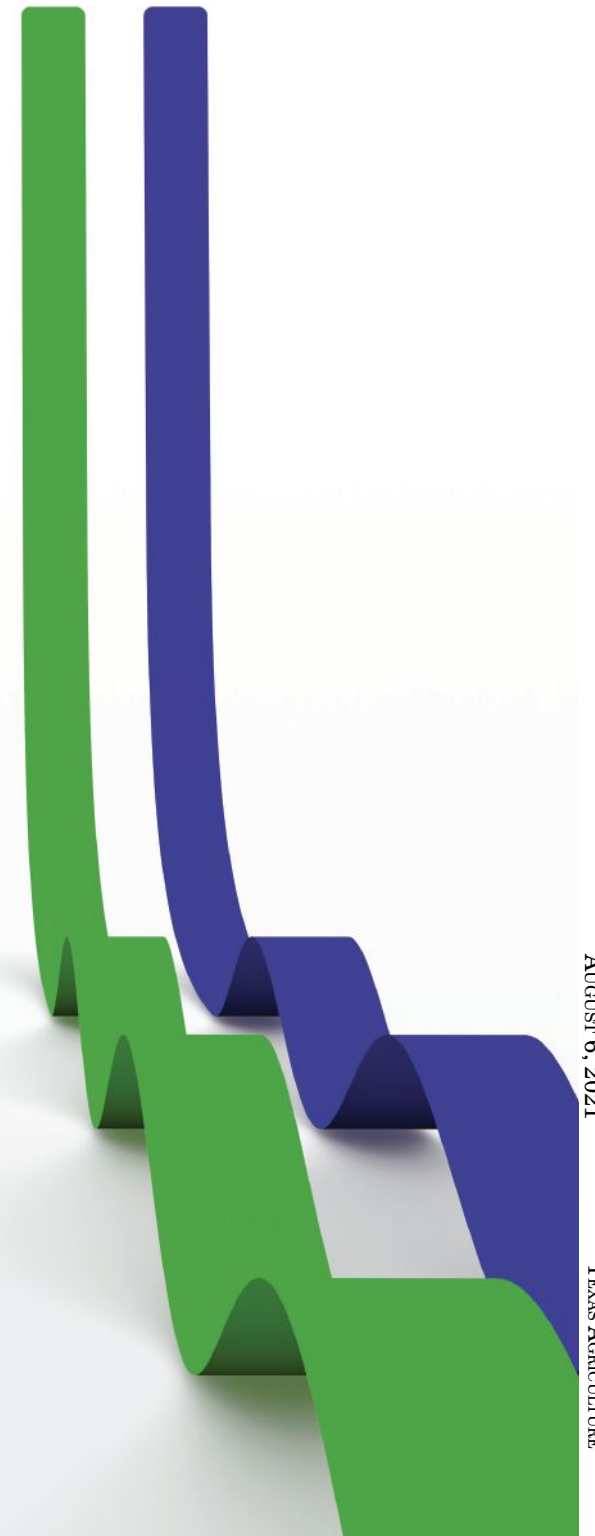
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August 6, 2021

TEXAS AGRICULTURE



# Potential tariffs may cause fertilizer prices to soar

By Jennifer Whitlock  
Field Editor

Farmers are watching closely from the sidelines as a trade dispute between domestic and foreign producers of urea ammonium nitrate (UAN) continues to play out, with fertilizer price increases due to anti-dumping tariffs hanging in the balance.

In June, American fertilizer company CF Industries alleged subsidized imports from Russia, Trinidad and Tobago are distorting the UAN market, prompting the U.S. Department of Commerce and U.S. International Trade Commission (ITC) to open anti-dumping and countervailing duty investigations.

“For too long, UAN producers in the United States, who are among the most efficient in the world, have competed on an uneven playing field due to dumped and unfairly subsidized imports from Russia and Trinidad,” Tony Will, president and CEO of CF Industries, said. “The duties we are seeking will restore fairness to our highly competitive industry and help ensure that American UAN producers remain a reliable source of fertilizers for American farmers for years to come.”

But the American Farm Bureau Federation (AFBF) warns the consequences of imposing any anti-dumping duties on those countries, which together provide about 81% of UAN imports, would cause farm input costs to rise even more sharply.

Fertilizer is projected to account for about 36% of operating costs for major commodity crops in the U.S. in 2022, according to AFBF. Because the U.S. Department of Agriculture already forecast fertilizer prices will rise 5% in 2022, adding any tariffs would cause fertilizer prices to increase drastically.

If realized, fertilizer prices from 2018-2022 for every major U.S. field crop will have increased by double digits. AFBF said fertilizer costs per acre will rise 16.5% for cotton, 17.1% for wheat, 17.6% for peanuts, 18.1% for rice, 18.6% for sorghum and corn



***Fertilizer is projected to account for about 36% of operating costs for major field crops in the United States in 2022, according to the American Farm Bureau Federation.***

and 18.9% for soybeans.

There are three primary nutrients found in commercial fertilizer products: nitrogen, phosphate and potash, with nitrogen comprising the largest component, wrote AFBF Economist Veronica Nigh in a recent Market Intel report.

UAN solutions are the most commonly used delivery materials for nitrogen fertilizer, accounting for 43% of nitrogen fertilizer usage, she noted. Urea, anhydrous ammonia, ammonium sulfate and ammonium nitrate make up the other sources.

“Given that UAN solutions account for 43% of nitrogen fertilizers, and nitrogen accounts for 59% of total fertilizer use, that means about 25% of operating costs can be attributed to UAN solutions,” Nigh said. “Certainly, farmers would feel a significant increase in UAN solution costs in their bottom line.”

Those rising input costs can make it even more difficult for farmers struggling to remain competitive in global markets.

If the proposed anti-dumping margins drive UAN fertilizer costs up anywhere from 169-391% from Russia and 158% for Trinidad and

Tobago plus countervailing duties, production costs will rise accordingly for U.S. farmers, according to Nigh’s analysis.

“Imports are an important part of the UAN supply to farmers,” she said. “The application of the duties requested by the petitioner, potentially in effect for five years with the possibility of extension, will result in a constricted supply and higher prices for farmers for years to come, which would have a major impact on planting decisions and production.”

Last year, phosphate fertilizers were the target of a similar Commerce Department and ITC investigation. In this case, Morocco and Russia were the nations targeted in U.S. phosphate producer Mosaic Co.’s petition.

The Commerce Department announced affirmative countervailing duties on imports of phosphate fertilizers from Morocco and Russia in February. It is not yet clear exactly how those tariffs have impacted phosphate fertilizer costs in the long term.

For the latest on fertilizer issues, visit AFBF’s Market Intel webpage at [fb.org/market-intel](https://fb.org/market-intel).

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# All Texas cattle brands, marks expire Aug. 30

By Julie Tomascik  
Editor

All Texas cattle brands, marks and tattoos are set to expire after Aug. 30 and must be renewed by Feb. 28, 2022.

“Brand owners have a six-month grace period in order to re-register their brands, and that’s beginning Aug. 31 through Feb. 28, 2022,” said Michelle Carlile, assistant director of Law Enforcement, Brand and Inspection Services for the Texas & Southwestern Cattle Raisers Association (TSCRA). “If they fail to re-register their brand during those six months, then their brand is open for anyone to take.”

All brands are registered through the county clerk’s office.

“They will need to go directly to the county clerk in the county where their livestock reside,” Carlile said. “So, if they have multiple ranches in different counties, then they would need to go to each county clerk’s office.”

Some offices are participating in



**Texas cattle brands, marks and tattoos expire on Aug. 30 and must be renewed by Feb. 28, 2022.**

an online re-registration program. Carlile recommends contacting the county clerk to see if the county is participating.

Brand applications and renewals require a drawing of the brand that notes the location on the animal.

“The location of the brand is just as important as the brand itself,” she said. “You and I can have the same brand in the same county as long as the location is different. So, I can

brand on the left hip. You can brand on the right hip. So, the location is part of the brand itself.”

Carlile said the fee varies by county, but the average fee is \$26 per brand. Some counties charge an additional \$5 if the brand is on multiple locations.

Although Texas does not have a statewide brand registry database, TSCRA keeps a centralized database for the association’s law en-

forcement purposes.

“A brand is like a return address for the cattle. So, when the cattle are missing, we can find it quickly in our database and find out who that brand or who that cow belongs to,” Carlile said. “It also prevents theft. Our Special Rangers have spoke about when they’ve interviewed suspects and the suspects have actually told us that they will avoid cattle that have brands on them and go for the unbranded livestock. It’s a good deterrent for thieves not to take branded cattle.”

The registration is good for 10 years and will expire Aug. 30, 2031.

In Texas, it’s not mandatory to brand livestock.

“However, if you do brand your livestock, it is mandatory that you register the brand with the county clerk,” Carlile said. “Failure to do so is a misdemeanor punishable by a fine up to \$500.”

For more information, visit [tscrabrands.com](http://tscrabrands.com) or call 1-800-242-7820 to speak with the TSCRA Brand and Inspection Department.



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# Solar panels crop up across Texas, divide many rural communities

By Julie Tomascik  
Editor

Thousands of acres in Texas will harness the sun's rays, but not for livestock or crop production. Solar energy development companies are moving into rural communities, and it's dividing those who live there.

Some landowners have agreed to long-term leases with the solar companies, while neighbors and other communities across the state oppose the industrial facilities and are attempting to stop them.

Robert Fleming, who farms and ranches in Central Texas, helped organize and lead a grassroots effort to temporarily block the projects from taking area land out of agricultural production.

"I'm not against solar, but when it comes to taking prime farmland and ranchland out of production, that's where I get concerned," he said. "These companies are very organized. They're very professional, and they've done this across the United States. They're very sneaky. They come into our communities, and they separate family. They separate friends. They separate neighbors with a dollar bill, and that's what really bothers me the most. They know that no one can compete with that kind of money, because we're in a depressed agricultural economy."

The solar company's project decision came down to Troy ISD and whether the school district would approve a tax abatement under Chapter 313, which is an economic development program within the state's tax code allowing taxable property value to be traded for promised job creation. It's a tool long-used by school districts.

Fleming, several landowners and concerned citizens spoke out against the abatement and met with State Rep. Hugh Shine, Troy ISD school board officials, county commissioners and community leaders.

"We gave them packets of stuff, and we tried to inform them the best we could through the packets and also through emails and telephone calls," Fleming said. "We stayed vigi-



*Construction is underway on a several thousand-acre solar farm in the rural community of Otto, about 30 miles outside of Waco.*

lant. The closer the vote came, the more aggressive we got—but in a professional way."

Their efforts proved successful. Troy ISD voted down the solar project abatement proposal by a 6-1 vote.

The solar company issued a statement to a media outlet saying, "This decision by Troy ISD could eliminate opportunities for local private landowners and that county at-large, including over \$36 million in tax payments to Bell County and Troy ISD."

A bill that would extend the Chapter 313 tax abatement program failed in the Texas Legislature earlier this year. Fleming believes the reason many solar companies are trying to push projects through right now is because the tax abatement program expires Dec. 31, 2022.

Texas Farm Bureau's current policy is supportive of legislation and incentives to develop farm-based renewable energy such as solar, wind and biogas projects. However, members recognize a need to study the cumulative impacts to agricultural land values and electrical markets that result from incentive programs such as local tax abatements.

The position reflects division and concern among some members.

Other property owners, however, welcome the solar projects. Solar companies are offering lucrative leases, around \$450 to \$1,200 per acre per year with incremental increases. The leases range from 20-40 years, with the option for additional long-term renewals.

The steady income can help

smooth out the financial roller coaster of growing crops and raising livestock, and there's no cost to the landowner for "raising" solar panels.

"Money's intoxicating," Fleming said.

Acres of Texas farmland are shifting from traditional crops to solar farming. One of the limits, though, is distance to the electrical grid. It's costly to build a connection to transmission lines.

But the solar industry continues to grow across the country as technology and materials get cheaper, and federal tax credits further cut the cost of developing solar projects.

When thousands of acres are taken out of production, however, critics say it will affect area businesses and the Lone Star State's total agricultural production.

"How many people are tied to agriculture, to that land, and depend on it? It's not just the producer. It's the fertilizer company, chemical salesmen, feed companies, insurance company, tractor implement

companies, trucking, on and on and on. There's a lot of people tied to that land," Fleming said.

The change in landscape can also alter rural communities.

Critics say development of these projects stresses rural infrastructure. Farm-to-market and county roads built for occasional heavy loads are subjected to an onslaught of heavy machines and loaded gravel trucks. Crop fields and pastures once lush with livestock and new growth are covered with rock and guarded by chain-link fences topped with razor wire.

It's an unusual look after decades of agricultural production.

But scenarios like the one in Troy are playing out across the state as solar is the fastest-growing source of electricity in Texas.

Clean energy advocates and regulators, along with landowners, support the renewable energy source, but many farmers and ranchers are wary of the massive new installations moving into their communities.

"We're getting eaten up every day by urbanization. Now, we have to deal with solar leases," Fleming said.

What does the future hold for Fleming and his family?

He'll continue to grow crops and raise cattle alongside his wife, son, daughter and son-in-law as long as he can, fighting to save a way of life.

And it remains to be seen how many solar panels will sprout across the state, creaking occasionally as they pivot to follow the sun across the sky.



*The "Say NO" to Solar Farms" signs can be found across Central Texas.*



# USDA announces \$500 million to expand meat processing capacity

By Julie Tomascik  
Editor

The U.S. Department of Agriculture (USDA) announced a \$500 million investment to expand beef, pork and poultry processing capacity, as well as increase competition in meat and poultry processing.

It's another effort by the Biden administration to increase competition in agricultural markets.

"The COVID-19 pandemic led to massive disruption for growers, food workers and consumers alike. It exposed a food system that was rigid, consolidated and fragile. Meanwhile, those growing, processing and preparing our food are earning less each year in a system that rewards size over all else," Secretary of Agriculture Tom Vilsack said. "The investments USDA will make in expanding meat and poultry capacity, along with restoration of the Packers and Stockyards Act, will begin to level the playing field for farmers and ranchers."

The funds will be distributed through the American Rescue Plan.

"This is a once-in-a-generation opportunity to transform the food system, so it is more resilient to shocks, delivers greater value to growers and workers, and offers consumers an affordable selection of healthy food produced and sourced locally and regionally by farmers and processors from diverse backgrounds," Vilsack said. "I am confident USDA's investments in expanded capacity will spur millions more in leveraged funding from the private sector and state and local partners as our efforts gain traction across the country."

States with large agricultural industries are eyeing the potential to help farmers and ranchers.

"We appreciate USDA for taking steps to address market challenges and provide greater flexibility for all farmers and ranchers to be competitive in today's economy," TFB

National Legislative Director Laramie Adams said. "We are reviewing the details of the announcement to ensure it helps create a more financially sustainable environment for livestock producers."

USDA will use the \$500 million to provide grants, loans and technical assistance to build and expand processing facilities that will create a more competitive market for meat processing in the U.S.

USDA issued a Request for Information to solicit public input on the strategy to improve meat and poultry processing infrastructure. The agency will hold targeted stakeholder meetings and other public engagement to learn more and gain feedback on the strategy.

The agency also plans to distribute \$150 million to help get existing small and very small processing facilities through the COVID-19 pandemic, creating new rules for Product of USA labels and making new



markets accessible to livestock producers.

Of the \$150 million, \$55 million will be available in Meat and Poultry Inspection Readiness Grants and \$100 million will be used to reduce the financial burdens of overtime inspection fees for these plants.

## Right to repair executive order urges competition in agribusinesses

By Jennifer Whitlock  
Field Editor

Farmers and ranchers should have the right to repair their own equipment without going through dealerships or manufacturers, according to U.S. President Joe Biden.

In a wide-sweeping executive order, he directed the Federal Trade Commission (FTC) to draft rules limiting farm equipment manufacturers' ability to prevent owners from repairing their own equipment or using independent repair shops. Also included were directives to the U.S. Department of Agriculture regarding livestock markets and expanding meat processing capacity.

"Consolidation in the agricultural industry is making it too hard for small family farms to survive. Farmers are squeezed between concentrated market power in the agricultural input industries—seed, fertilizer, feed and equipment suppliers—and concentrated market power in the channels for selling agricul-

tural products," Biden wrote in the executive order. "As a result, farmers' share of the value of their agricultural products has decreased, and poultry farmers, hog farmers, cattle ranchers and other agricultural workers struggle to retain autonomy and to make sustainable returns."

Currently, some tractor manufacturers, including John Deere, AGCO Corp. and CNH Industrial, prevent third-party repairs through proprietary repair tools and software.

Farmers, agricultural organizations and 32 state governments have argued for years that increasing technology in farm equipment also enabled manufacturers to restrict an owner's ability to repair their own equipment.

American Farm Bureau Federation (AFBF) and Texas Farm Bureau support the right to repair.

"Farmers increasingly rely on the latest technology as they grow healthy, affordable food. Business purchases—from robotic milkers to

high-tech combines—require a substantial investment, and when those tools break down, farmers need to get back up and running quickly," AFBF President Zippy Duvall said. "Limiting who can work on a piece of machinery drives up costs and increases down-time. Ensuring farmers have the ability to perform cost-effective repairs on their own equipment will keep America's farms running and financially sustainable."

In response to the White House's announcement, major manufacturers and industry representation groups, such as the Association of Equipment Manufacturers (AEM) and the Equipment Dealers Association (EDA), said they already allow owners to repair their equipment and provide information to support those owners. These groups contend those supporting right-to-repair legislation are seeking to bypass government-mandated safety and environmental devices and systems to modify performance of the machines

beyond safe operating limits.

In 2018, AEM and EDA created a statement of principles promising manuals, product guides, product service trainings, on-board diagnostics, fleet management information, electronic field diagnostic service tools and training to use them would be available to end users for purchase or lease through authorized dealers at "fair and reasonable terms."

A statement released by EDA President and CEO Kim Rominger said most dealers already support their customers' right to repair. He noted executive orders are not legislation but are directives from the president to a federal agency, which is subject to a rule-making process.

Although several elements of the executive order were given a set period to be implemented, Biden left it up to the FTC to develop a timeline for developing any new regulations regarding "unfair anticompetitive restrictions on third-party repair or self-repair of items."



# Signup deadline approaches for TFB campaign seminar

Texans who are interested in running for a political or public office are invited to participate in Texas Farm Bureau's (TFB) Campaign Seminar Sept. 29-30 in Waco.

The campaign seminar gives a manageable, realistic overview of what potential candidates can expect before, during and after the campaign process.

Topics covered include evaluating the candidate and electorate, selecting a campaign theme and issues, campaign structure, role of a campaign manager, budgets, identifying voters, using polls, Election Day activities and much more.

The campaign seminar will be held at TFB's Conference and Training Center in Waco.

Registration is \$100 per candidate and \$100 per spouse or campaign manager attending alone.

If the spouse or campaign manager is attending with the candidate, the cost is \$60. One \$40 member discount per candidate is available for those with a current TFB membership.

Participants must register by Aug. 30.

To register, visit <https://texas-farmbureau.org> and select the blue bar titled "Campaign Seminar" on the home page.

For more information or questions, contact TFB Associate Director of Government Affairs Billy Howe at [bhowe@txfb.org](mailto:bhowe@txfb.org) or 254-751-2208.

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# Bill introduced to reform Endangered Species Act

By Jennifer Whitlock  
Field Editor

Congress created the Endangered Species Act (ESA) in 1973 to help prevent species of fish, wildlife and plants with critically low population levels from becoming extinct.

While that remains the end goal of legislators and federal government agencies, U.S. Rep. August Pfluger, who represents Texas' Congressional District 11, said the ESA needs to be modernized to prevent it from being weaponized against the agriculture and energy sectors.

"Extreme environmental groups wield the outdated Endangered Species Act as a weapon," he said. "They use it against agriculture. They use it against energy. We've seen this play out numerous times in my district, which includes the Permian Basin, with past attempts to list the sagebrush lizard and current threats from the Biden administration to list the lesser prairie-chicken."

To combat groups using the ESA

to hinder those industries, Pfluger introduced the Listing Reform Act.

The bill introduces what he calls "commonsense protections" for endangered species while preventing overregulation. The federal government also would be required to analyze the actual costs of ESA listings on communities and critical industries.

"This takes input from stakeholders and does what all of us in the agriculture business have been doing for generations—which is truly conserve and preserve," Pfluger said. "It takes into account what folks are thinking and how they believe the species should be dealt with. There's no one closer to the issue than landowners."

He felt it necessary to draft the legislation in response to "green agendas" being promoted by Democratic lawmakers, he said in an interview with the Texas Farm Bureau (TFB) Radio Network. Currently, there are eight other members of

Congress cosponsoring the bill, including Texas Reps. Michael Burgess and Ronny Jackson.

The bill was written after hosting meetings and gathering input from organizations, stakeholders and agencies, Pfluger noted. Protecting endangered species remains the end goal, but through the lens of common sense.

Numerous stakeholders across the agriculture and energy industries, including TFB, support the proposal.

"TFB appreciates Congressman August Pfluger for introducing the Listing Reform Act, which creates commonsense solutions to streamline the Endangered Species Act," TFB President Russell Boening said. "Easing regulatory burdens on farmers, ranchers and landowners has long been a priority for Farm Bureau, and we are proud Congressman Pfluger is working to help achieve this critically important goal. TFB looks forward to working



**U.S. Rep. August Pfluger toured Texas farms and ranches earlier this year to learn about issues facing agriculture, including the Endangered Species Act.**

with him and other leaders of Congress to pass this legislation."

In addition to TFB, the Texas & Southwestern Cattle Raisers Association, Permian Basin Petroleum Association, National Endangered Species Act Reform Coalition and Texas Cattle Feeders Association have voiced their support.

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# USDA plans to review 'Product of USA' meat label

By Jennifer Whitlock  
Field Editor

The U.S. Department of Agriculture (USDA) plans to review the use of "Product of USA" language featured on meat labels.

In a statement, U.S. Secretary of Agriculture Tom Vilsack commended the Federal Trade Commission (FTC) for strengthening protections for American consumers and planned to complement those efforts through an agency initiative on labeling for products regulated by the USDA Food Safety and Inspection Service (FSIS), which inspects meat, poultry, eggs and catfish products intended for human consumption.

"American consumers depend upon accurate, transparent labels to obtain important information about the food they consume. American farmers and ranchers depend upon those same labels to convey information about their products that consumers value and demand," Vilsack



USDA plans to review "Product of USA" language featured on meat labels.

said in a statement. "We have taken note of the many comments submitted to USDA and the FTC regarding meat labeling and understand that the current Product of USA label on meat products may no longer effectively serve either of those purposes to the detriment of consumers, producers and fair and competitive markets."

After a long trade dispute between the U.S., Mexico and Canada, the World Trade Organization ordered

the U.S. to repeal mandatory country-of-origin labeling on beef and pork in 2015. Since then, muscle cuts and ground beef or pork processed or repackaged in the U.S. may carry a label saying Product of USA even if the meat is from animals raised and/or harvested in other countries.

That label is voluntary and does not require source verification, which many agricultural organizations said is harmful to farmers and ranchers, as well as consumers.

Last year, USDA announced it would conduct its own rulemaking process to address concerns that voluntary Product of USA labeling confuses consumers about the origin of FSIS-regulated products.

"After considering the many comments received by the FTC and USDA on this issue, we are initiating a top-to-bottom review of the Product of USA label that will, among other things, help us to determine what that label means to consumers," Vilsack said. "I am committed to ensuring that the Product of USA label reflects what a plain understanding of those terms means to U.S. consumers."

In Texas, the top cattle-raising state in the nation, the news was met with optimism.

"Our members are pleased with the announcement that USDA will be addressing this, and that actually falls right in line with our organizational policy on the topic," Tracy Tomascik, Texas Farm Bureau associate director of Commodity and Regulatory Activities, said.

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# Family's ranching heritage at stake in inheritance tax battle

By Jennifer Whitlock  
Field Editor

At 84 years old, Melville Steubing has been involved in ranching since he could walk. And his family's ranching heritage runs even deeper.

From the first year his German immigrant ancestors set foot on Texas ground in the 1840s until today, there has never been a time when the Steubings were not involved in agriculture.

But everything he and his ancestors have worked to pass on to future generations may be lost forever, thanks to devastating inheritance tax proposals being considered in Congress.

Having spent 25 years as an Internal Revenue Service (IRS) agent, Steubing is no stranger to the American tax code. The current proposals included in President Joe Biden's proposed fiscal year 2022 budget are some of the worst ideas he's ever seen.

"I'm scared and really afraid that if they pass these tax laws, the unintended consequences will cause a lot of ranch families to have to sell," he said. "If they do this, my daughters will not be able to keep our property."

Through his American Families Plan, Biden proposed ending the step up in basis for gains upon death, raising capital gains taxes and deeming death and gifts as transactions, among other changes.

## A ranch family's heritage

As the youngest son of a large family, Steubing grew up hunting and ranching on a large spread in Converse, northeast of San Antonio. Despite the large parcels of land associated with the family name, times were tough.

Steubing said he took accounting courses and obtained his teaching certificate so he would always have three different ways to earn an income: farming, accounting and teaching.

During school, he met Cinda Howard, who had a similar background growing up on a family ranch in Iola. They married after graduating from



*Melville and Cinda Steubing plan to pass on their Carrizo Springs ranch to their children, but inheritance tax proposals could change that.*

Sam Houston State University and began raising their own family while helping with their family's ranches.

"At first, I had to have another job just to ranch, before I inherited or bought land on my own. I worked in the daytime for the IRS with a suit on. I'd come home, jump in my blue jeans, and we'd go ranching and feed cattle in the evenings," he said. "We worked as hard as we could, and we got to where we are now with some inherited property plus investment property and reinvesting into land whenever we could."

Melville and Cinda's love for ranching flows in the veins of their children. Their daughter and son-in-law, Beverly and Gary Box, have managed the Steubings' Carrizo Springs operation since 1983. They also bought their own property where they have a cattle and deer-breeding operation and grow hay. Three years ago, they began leasing Beverly's parents' property and now make all management decisions and oversee daily operations.

## A family's future in jeopardy

The Steubings plan to leave their properties to their daughters when they pass so they can continue the family's ranching heritage. But Biden's tax proposals have them extremely concerned that future gen-



*Beverly Box walks the fence line over the Carrizo Springs ranch that she manages with her husband, Gary.*

erations' inheritances may be gobbled up by taxation.

Right now, Steubing explained, when a person dies, the decedent's property, or estate, is valued at the date of death.

The heirs, who are charged an estate tax up to a top tax rate of 40%, receive a step up in basis on the value of the assets. If the assets have appreciated between the time when they were originally purchased and

when the heir inherits, the basis is stepped up to fair market value without incurring any capital gains taxes.

If an heir inherited property that was given a fair market value of \$2.2 million and sold that property for \$2.2 million, under current law, they will not pay any capital gains taxes.

But Biden's proposal would eliminate the step up in basis and instead shift inherited property to a "carryover" basis. Instead of allowing an heir to step up basis to current value, they would take on the basis of the property when it was acquired by the decedent.

In the same scenario, an heir with an inherited property purchased at \$200,000 that is now worth \$2.2 million who sold the property would owe capital gains taxes on \$2 million.

This is a common situation when land has been passed down through generations, Steubing noted. Land was often purchased for much less than its value today, even accounting for inflation. In Texas, U.S. Department of Agriculture Land Values Summary data indicate cropland values have changed 201% from 1997 to 2020.

"The stepped-up basis doesn't make that much difference if you keep the land or house or whatever you inherited forever. If it's worth \$1,000 or \$1 million, it doesn't matter. You're not selling anything, so there's no capital gain," he said. "But if you ever have to sell some of the land to finance a new piece of equipment or to buy some more cattle, losing that step up in basis would really make a lot of difference. It would likely coincide with a much higher tax on the capital gains. So, it's multiplying taxes tremendously on one transaction."

That's because the Biden administration indicated it would tax capital gains for "high-income earners" at ordinary rates. In the situation of the heir with the \$2 million carryover basis, that gain would count toward their adjusted gross income (AGI), possibly pushing them above a \$1 million AGI cap. The heir would





*Gary and Beverly Box, son-in-law and daughter of Melville and Cinda Steubing, have been overseeing the Carrizo Springs ranch since 1983. Courtesy photo.*

then have to pay ordinary income tax rates of up to 37% on the capital gain. The current top capital gains tax is 20%.

Despite Biden's explanation that raising capital gains taxes would only impact the wealthy, it would affect more family-owned farms and ranches. In 2018, according to IRS data, nearly 40% of family farms and ranches reported some capital gains or losses, compared to about 14% of average individual taxpayers.

Another issue at stake is deeming death a "transaction."

Adding to the example provided, the heir whose property was purchased for \$200,000 and worth \$2.2 million would now have to pay capital gains taxes on the \$2 million gain, despite no actual sale occurring.

The situation seems unconstitutional to Steubing.

"Deeming death as a sale or transaction would be awful. It would force people to sell. It's one of the worst things that could ever happen," he said. "How is it fair when you have property 64 years, like this land here in Carrizo Springs that my dad bought, and you have to pay the difference between the \$100 per acre it was purchased for and the \$2,000 or \$3,000 an acre it's valued at now and not even have a sale? Where do you get the money to pay for that?"

The value of many farms and ranches is tied up in land, equipment and livestock, he noted. Most

families don't have the money needed to pay those capital gains taxes and would be forced to liquidate.

"The bad part is what this will do to the agricultural industry. If you own stock in a company, you can sell whatever stock you need to pay taxes," Steubing said. "But here, you disrupt the whole industry. Many family businesses have higher markups or can adjust their sales. Farmers and ranchers are price-takers. We're on the end where we can't control anything."

He worries about who will be there to purchase the floundering family farms and ranches, should the tax changes come to pass. The executives at big tech firms? Investment firms? Foreign sources? Developers? He wonders who will be left to grow and raise food.

"The family farm and ranch wouldn't exist anymore," he said.

#### **An uncertain way forward**

If the tax proposals were enacted, it would "destroy" the Steubings' ranches.

"And now, if after we all put all this effort in—me, all my grandparents and parents, my wife and her daddy and all her ancestors—we've worked very hard to get to this point to where we can actually have an income without needing to have another job. But if they enact these taxes, my daughters will not be able to keep the property," Steubing said. "My daughters and their children



*Melville can trace ranching back several generations on both sides of his family. His mother, Ella Tampke Steubing (center), grew up on a family ranch in Bexar County. Courtesy photo.*

would have to work from scratch with what little we would have left and have extra jobs to try to build it back up to where it was, and they could probably never get that far with land prices and inputs being what they are these days."

Although there are many challenges ahead, Steubing is adamant he has no plans to quit ranching or sell land before his daughters inherit.

He urged anyone with a farm, ranch or small business to contact their legislators and let them know how detrimental this legislation will be to their operations. Although the impact may vary, farms and ranches of every size will be affected.

"All I want to tell everybody is to please fight this. It is a matter of life and death for farmers and ranchers," he said. "I've seen how bad tax laws can affect people."

#### **Farm Bureau advocacy**

Texas Farm Bureau (TFB) and

the American Farm Bureau Federation continue discuss the detrimental impacts of the tax proposals with lawmakers.

In June, Republican leaders of the Select Revenue Measures Subcommittee of the U.S. House Committee on Ways and Means held a meeting to discuss ramifications of changes to inheritance tax codes on family-owned farms, ranches and small businesses.

TFB District 1 State Director Pat McDowell testified before the committee, sharing how the tax proposals would personally affect his family's farm and ranch.

TFB encourages members to contact congressional leaders to ask for continuation of stepped-up basis and not to impose capital gains taxes at death.

More information is available at [texasfarmbureau.org/advocacy/voter-voice](https://www.texasfarmbureau.org/advocacy/voter-voice).



*The Steubing and Box families grow irrigated hay for their commercial cattle and cow-calf operations.*



# USDA pandemic assistance available for timber harvesters, haulers

The U.S. Department of Agriculture (USDA) is providing up to \$200 million to provide relief to timber harvesting and timber hauling businesses that have experienced losses due to COVID-19 as part of USDA's Pandemic Assistance for Producers initiative.

Loggers and truckers can apply for assistance through USDA's Farm Service Agency (FSA). Applications will be accepted through Oct. 15.

The Pandemic Assistance for Timber Harvesters and Haulers program (PATHH) is administered by FSA in partnership with the U.S.

Forest Service.

The Consolidated Appropriations Act of 2021 authorized this critical assistance for the timber industry.

Timber harvesting and hauling businesses that have experienced a gross revenue loss of at least 10% during the period of Jan. 1 and Dec. 1, 2020 compared to the period of Jan. 1 and Dec. 1, 2019 are encouraged to apply.

Texas Farm Bureau (TFB), along with other state Farm Bureaus and the American Farm Bureau Federation, communicated with USDA about the need for COVID-19 assis-

tance for the timber industry.

"Loggers and haulers are an essential part of agricultural production and our state's economy," Laramie Adams, TFB national legislative director, said. "An increase in demand for lumber sent prices skyrocketing, but the price paid for the raw product—timber—fell drastically. Loggers and haulers were hit hard by the pandemic and supply chain issues. Many were, and still are, facing tough decisions, but this latest announcement can help provide some much-needed assistance. They play an essential and critical role in our economy that's built around the value-added goods of the timber industry."

U.S. Sen. John Cornyn of Texas, along with eight other U.S. senators, also advocated for timber assistance through USDA. They wrote a letter in February asking USDA to recognize commercial timber harvesting and hauling to be eligible for assistance through pandemic aid programs.

## Program details

To be eligible for payments, individuals or legal entities must be a timber harvesting or timber hauling business where 50% or more of its gross revenue is derived from one or more of the following: cutting timber, transporting timber, processing of wood on-site on the forest land (chipping, grinding, converting to biochar,

cutting to smaller lengths, etc.).

Payments will be based on the applicant's gross revenue received from Jan. 1, 2019 through Dec. 1, 2019, minus gross revenue received from Jan. 1, 2020 through Dec. 1, 2020, multiplied by 80%.

FSA will issue an initial payment equal to the lesser of the calculated payment amount or \$2,000 as applications are approved.

A second payment will be made after the signup period has ended based upon remaining PATHH funds.

The maximum amount that a person or legal entity may receive directly is \$125,000.

## Applying for assistance

Loggers and truckers can apply for PATHH through Oct. 15 by completing form FSA-1118, Pandemic Assistance for Timber Harvesters and Haulers Program application, and certifying their gross revenue for 2019 and 2020 on the application.

Additional documentation may be required.

Visit [farmers.gov/pathh](https://farmers.gov/pathh) for more information on how to apply.

Applications can be submitted to the FSA office at any USDA Service Center nationwide by mail, fax, hand delivery or via electronic means. Loggers and truckers can also call 877-508-8364 to speak directly with a USDA employee ready to offer assistance.



  
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**Loggers and haulers can apply for pandemic assistance through USDA's Farm Service Agency. Applications will be accepted through Oct. 15.**



# Students grow understanding of agriculture through TFB programs

By Julie Tomascik  
Editor

The upcoming school year brings new opportunities to grow an understanding of agriculture in Texas classrooms through several Texas Farm Bureau (TFB) programs.

“Our Agriculture in the Classroom programs bring the world of agriculture to young minds and helps students of all grades learn more about their food, fiber and fuel,” said Jordan Walker, TFB associate director of Organization, Educational Outreach. “The lesson plans, guided activities, virtual resources and classroom programs are designed to meet Texas teaching standards and connect agriculture to what students are already learning in the classroom.”

Among the resources available to teachers are the Learning from the Ground Up Garden Grant program, Farm From School program, lessons plans and short videos with companion guided activities.

## Garden grant

Students can dig into agriculture through TFB’s Learning from the Ground Up Garden Grant program.

The grant was created to support schools as they teach students about the sources of their food, fiber and fuel.

Qualifying projects provide students with hands-on, experiential learning about agriculture through the funding of a new garden project or improvements to an existing garden or greenhouse. Aquaponic and hydroponic systems are eligible if they are used to teach youth about



*Students and teachers get to virtually connect with farmers and ranchers and see the diversity of agricultural production in Texas through the Farm From School program.*

food production.

Grants may be requested from TFB for up to \$500, and Walker said some county Farm Bureaus offer matching funds.

To be eligible, the applicant must be a teacher or administrator of any Texas PK-12 school, either public or private. Parent Teacher Associations or other organizations may apply when the project works directly with a specific school or classroom and engages students.

Agricultural concepts must be used in instruction. Preference will be given to projects that directly engage students in a hands-on agricultural experience. The project must be science-based in nature to receive consideration.

All applications must include a timeline of the project, a list of community partners and a detailed budget with estimated expenses.

Applications must be submitted by noon on Oct. 22.

## Farm From School

Students can virtually visit farms and ranches from their classrooms

through TFB’s Farm From School program.

This is the second semester for the program, which aims to show students in kindergarten through third grade the diversity of Texas agriculture.

Classes will virtually meet with Texas producers once a month from September through December. Planned dates and topics will be announced on the Ag in the Classroom webpage later this month.

Throughout the semester, students will participate in lessons incorporating agriculture and learn more about agricultural concepts introduced through the virtual meetings.

Registration for the fall semester closes at noon on Sept. 3.

## Lesson plans

Agriculture can come to life in classrooms across the state, thanks to TFB’s interactive lesson plans and virtual resources.

The curriculum available online explores concepts like sustainability, technology and science. The lessons also aim to stimulate thoughtful conversations about innovations on farms and ranches, supply and demand and challenges that face agriculture.

Short videos and guided activities bring the farm to the classroom and grow a deeper understanding of agriculture.

Also available to teachers is the Agriculture in the Classroom Curriculum Matrix, which gives teachers access to over 400 lessons that

incorporate agricultural concepts across all subjects and grade levels.

The lessons meet the TEKS standards set by the state.

## Outstanding Ag in the Classroom Teacher application

Each year, TFB awards one teacher the Agriculture in the Classroom Outstanding Teacher Award.

This award is presented to the teacher for their innovative, multi-disciplined and continued efforts to teach students about the importance of agriculture.

A county Farm Bureau must nominate the teacher.

Certified teachers who actively teach about agriculture in PK-12 grade classrooms are eligible for the award. They can teach any subject or content area, with the exception of vocational agriculture. Previous winners of the award are not eligible. Teachers who have been previously nominated but weren’t selected may be nominated again.

Interested teachers who qualify can contact their county Farm Bureau office to learn more about being nominated.

The application is due Sept. 20.

## Additional Resources

TFB has resources and materials available for teachers to purchase. Items include classroom sets, hard-back books, bookmarks and coloring books.

More than 70 videos are available for classroom use, including harvest footage, crop-specific videos and “Meet a Farmer” videos.

Links to the National Agriculture in the Classroom Organization, American Farm Bureau Foundation for Agriculture and other programs can be found on TFB’s Ag in the Classroom webpage.

## More information

Information on the Ag in the Classroom programs, lessons and materials, as well as the Outstanding Ag in the Classroom Teacher application, can be found online at <https://texasfarmbureau.org/aitc>.

For questions, contact Walker at 254-751-2569 or [edoutreach@txfb.org](mailto:edoutreach@txfb.org).



*The garden grant program provides students hands-on learning experiences for a better understanding of food and fiber production.*



# Senate Ag Committee held hearing on cattle markets, transparency

By Jennifer Whitlock  
Field Editor

The U.S. Senate Committee on Agriculture, Nutrition and Forestry held a hearing in late June on examining markets, transparency and pricing from cattle raisers to consumers.

“Though we are moving beyond the havoc wreaked by COVID-19, new challenges are now confronting this industry. The past two years have been some of the most difficult this sector has ever experienced,” Sen. John Boozman, ranking member of the Senate Ag Committee, said in his opening statement of the hearing. “We must carefully consider reforms in response to the exceptional black-swan events that have occurred since 2019, and the consequences, both intended and unintended, of such actions.”

Ranchers and other stakeholders have been left questioning whether current market conditions allow for adequate price discovery for fed cattle and the effect a smaller cash market could have throughout the supply chain, he said.

Worsening drought in the western half of the U.S., input costs, labor shortages, export challenges and

regulatory overreach were all cited by Boozman as other factors that may be impacting the situation.

In her opening remarks, Senate Ag Committee Chairwoman Sen. Debbie Stabenow suggested impacts in the beef cattle supply chain may also be attributed to consolidation among meatpackers.

“[The U.S. Department of Agriculture’s] (USDA’s) Packers and Stockyards Division data show that four companies account for 85% of fed cattle slaughter. With fewer companies—and more foreign-owned companies—controlling more of the marketplace, there is a widening gap between those giant players and the small- and medium-sized processors that many local farmers and ranchers count on,” she said.

Stakeholders representing several sectors of the industry testified before the committee. Two ranchers, two academics and an animal protein analyst for a major agricultural and food sector financier presented testimony explaining their perspectives and outlined steps that could be taken to resolve current issues.

Many cautioned the lawmakers proposed legislation intended to help cattle ranchers may do more harm



*Discussions and hearings related to cattle markets continue.*

than good, while others contended the current cattle trade system is broken beyond repair and must be corrected through governmental oversight.

Regulations and legislation would have the unintended consequence of hurting value-based marketing, according to Mark Gardiner, an Angus cattle rancher from Kansas and a member of the National Cattlemen’s Beef Association.

“We have a volatile marketplace created by outside, unavoidable factors, not any one market player,” he said, citing similar disruptions in other industries like lumber and automobiles. “The solution is very complicated. The processing industry is adjusting by adding capacity. This additional capacity will take time, but mark my words, history tells us we will likely reach a point where there is ample processing capacity for a limited supply of cattle, and the marketplace will shift once more where the producer will garner increased price leverage.”

His family’s ranch participates in a value-based marketing arrangement with U.S. Premium Beef in which the cattle are priced based on the quality of beef produced. Any undesirable beef which doesn’t hit defined targets is discounted, incentivizing participants to focus on creating the best product possible.

“We have gone from selling a commodity product on a cash market which does not differentiate quality attributes to marketing on a value-based program which fully recog-

nizes and pays premiums for quality production,” he said. “It is important to understand packers did not force cattle feeders into alternative marketing arrangements (AMAs). Producers were the brainchild of such ideas to get paid for the value produced.”

Fixed national levels of negotiated trade for live cash cattle or minimums set by regional levels to establish mandatory minimums would have a negative impact on operations like his, he told the legislators.

Another rancher who testified, U.S. Cattlemen’s Association (USCA) Vice President Justin Tupper, argued AMAs hinder price discovery, transparency and competition.

USCA would like to see established negotiated cash requirements, a base price proxy peg that cannot be easily manipulated, limiting the number of cattle a plant can procure in advance, and requiring packers to offer cash bids or floor prices on cattle they would like feedlots to commit, Tupper said.

Public funding opportunities to build new processing plants, halting federal subsidies to the “Big Four” meatpackers, requiring USDA to set aside a percentage of bids for meat purchases to “very small/small independent meatpacking facilities” and stronger predatory pricing guidelines to protect new facilities were included in Tupper’s list of requests by USCA.

A recording of the hearing, the list of witnesses and copies of their testimony are available at [agriculture.senate.gov/hearings](https://agriculture.senate.gov/hearings).

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# Texas landowner course now available online

Many state and federal laws regarding land ownership can be complicated, but a Texas A&M AgriLife Extension Service course helps make the content more accessible to landowners.

*Owning Your Piece of Texas: Key Laws Texas Landowners Need to Know* is an online course and handbook that covers key laws that may affect rural landowners and agricultural operations.

The online course combines practical tips and examples to help better explain important legal concepts that are covered in the handbook. Topics include landowner liability, special use tax valuation, water law, fence law, eminent domain, agricultural leases, renewable energy leases, the Texas Right-to-Farm statute and more.

“Whether you have owned land for generations or are looking to purchase your first acre, this course is designed to provide practical and helpful information to make your experience in land ownership more enjoyable,” said Tiffany Dowell Lashmet, AgriLife Extension agricultural law specialist in Amarillo.

The self-paced course takes about 8.5 hours to complete. It is available on [agrilifelearn.tamu.edu](http://agrilifelearn.tamu.edu).

Participants can decide to take the entire course for a total cost of \$150 or pay \$20 for individual, shorter courses.

Those who register online will have access to the program for two years.

The handbook can be downloaded as a PDF, and a hard copy can be purchased by emailing [lacreacia.garza@ag.tamu.edu](mailto:lacreacia.garza@ag.tamu.edu).

For a digital copy of the handbook and more information on landowner resources and information, visit Texas Farm Bureau’s Farm and Ranch Resources webpage at [texasfarmbureau.org/advocacy/small-farm-ranch](http://texasfarmbureau.org/advocacy/small-farm-ranch).

## LEGAL NOTICE

**If you purchased Super S Supertrac 303 Tractor Hydraulic Fluid, Super S 303 Tractor Hydraulic Fluid, Cam2 ProMax 303 Tractor Hydraulic Oil, and/or Cam2 303 Tractor Hydraulic Oil from Tractor Supply Company (including Del’s Feed & Farm Supply), Orscheln Farm and Home, Rural King, and/or Atwood Stores between December 1, 2013, and the present, a Class Action Lawsuit and Settlement with the Four Retailer Defendants Could Affect Your Rights**

**READ THIS NOTICE CAREFULLY. YOUR LEGAL RIGHTS MAY BE AFFECTED WHETHER YOU ACT OR DO NOT ACT.**

**A federal court authorized this notice. This is not a solicitation from a lawyer.**

The purpose of this notice is to inform you that a \$7,200,000.00 class-action settlement (the “Proposed Retailer Settlement”) has been reached with the four Retailer Defendants in a lawsuit regarding the sale and use of Super S Supertrac 303 Tractor Hydraulic Fluid, Super S 303 Tractor Hydraulic Fluid, Cam2 ProMax 303 Tractor Hydraulic Oil, and/or Cam2 303 Tractor Hydraulic Oil (“303 THF Products”). The Proposed Retailer Settlement settles claims against Retailer Defendants Tractor Supply Company, Orscheln Farm and Home LLC, Rural King, and Atwood, together with each of their affiliates, divisions, subsidiaries, and assigns (collectively referred to as “Retailer Defendants”) that were asserted in a Multi-District Litigation (“MDL”) lawsuit. Plaintiffs believe that the primary claims in the MDL are against Smitty’s Supply, Inc. and CAM2 International, LLC (collectively referred to as “Manufacturer Defendants”), and those claims are proceeding in the MDL and have not been settled.

The Proposed Retailer Settlement may affect your rights. For comprehensive information about the lawsuit and settlement, including the longer notice of settlement and the Retailer Settlement Agreement and Release with the precise terms and conditions of the Retailer Settlement, please see [www.303tractorhydraulicfluidsettlement.com](http://www.303tractorhydraulicfluidsettlement.com) or call 1-866-742-4955. You may also access the Court docket in this case through the Court’s Public Access to Court Electronic Records (PACER) system at [www.mow.uscourts.gov/](http://www.mow.uscourts.gov/) or by visiting the office of the Office of the Clerk of Court, United States District Court for the Western District of Missouri, 400 E. 9th Street, Kansas City, Missouri, 64106, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. The MDL lawsuit is titled *In Re: Smitty’s/CAM2 303 Tractor Hydraulic Fluid Marketing, Sales Practices, and Product Liability Litigation*, MDL No. 2936, Case No. 4:20-MD-02936-SRB, pending before the Honorable Judge Stephen R. Bough in the United States District Court for the Western District of Missouri. Please do not telephone the Court or the Court Clerk’s Office to inquire about the Proposed Settlement or the claim process.

In the MDL lawsuit, Plaintiffs allege (1) that the Manufacturing Defendants’ 303 THF Products did not meet the equipment manufacturers’ specifications or provide the performance benefits listed on the product labels, (2) that the 303 THF Products were made with inappropriate ingredients, including used transformer oil, used turbine oil, and line flush, and (3) that use of the 303 THF Products in equipment causes damage to various parts of the equipment. Because of the used oil and line flush contained in the 303 THF Products, Plaintiffs allege that those 303 THF Products should not be used as tractor hydraulic fluid and that the fluid should be flushed from equipment systems if one can afford the cost of doing so.

The Manufacturer Defendants have denied the allegations and claims of wrongdoing, and the claims against those Manufacturer Defendants are ongoing. The Retailer Defendants deny any allegations and claims of wrongdoing on their part. The Court has not decided who is right or made a final ruling on Plaintiffs’ claims. Plaintiffs and the Retailer Defendants have agreed to the Proposed Settlement as to the Retailer Defendants’ liability to avoid the risk and expense of further litigation.

You may be a member of the Retailer Settlement Class if you purchased the above-listed 303 THF Products from December 1, 2013, to the present from Tractor Supply Company (including its Del’s Feed and Farm Supply locations), Orscheln Farm and Home, Rural King or Atwood. If you are a member of the Retailer Settlement Class, you may need to submit a Class Membership Form to be eligible for benefits, and you also may be eligible to submit a Repair/Parts/Specific Equipment Damage Claim Form. Please see [www.303tractorhydraulicfluidsettlement.com](http://www.303tractorhydraulicfluidsettlement.com) for a copy of the Class Membership Form and Repair/Parts/Specific Equipment Damage Claim Form or call 1-866-742-4955 to request a Class Membership Form and Claim Form be mailed to you. The deadline to file your claim is December 29, 2021. In order to maximize efficiency, proceeds from this Retailer Settlement will be held for distribution at such a point in time after monies, if any, have been received in settlement or judgment for the Litigation Class claims against the Manufacturer Defendants. Please be patient and check the website for updates.

If you do not want to be legally bound by the Proposed Retailer Settlement, you must exclude yourself by December 29, 2021. If you do not exclude yourself, you will release any claims you may have against the Retailer Defendants, as more fully described in the Retailer Settlement Agreement. You may object to the Proposed Retailer Settlement by December 29, 2021. The Long Form Notice, available at [www.303tractorhydraulicfluidsettlement.com](http://www.303tractorhydraulicfluidsettlement.com) or upon request, explains how to exclude yourself or object.

The Court will decide whether to approve the Proposed Retailer Settlement at the Final Fairness Hearing on January 6, 2022, at 1:30 p.m. Class Counsel also will ask that the Court award up to \$2,300,000.00 in attorneys’ fees, \$300,000.00 in expenses, and an incentive payment of \$500 for each of the class representatives. The amounts awarded for attorneys’ fees, expenses, and incentive awards come out of the Retailer Settlement Class Fund. This date for the hearing may change; see [www.303tractorhydraulicfluidsettlement.com](http://www.303tractorhydraulicfluidsettlement.com)



**BY ORDER OF U.S. DISTRICT COURT**



# Serving up a plate full of food, ag conversation

Conversations about modern farming and ranching were on the menu at the recent Texas Restaurant Association (TRA) Marketplace trade show in San Antonio.

Restaurant owners and chefs learned more about food production and the farm families behind it. And the farmers and ranchers in attendance were able to meet those who cook and serve their products.

Texas Farm Bureau (TFB) provided elements of its new Doorways to Agriculture exhibit at a large agriculture pavilion on the trade show floor, partnering with Dairy MAX and the Texas Beef Council.

TFB President Russell Boening also participated in a panel discussion featuring farmers and ranchers.

“Our goal here is to connect the food that they are serving in their restaurant and connect it back to where it came from, from the farmers and ranchers of Texas,” said Dakota Massey, TFB associate director of Organization, Urban Outreach.

It was the second TRA Marketplace for TFB to attend after it first exhibited at the event in 2019 in Houston. The July 10-12 Marketplace in San Antonio attracted about 3,000 attendees.



*The Corn Chompin' Contest attracted many contestants and crowds throughout the event. Several restaurant owners, food suppliers and equipment reps were named Texas Farm Bureau's Corn Chompin' Champ.*

“We brought several pieces of our Doorways to Agriculture exhibit. We have the theater, which has short meet-a-farmer video clips featuring crops that we grow in Texas that are a little bit more specialized than what we normally think about. And then inside our exhibit trailer, folks can find things that are connected to their house from agriculture, whether that's in their garage, their kitchen or even in their bedroom. So, it's not necessarily all about food but also about different byproducts, as well,” Massey said.

Dr. Emily Williams Knight, TRA president and CEO, said it was great for the Texas restaurant industry to host another in-person Marketplace event.

“I think most importantly, we are back together. There was a time we didn't know if we were going to be able to do this again and to see all of these incredible people here together,” Knight said. “I think what you'll see is restaurants making that connection with food, because they need to be able to say to a customer, ‘Hey, by the way, I know where that



*Interactive displays in the Doorways to Agriculture exhibit help attendees learn more about Texas agriculture.*

came from.’ It's also just educating the public that's here about the role, especially here in Texas, that our farms play. And Farm Bureau is a huge partner for us.”

Joining Boening in the panel discussion on “The Dirt on What We Eat: A Discussion with Local Farmers and Ranchers” were TFB members Dr. Jason Cleere, Texas A&M beef cattle specialist, and David Volleman of Volleman's Family Farm. TFB Director of Communications Gary Joiner moderated the panel discussion.



*TFB Director of Communications Gary Joiner (left) moderates a panel on “The Dirt on What We Eat” with (left to right) TFB President Russell Boening, Texas A&M Beef Cattle Specialist Dr. Jason Cleere and dairy farmer David Volleman.*



*Melody Kneupper (center), who raises sheep and cattle in the Hill Country, and Roger Hall, TFB associate director of Organization, Leader Development, visit with restaurant owners and operators as they tour the Doorways to Agriculture exhibit.*



# TDA opens newly renovated livestock export facility in Del Rio

By Jennifer Whitlock  
Field Editor

Exporting livestock from Texas is now easier with the unveiling of a newly renovated livestock export facility in Del Rio. It's the second facility to undergo renovations since Texas Agriculture Commissioner Sid Miller was elected to lead the Texas Department of Agriculture (TDA) in 2015.

"These export facilities are tools to help get Texas livestock around the world," Miller said in a statement. "I am proud of my department for taking the initiative to construct these top-of-the-line facilities."

There are five livestock export facilities in Texas: Brownsville, Del Rio, El Paso, Laredo and Houston.

Any animal exported to other countries is generally required by the receiving country to have an international health certificate completed by an accredited veterinarian. The export pens are designed to help facilitate the process of sharing

quality Texas-raised livestock with the rest of the world.

The export pens at Brownsville, Del Rio, El Paso and Laredo are used by individuals seeking to export cattle via ground shipping to Mexico. The Houston export facility, located near the Houston-Bush International Airport, is set up to assist exporters using air and sea transport methods to take livestock anywhere around the globe. Updates and renovations were completed at that facility in summer 2020.

"Beef cattle are one of the top five agricultural exports in Texas, so the livestock export pens are a valuable resource for Texas ranchers and livestock trade," Tracy Tomascik, Texas Farm Bureau associate director of Commodity and Regulatory Activities, said. "They help facilitate the marketing of our animals with foreign partners, so it's essential they are up-to-date and modernized to keep agricultural commerce flowing."

The grand opening event, which



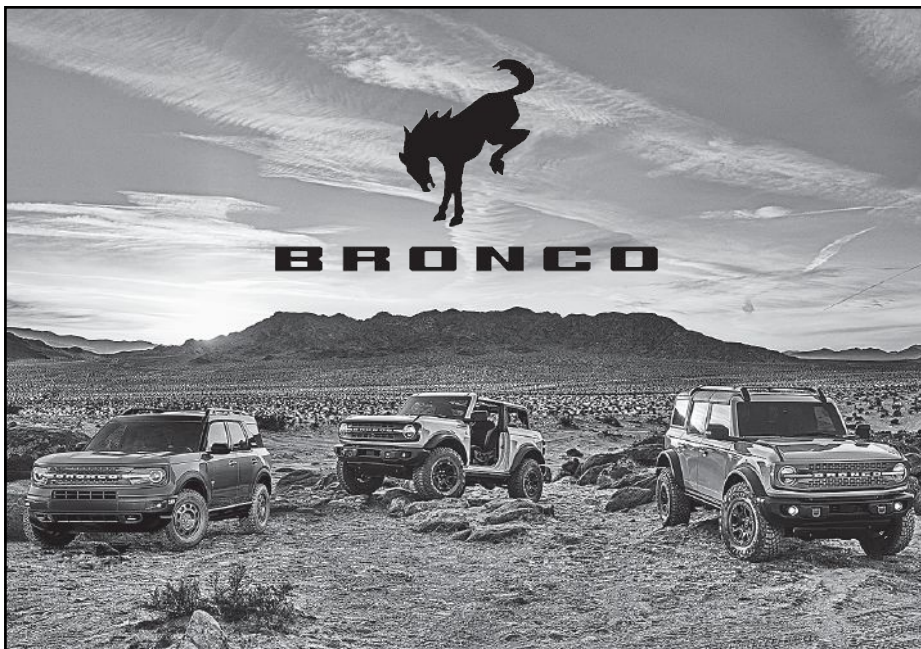
*Texas Agriculture Commissioner Sid Miller celebrated the grand opening of the Texas Department of Agriculture's newly renovated livestock export facility in Del Rio last month. Photo courtesy Texas Department of Agriculture.*

was held July 14, included a blessing of the facility by a local priest. Miller also presented a GO TEXAN Certified Retirement Community certificate to the City of Del Rio.

"My folks here at TDA and I cannot thank the city of Del Rio enough for their support on this project," he

said. "They are an essential component of safely exporting Texas livestock and I know this new facility will aid in continuous positive exporting relationships."

More information and resources about exporting livestock from Texas are available at [texasagriculture.gov](http://texasagriculture.gov).



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# Youth complete Texas Farm Bureau's new Student Success Series

By Julie Tomascik  
Editor

For over 50 years, Texas Farm Bureau (TFB) has been planting the seeds for the next generation of leaders through summer youth programs.

This year, the organization launched the Student Success Series, which included three new programs and updated one program. The series featured both in-person and virtual experiences for students in eighth through twelfth grade.

As part of the Student Success Series, students completed modules in four different programs based on age: Jumpstart, Activate, Engage and Thrive.

The modules are designed to help students grow their leadership skills, provide professional development and increase their understanding of agriculture and Farm Bureau.

"The goal with the Student Success Series was to expand our youth programs. The Youth Leadership Conference previously only targeted juniors and seniors," Bryce Moore, associate director of Field Operations, said. "But we also wanted to provide them something they may not necessarily learn in class or from another summer camp. We wanted them to learn a different perspective on leadership and government topics, but also learn about professional etiquette and other personal development."

Nearly 80 students completed the virtual Jumpstart program, which was for youth entering eighth grade in August. They became more familiar with TFB and basic leadership skills, as well as learned information about Texas agriculture.

The Activate program was for students entering ninth grade in August. Ninety-five students participated in the virtual experience, which covered professionalism and career exploration. Students were also challenged to create a plan for leaving a legacy and learned more about TFB.

Nearly 90 students who will be sophomores this fall participated in



*Students participate in the District 9 Engage experience. TFB field representatives and state directors facilitated the in-person meetings.*

the Engage experience, which was hosted in-person in each TFB district. This program focused on social media, teambuilding and TFB's youth programs.

Formerly known as the Youth Leadership Conference, Thrive was for students who will be juniors or seniors this fall. In this virtual event, students heard from former TFB youth participants, studied public speaking and learned about the basics of free enterprise and the U.S. Constitution. They also heard

from a motivational speaker on leadership topics. Over 150 students participated in Thrive.

"It's important to keep students engaged, but we know many of them have busy summer schedules," Moore, who led the Student Success Series Committee, said. "It's impressive to see students take the time to learn more about Farm Bureau, agriculture, leadership and the many other topics that were covered. We're excited to offer these programs to Texas youth and, hopefully, open the



*As part of the Engage experience, students in District 9 made newspaper hats as a team and then had to model and "sell" it as a team building exercise.*

door to more opportunities in their future."

Over 410 students across the state participated in the Student Success Series, and each student who completed the modules will receive prizes. Those who participated in the Thrive experience are eligible to compete in the Free Enterprise Speech Contest and earn scholarships.

For more information on youth programs, scholarships and other opportunities, visit [texasfarmbureau.org/youth/youth-opportunities](https://www.texasfarmbureau.org/youth/youth-opportunities).

## TFB Field Operations announces changes, hires Tidwell

Texas Farm Bureau (TFB) Field Operations announced changes to the division beginning Aug. 1.

Bryce Moore moved to the state headquarters in Waco and will serve as the associate director of Field Operations. Under the direction of Field Operations Director Charles Benton, Moore will be involved in the day-to-day management of the Field Operations division, which includes 19 field representatives across the state.

Moore began his career with TFB in 2005, and for the last eight years, he had direct supervisory responsibility for 10 area field representatives in the northern half of the state.

Ty Tidwell joined the Field Operations division in July.

He serves as a liaison between the state office and county Farm Bureaus in Area 17, an 11-county area in Central Texas. The area includes Anderson, Bosque, Coryell, Ellis, Falls, Freestone, Hamilton, Hill, Limestone, McLennan and Navarro counties.

Tidwell received his bachelor's degree in Agricultural Services and Development, with an emphasis in agricultural industries and agencies,

and a master's degree in Agriculture and Consumer Resources from Tarleton State University.

Prior to joining TFB's staff as a field representative, Tidwell was a high school agricultural science teacher and FFA advisor in Electra.

Tidwell is a Corsicana native. He was active in FFA and participated in leadership activities through Farm Bureau in high school.

He now resides in McGregor on his family's cow-calf operation.



Ty Tidwell



# USDA provides farmers more flexibility on cover crops

By Jennifer Whitlock  
Field Editor

The U.S. Department of Agriculture's (USDA's) Risk Management Agency (RMA) announced a change to prevented-planting provisions for crop insurance that benefits farmers, ranchers and the climate, according to RMA.

For the 2021 crop year and subsequent years, RMA will not consider a cover crop planted following a prevented planting claim to be a second crop.

Instead, farmers and ranchers can now hay, graze or chop cover crops for silage, haylage or baleage at any time and still receive 100% of the prevented planting payment. Previously, cover crops could only be used for haying, grazing or chopping after Nov. 1. Any use of the cover crop before that time reduced the prevented planting payment by 65%.

The agency said the change provides flexibility to farmers and ranchers, promotes agricultural conser-



vation and supports climate-smart farming practices.

"We are dedicated to responding to the needs of producers, and this flexibility is good for agriculture and promotes climate smart agricultural practices. We are glad we can better support producers who use cover crops," Acting RMA Administrator Richard Flournoy said.

The policy change comes after Senate Agriculture Committee Chair Debbie Stabenow (D-Mich.) and Sen. John Thune (R-S.D.) introduced the

Cover Crop Flexibility Act in April. The purpose of the legislation was to remove the prohibition on haying or grazing cover crops on prevented-plant acres prior to Nov. 1.

Supporters of the bill, including the American Farm Bureau Federation, said the Nov. 1 restriction was unfeasible in many states. As a result, using prevented-plant acres for haying or grazing before that date was a costly proposition, but some farmers and ranchers facing drought conditions or other extreme weather

felt they had little choice.

Although farmers and ranchers in more northern states were the primary advocates for the change, Texas Farm Bureau Associate Director of Commodity and Regulatory Activities Brant Wilbourn said those in the Lone Star State will benefit, too.

"This new direction from RMA really gives every farmer or rancher more flexibility and options when their intended commodity crops don't work out and stops penalizing them for situations beyond their control," he said. "It allows them to have a feed source for livestock. For example, if you planted corn and it fails, you may still have a cover crop your cattle can graze. It just helps manage risks more effectively."

The policy change will become permanent through regulatory modification.

The decision is supported by research identifying cover crops as supporting soil health and farmland sustainability efforts, RMA officials said.

More information is available at [rma.usda.gov](http://rma.usda.gov).

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# TFB invests in 4-H, FFA youth through summer trainings, programs

Throughout the summer, Texas Farm Bureau staff helped Texas 4-H and Texas FFA members expand their agricultural advocacy skills through several events and opportunities.

Texas 4-H Livestock and Equine Ambassadors spent a day in July learning from TFB staff.

TFB Government Affairs staff discussed animal welfare issues, and TFB Organization staff shared insight into leadership and scholarship opportunities for high school students. TFB Communications staff conducted an engagement training, which included information on social media and media interviews.

During the Texas 4-H Roundup in College Station, the Doorways to Agriculture exhibit was on display, and TFB presented scholarships to two 4-H officers.

TFB staff also attended the Texas County Agricultural Agents Association meeting in San Antonio and sponsored the Texas Association of



Extension 4-H Agents meeting.

TFB exhibited a booth in the trade show at the 93rd annual Texas FFA State Convention in Fort Worth and participated in activities as a corporate sponsor of the organization. TFB President Russell Boening visited with the Texas FFA Ambassadors and addressed the delegation when he presented scholarships to the outgoing FFA state president and first vice president.

Staff interacted with students

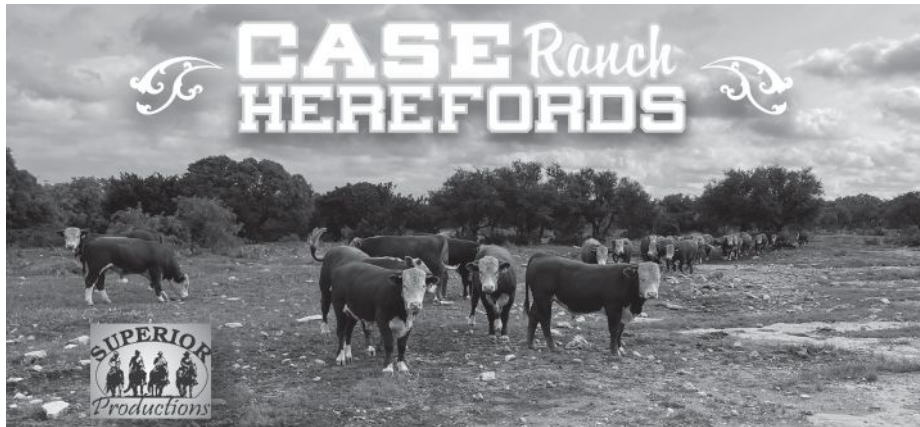
throughout the week to discuss TFB scholarships and the Collegiate Farm Bureau pilot program, as well as the Student Success Series and the Free Enterprise Speech Contest.

The newly-elected Texas FFA state officers spent a day learning about Farm Bureau and agricultural advocacy efforts when they visited the TFB headquarters in Waco.

TFB also had a booth and at the Agriculture Teachers Association of Texas's annual conference in Corpus

Christi. The Commodity and Regulatory Affairs staff conducted a virtual workshop on emerging issues in agriculture.

"The relationship between TFB and the two youth organizations can help inspire students to pursue a career in agriculture," Whit Weems, TFB director of Organization division, said. "It can also strengthen agricultural advocacy efforts for the youth members and cultivate future leaders for Farm Bureau."



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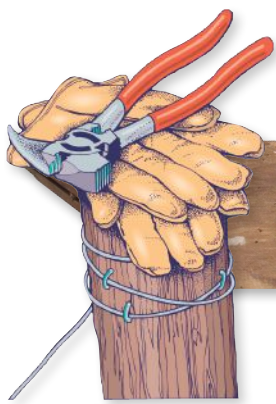
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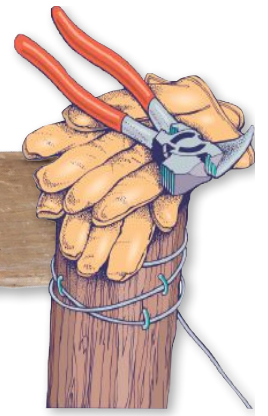
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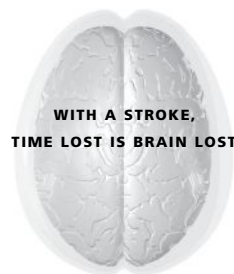


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**Classification:** \_\_\_\_\_ (Farm Equipment, Real Estate, etc.)

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**Enclosed is payment:** \$ \_\_\_\_\_

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**Ad Content:** \_\_\_\_\_

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# Texas Agriculture

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