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Texas Agriculture

August 7, 2020

Published by Texas Farm Bureau for commercial farmers and ranchers



**CFAP enrollment
deadline nears**

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AFBF president says COVID-19 is nothing to sneeze at

Many of you know that I was diagnosed with COVID-19 in early July. I want to begin this column with a heartfelt thank you for everyone's thoughts and prayers. Your messages of caring and encouragement have meant a lot to me.

It is amazing how this virus hits people in such different ways.

My COVID-19 experience has been much lighter than others have had. I'm blessed and grateful for that, but I also want to send prayers

to everyone whose health has been more severely impacted, as well as those whose livelihoods have been threatened.

For me, I felt very sick, had a high fever and headaches, and felt exhausted. I'm happy to say that today I am feeling much better. The fever and headaches are gone. Now, I just need to get my energy back. I was glad to be able to participate in virtual meetings and calls over the past two weeks, but it took a lot out of me!

Anyone who knows me knows that I can't stand to sit around doing nothing, and that was part of the prescription. I'll be so glad when I can get out and farm again. But I

never stopped working for America's farmers and ranchers.

Farm Bureau continues to work for an increase in Commodity Credit Corporation funding to ensure USDA can respond quickly to any future body blows to farm markets and prices, and we're working to ensure the next round of COVID-19 assistance is more helpful to farm and ranch businesses.



By Zippy Duvall
AFBF President

We also continue to analyze the impacts to meat processing and prices, so we can learn what worked and what didn't and improve the system for the future.

In these times of the pandemic and economic challenges, it is comforting to remember and recite the Serenity Prayer.

"God, grant me the serenity to accept the things I cannot change, courage to change the things I can, and wisdom to know the difference."

There's a lot that's happening now that we cannot change. But we can take care of ourselves and others, and we can keep working together to make our agriculture industry and our nation stronger.

Let's all commit to being more ac-

cepting, courageous and wise as we deal with the pandemic and other challenges we may face in our own businesses, lives and communities. And let's never forget how blessed we are to live in the United States of America.

May God bless you and keep you safe.

Zippy Duvall is a poultry, cattle and hay producer from Greene County, Georgia, and he is the 12th president of the American Farm Bureau Federation.

Your Texas Agriculture Minute

Mexico must deliver water to U.S. now

By Gary Joiner
Publisher

The water treaty between the U.S. and Mexico dates back to 1944. Under the treaty, Mexico delivers Rio Grande water to the United States while the United States delivers Colorado River water to Mexico.

The situation right now is that Mexico is not meeting its obligations.

The International Boundary and Water Commission has requested the government of Mexico take immediate action to deliver water to the U.S. And it's a lot. Mexico must deliver more than 432,000 acre feet to the U.S. before Oct. 24 to comply with the treaty. The amount exceeds

the minimum acreage volume that the treaty requires for an entire year.

Farmers and cities in South Texas rely on this water to get them through the summer. Officials say some irrigation districts will run out of water this year, and municipal water districts are having to expend large sums of money to purchase additional water.

The U.S. is meeting its obligations to delivery Colorado River water. The U.S. Section of the International Boundary and Water Commission is asking Mexico to start releasing more water now to meet the treaty requirements.

Let's hope it happens.



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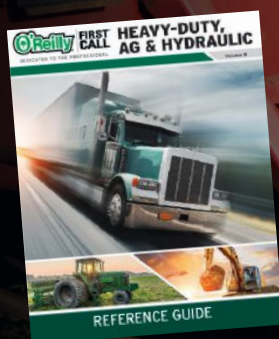
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Changes made to Livestock Gross Margin insurance

The U.S. Department of Agriculture's Risk Management Agency (RMA) announced changes to the Livestock Gross Margin (LGM) insurance program for cattle and swine beginning in the 2021 crop year.

Changes include adding premium subsidies to assist producers and moving premium due dates to the end of the endorsement period for cattle.

"These changes build upon RMA's continued effort to make livestock policies more affordable and accessible for livestock producers," RMA Administrator Martin Barbre said.

Prior to this change, LGM-Cattle and LGM-Swine did not have premium subsidies. Now, subsidies have been added and are based on the deductible selected by the producer.

For LGM-Cattle, the subsidy will range from 18 percent with 0 deductible up to 50 percent with a deductible of \$70 or greater.

For LGM-Swine, the subsidy will range from 18 percent with 0 de-



ductible up to 50 percent with a deductible of \$12 or greater.

RMA is authorizing additional flexibilities due to the coronavirus while continuing to support producers working through approved insurance providers to deliver services, including processing policies, claims and agreements.

Ranchers with livestock insurance questions or needs should

continue to contact their insurance agents about conducting business remotely. More information can be found at farmers.gov/coronavirus.

Livestock insurance is sold and delivered solely through private insurance agents.

Learn more about managing risk, livestock insurance, resources available and the modern farm safety net at rma.usda.gov.

USFRA changes name to U.S. Farmers & Ranchers in Action

After a decade of driving collaboration within the agriculture and food sectors, the U.S. Farmers & Ranchers Alliance this summer announced it will change its identity to U.S. Farmers & Ranchers in Action (USFRA).

The non-profit agriculture and food value chain leader is evolving its name to illustrate the active role farmers and ranchers play to advance food and nutrition security, environmental sustainability and economic prosperity.

"Farmers and ranchers are integral members of our communities who play a vital role on the frontlines of our food system, and their work to feed America's families has become even more crucial during these challenging times," said Chip Bowling, USFRA chairman

and row crop farmer from Newburg, Maryland. "As we look to further realize the benefits of sustainable food and agriculture, we must also acknowledge the extraordinary potential America's farmland holds to draw down carbon, help mitigate climate change and unlock investment and growth opportunities for our economy. Climate-smart agriculture practices are a solution that we can put into action to really make a difference. We're proud to focus on that action with the new name."

Texas Farm Bureau, the American Farm Bureau Federation and several other state and national organizations are members of USFRA.

"The very definition of sustainability is critical in understanding what the new USFRA brings to the table," Erin Fitzgerald, USFRA CEO,

said. "In agriculture, we often talk about environmental sustainability or climate impacts. But we also have to look at economic sustainability of our farms and food system and how investing in agriculture can also support community vibrancy. Our new name represents the leaders in action who are committed to co-creating the sustainable food systems of the future."

As part of the new name, USFRA launched a new digital destination that highlights the stories of food and agricultural leaders and calls the industry to join in action projects to ensure a more sustainable food system.

"It's inspiring to see what can happen when we all work toward one common goal," Fitzgerald said.

For more information, visit [us-farmersandranchers.org](https://farmersandranchers.org).

TFB AGFUND active in primary runoff elections

Texas Farm Bureau AGFUND-endorsed candidates were part of six primary runoff elections in July with three endorsed candidates earning outright victory.

"We need elected officials who bring accountability and an understanding of agriculture and the rural way of life to our government on both the state and federal levels," Russell Boening, president of TFB and AGFUND, said.

AGFUND-endorsed candidates won two of the Texas House primary runoff races.

In the Texas Senate primary runoff and special election races, AGFUND-supported candidates won one race.

Dr. Glenn Rogers won the Republican primary runoff for Texas House District 60, and Harold Dutton won Democratic primary runoff for Texas House District 142.

Eddie Lucio Jr. won the Democratic primary runoff for Texas Senate District 27.

Boening noted the runoff election victories added to AGFUND's already successful primary election results.

"The candidates AGFUND has endorsed in this year's elections bring with them leadership skills, accountability and an understanding of agriculture," Boening said.

Texas Farm Bureau is the state's largest organization of farm, ranch and rural families. Texas Farm Bureau AGFUND is its political action arm funded by voluntary donations from members.

Gov. Greg Abbott extended the early voting period for the general election. Early voting will begin Oct. 13 and continue through Oct. 30. Election Day is set for Nov. 3.

Congress urged to pass expense protection act

Farmers, ranchers and other small business owners are calling on Congress to approve the Small Business Expense Protection Act (S. 3612, HR 6821), which would allow small businesses to deduct expenses paid with a forgiven Paycheck Protection Program (PPP) loan from their taxes.

Without this relief, millions of small businesses will face significant tax liabilities at a time when they can least afford additional financial burdens, the American Farm Bureau Federation and more than 115 other organizations warned U.S. House and Senate leaders.

Created by Congress in the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the PPP was designed to help small businesses survive major liquidity shortfalls, retain employees and withstand an unprecedented economic disruption due to the COVID-19 pandemic.

However, the program is undermined by an IRS rule that says normally deductible business expenses will not be deductible if the business pays the expense with a PPP loan that is subsequently forgiven. As the groups pointed out in the letter, the tax rule runs counter to lawmakers' intent that the forgiven PPP loan amount should not be taxed as income.

"The Small Business Expense Protection Act will fix this misinterpretation and reestablish the ability of small businesses that have received PPP loans to deduct business expenses as the CARES Act intends," the groups said in a letter to House Speaker Nancy Pelosi, House Minority Leader Kevin McCarthy, Senate Majority Leader Mitch McConnell and Senate Minority Leader Chuck Schumer.

The Small Business Expense Protection Act has been referred to the House Ways and Means Committee and the Senate Finance Committee.



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Perdue, Cornyn meet with farmers, ranchers

By Julie Tomascik
Editor

Volatile markets, uncertainty and the need for additional funding for agriculture were among the topics covered during a July 16 roundtable with U.S. Sen. John Cornyn and U.S. Secretary of Agriculture Sonny Perdue.

Years of declining farm income and a prolonged trade war, coupled with the COVID-19 pandemic, has negatively impacted all sectors of agriculture. That was the message shared by Texas farmers and ranchers during the event at Ging Cattle Company in Coupland.

“Farm and ranch families across the state greatly appreciate the coronavirus assistance provided, but in nearly every sector of agriculture, farmers and ranchers have seen their markets shrink or even disappear,” Texas Farm Bureau (TFB) Vice President Zack Yanta said. “We appreciate Senator Cornyn, Secretary Perdue and Congressman John Carter for making this trip to hear directly from farmers and ranchers about our concerns and our needs as we move forward in this pandemic.”

To date, more than 30,700 Texas farmers and ranchers have received payments totaling over \$355.6 mil-

lion through the Coronavirus Food Assistance Program (CFAP), which was announced by the U.S. Department of Agriculture in April.

“The coronavirus has placed an unprecedented strain on commodity markets, our food supply chain and our ability to continue operating our farms and ranches,” Yanta said. “As farmers and ranchers in Texas and across the U.S. continue to weather this pandemic, we need additional assistance.”

A report released by Texas A&M University’s Food & Agricultural Policy Center (AFPC) estimates \$6-\$8 billion in possible losses for Texas agriculture without intervention or price recovery.

Yanta stressed that USDA work to reevaluate the losses on livestock and crops and renew funding for those impacted by the pandemic from mid-April through at least mid-July.

“Most major agricultural sectors in Texas—including livestock, cotton, wheat, corn, soybeans and specialty crops—have seen significant drops in the market,” Yanta said.

Other concerns addressed during the roundtable included replenishing the Commodity Credit Corporation (CCC) funding and providing additional funding for cow-calf and

stocker operators.

While the recent Coronavirus Aid, Relief, and Economic Security Act provided the CCC with a \$14 billion replenishment, industry analysts say that won’t be enough, citing USDA’s need to address the wide-ranging adverse economic effects of COVID-19 on U.S. farmers and ranchers.

The CCC’s borrowing limit has remained flat since it was set in 1987. If the borrowing limit were adjusted for inflation, the limit would be \$67.5 billion. On behalf of TFB, Yanta requested \$68 billion for the CCC to help provide USDA with additional financial resources needed to stabilize and support farm income and commodity prices.

Live cattle futures plummeted 30 percent due to COVID-19, and cattle producers have experienced major price swings since the beginning of the pandemic.

“Many cow-calf and stocker operators held their cattle in hopes of market recovery. These ranchers, myself included, endured significant costs from declining market prices, feeding animals, land rental and the breakdown of the beef supply chain,” Yanta said.

He noted USDA needs to provide more than \$33 per head on inventory

and consider opening Conservation Reserve Program emergency grazing.

Assistance for contract poultry growers and mohair producers and ensuring agricultural labor needs are met were also discussed during the roundtable.

While other livestock sectors have received needed assistance through CFAP, poultry farmers were excluded. Current losses to contract poultry growers are estimated at \$750 million nationwide for 2020.

The \$4.65 million U.S. mohair export sales in 2019 have dropped to zero so far in 2020, because mohair processing mills in South Africa were closed due to COVID-19 restrictions. In 2019, 80 percent of the spring shear was already sold. These ranchers have already paid the cost of shearing and maintaining their livestock with no income in 2020.

Tough economic hardships are facing Texas farmers and ranchers, but Perdue and Cornyn say more financial assistance is possible.

“Farming is a challenging industry, even in good years,” Perdue said. “COVID-19 has been a shock to the system overall in every sector, and agriculture, unfortunately, was not spared in that. I know [Congress] is considering another proposal, and we have a request there for the rest of 2020 for the agricultural sector.”

Texas is one of the top agricultural production states, leading the nation in cattle and calves, cotton, sheep and goats.

“One thing I think we’ve learned through this whole coronavirus episode is how efficient and effective our producers are, because not very many people saw any interruption in the food supply chain for food that comes from the producers directly to our retail stores and to our families,” Cornyn said. “And that’s a great credit to everybody who keeps Texas fed.”

TFB, along with Cornyn’s office, coordinated the meeting, and representatives from Texas & Southwestern Cattle Raisers, Texas Cattle Feeders, Plains Cotton Growers and Southwest Council of Agribusiness were in attendance, as well as Texas Agriculture Commissioner Sid Miller.



AUGUST 7, 2020
TEXAS AGRICULTURE

During a roundtable held in mid-July, Texas farmers and ranchers discussed the need for more funding for agriculture as the COVID-19 pandemic continues to impact the industry.

Texas Farm Bureau Vice President Zack Yanta (left) talks with U.S. Sen. John Cornyn (center) and U.S. Secretary of Agriculture Sonny Perdue (right) prior to a tour of Ging Cattle Company in Coupland.

Modernized NEPA rule good news for agriculture, infrastructure

By Jennifer Dorsett
Field Editor

The Executive Office of the President of the United States' Council on Environmental Quality (CEQ) recently announced a final rule updating the National Environmental Policy Act (NEPA), the first comprehensive update to the act in 40 years.

It was a move welcomed by American farmers and ranchers, including those in Texas, according to Texas Farm Bureau (TFB) National Legislative Director Laramie Adams.

"The regulations are a much-needed modernization of the federal environmental review process, which will benefit the environment, the economy and farmers and ranchers," Adams said. "NEPA affects construction of roads and bridges, electricity transmission, water and broadband infrastructure and the management of public lands—all of which are important issues for rural Texans. We're glad to see CEQ bringing it up to date to be more efficient



in today's world."

NEPA was signed into law in 1970 to ensure federal agencies fully assessed the environmental impact of federal actions such as construction of new infrastructure and the development of federal lands. Despite significant leaps in technology and the scientific advancement in many areas covered by NEPA, no major changes have ever been made to the

rule—only one limited amendment in 1986.

CEQ's final rule will modernize NEPA regulations by simplifying and clarifying requirements.

The final rule codifies Supreme Court and other case law, updates the regulations to reflect current technologies and agency practices, eliminates obsolete provisions and improves the format and readability

of the regulations.

Regulatory modernization provided by the final rule will ensure the federal government considers both the benefits and consequences of major federal actions before decisions are made and alternatives are considered.

These new regulations allow the government to respond to modern issues like broadband deployment, renewable energy production and public transit, Adams said.

"This is about smart government and having more effective and timely federal environmental reviews," he said. "Whether they result in approval or denial of a project, the goal is to avoid projects being in limbo for years. Texas Farm Bureau appreciates the administration for their steadfast work on regulatory reform."

The updated regulation also expands public participation, which is essential to ensuring projects are evaluated in a fair and comprehensive manner, he added.

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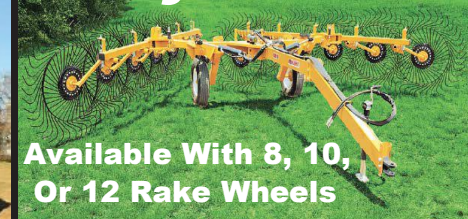
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Webinar covers legislative, economic issues related to COVID-19

By Jennifer Dorsett
Field Editor

In a webinar hosted by Texas Farm Bureau (TFB), Texas Comptroller Glenn Hegar and State Sen. Lois Kolkhorst discussed the upcoming legislative session and economic issues in today's uncertain times.

Property taxes, ag valuations of land and priority issues in the next legislative session were discussed, as well as Texas' revenue estimate for the remainder of the biennial budget and what that means for Texans.

"We all know that the COVID-19 pandemic has had an impact on our state and our economy," TFB President Russell Boening said. "How the Legislature will deal with the results of a budget shortfall and coming together to conduct our legislative business is of utmost importance to us as Texans, as farmers and ranchers and as a grassroots organization."

Hegar provided information on the state's current budget cycle, which runs from August 2019 to August 2021.

"If you look at the current two-year budget the Legislature put together, we had forecast at the end of last year that the budget would end with roughly a \$3 billion surplus. There was an extra amount of money coming into the state than was necessary for the expenses on which the Legislature had put together," Hegar said. "As of February of this year, we were tracking slightly ahead of that estimate, so revenues were coming in a little bit stronger than we had anticipated."

But COVID-19 had a profound impact on the Texas economy, and it has been felt in the revenue estimate for the remainder of the budget year, he said.

"Then the dual headwinds here in Texas of not only having oil and gas prices and production volumes drop so drastically in March, but more importantly, the impact across the entire state of the COVID pandemic...Instead of having roughly a \$3 billion surplus, a cushion for the current two-year budget, that swung to a roughly \$4.6 billion shortfall for the current budget," Hegar said.

An increase in oil prices would help, but there would need to be an increase in production, as well. Hegar said restoring economic confidence among consumers and finding approaches to reestablish the previously vibrant Texas economy are crucial.

To assist in shrinking the budget shortfall, state agencies across Texas will have to reduce expenses, Kolkhorst added.

"What we have to do, especially when people are hurting and out of jobs, is tighten our belt," she said. "The speaker, lieutenant governor and the governor have asked agencies to start doing so right now, so we can realize those savings."

That may come in the form of cuts in services or higher fees for services from state agencies, she noted.

The elected officials discussed property tax appraisals and agricultural use valuations, with Hegar noting his office is tasked with three roles in the property taxation process.

The comptroller's office is re-

quired by state legislation to provide information to property owners on protesting property tax appraisals, update the agricultural valuation manual every year, audit half of the state's appraisal districts each year and to assist in the finance of public education through state revenue.

There was some legislative reform to skyrocketing property tax appraisals during the last legislative session, Kolkhorst said. But a bill drafted to address the issue did not take into account reappraisals in the face of severe economic damages, such as what has happened due to COVID-19.

"There was an exception in the bill that allowed for a disaster declaration. So the real question is, is a pandemic a disaster? In all of our minds, we were thinking Hurricane Harvey. No one saw the pandemic back in May 2019," Kolkhorst said. "So this is going to be a real fight between the cities and the counties and lawmakers and what the interpretation of that is could end up in the courts."

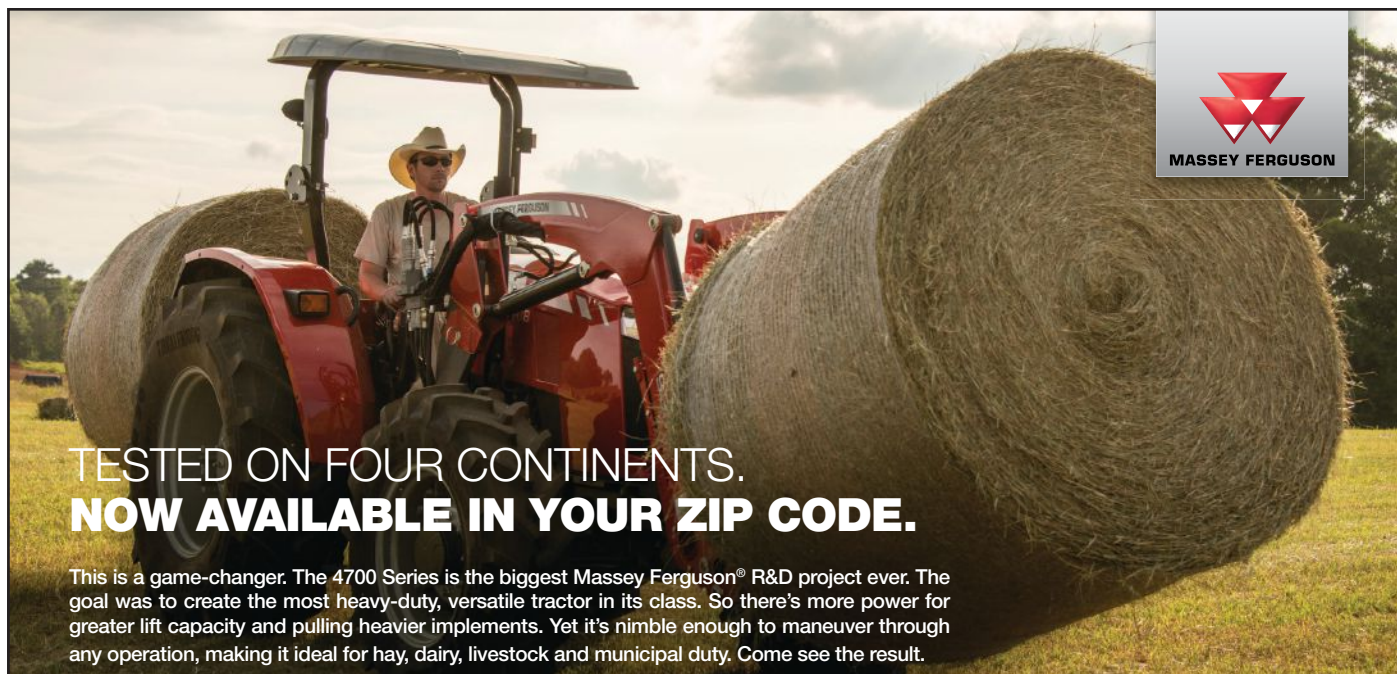
The upcoming 87th Texas Legislature, slated to begin Jan. 12, 2021, will look different than previous sessions due to COVID-19. But Texans should still speak up on issues important to them.

Kolkhorst encouraged TFB members to remain engaged in the legislative process.

Boening noted TFB will continue its grassroots advocacy efforts on issues important to agriculture and rural Texas, including eminent domain reform.

"This pandemic is creating challenges that we couldn't have imagined as a state, as a community, but I think we're confident that we have leaders like Comptroller Hegar and Senator Kolkhorst who will help us meet those challenges," Boening said. "And I'm confident that all of you Texas Farm Bureau members will help us meet that challenge, too."

To view the webinar, visit the Webinars section on <https://texasfarm-bureau.org/covid-19-resources>.



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Foot-and-mouth vaccine bank approved in U.S.

The U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) announced the first major foot-and-mouth disease vaccine purchase to store in the National Animal Vaccine and Veterinary Countermeasures Bank, commonly known as the U.S. vaccine bank.

APHIS will invest \$27.1 million with two animal health companies, Biogenesis Bago and Boehringer Ingelheim, to help in the event of an outbreak to protect animals and help stop the spread of foot-and-mouth disease.

“While we are confident we can keep foot-and-mouth disease out of the country, as we have since 1929, having access to vaccine is an important insurance policy,” USDA Marketing and Regulatory Programs

Undersecretary Greg Ibach said. “Vaccines could be an important tool in the event of an incursion of the disease in the U.S, but their use will depend on the circumstances of the incursion and require careful coordination with the affected animal industries.”

A vaccination program would help control the spread of infection caused by the virus by reducing the amount of virus shed by animals and controlling the clinical signs of the disease.

Although foot-and-mouth disease is not a threat to public health or the food supply, an outbreak would lead to at least a temporary shutdown of export markets.

But a vaccination program would allow animals to move through domestic production channels.

The National Animal Vaccine and Veterinary Countermeasures Bank is one component of a three-part program established by the 2018 Farm Bill to support animal disease prevention and management.

The 2018 Farm Bill provided \$150 million in funding over the next five years for the vaccine bank, the National Animal Health Laboratory Network and the National Animal Disease Preparedness Program.

The new U.S.-only vaccine bank—a concept APHIS officials have long discussed with stakeholders and industry—makes a much larger number of vaccine doses available than currently accessible through the North American Foot and Mouth Disease Vaccine Bank.

APHIS will continue to participate in the North American Foot and Mouth Disease Vaccine Bank, and this new program adds to the nation’s level of protection against this devastating disease.

In the event of an outbreak, animal health officials would decide when, where and how to use the available vaccine, based on the circumstances of the outbreak.

Cattle and swine groups advocated for the vaccine bank, stressing the risks to the food supply should foot-and-mouth disease, or any other infectious diseases, hit U.S. livestock.

Foot-and-mouth disease affects all cloven-hoofed animals like cattle, pigs, sheep, goats, deer, elk and other wildlife.

It is a severe and highly contagious viral disease.

The virus survives in living tissue and in the breath, saliva, urine and other excretions of infected animals.

It can also survive in contaminated materials and the environment for several months under the right conditions.

There are seven known types and more than 60 subtypes of the virus.

More information about the vaccine bank is available at www.aphis.usda.gov.

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New coalition calls for more rural broadband access

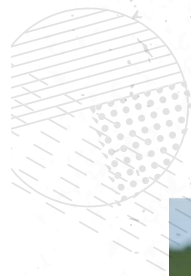
Congress and the administration must act now to enact groundbreaking broadband connectivity legislation that includes the necessary resources to close the digital divide, according to the American Connection Project Broadband Coalition.

“A bold investment will be essential for the near-term and long-term well-being of our nation. As we make this investment, we must recognize the higher costs of operating in rural areas and ensure that the solution accounts for the costs to sustain these systems while maintaining affordability,” the coalition said in a letter to President Donald Trump, Speaker of the House Nancy Pelosi, House Minority Leader Kevin McCarthy, Senate Majority Leader Mitch McConnell and Senate Minority Leader Chuck Schumer.

Launched on July 8, the coalition is a collection of 49 major companies and trade associations, including the American Farm Bureau Federation.

The groups noted that while the lack of broadband connectivity in rural America is well documented, the global pandemic makes solving this problem all the more urgent.

The coalition represents companies and organizations involved in agriculture, energy, financial services, health care, education and technology. The group is strongly advocating for robust federal investment in broadband internet connectivity to advance telehealth, distance learning, precision agriculture and the tremendous economic value that comes with internet connectivity.



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Goodstock butcher shop offers one-stop beef experience

By Jennifer Dorsett
Field Editor

After Nolan Ryan retired from professional baseball in 1993, he turned even more of his attention to his other career and first love—raising cattle.

Now, 50 years after buying his first ranch and 20 years after the launch of Nolan Ryan Beef, the Texas Farm Bureau (TFB) member has introduced his latest venture—Goodstock By Nolan Ryan, a boutique butcher shop in Round Rock.

The store brings together the aspects of the perfectly grilled meal all in one place.

Fresh, hand-cut meats, along with wines that pair well with the meat case, grills and grilling accessories, cooking tools, spices, rubs, marinades, cookbooks and more are available in the butcher shop and market.

And shoppers can also learn how to properly prepare the products, too.

“We’re going to do a lot of educational opportunities—how to prepare different cuts, how to cook different cuts, as well as retailing some products that we think compliment Goodstock and our products,” Reese Ryan, Nolan’s son and chairman of Nolan Ryan Beef, said in an interview with the TFB Radio Network. “Most unpleasant beef eating experiences are due to preparation error. There’s a lot of opportunity to really help people improve their dining experience and their beef experience.”

Nolan Ryan Beef products have been sold through retailers for several years, but Reese said his family is excited about the opportunity to connect with customers and showcase the different ways their beef can be prepared and enjoyed.

“We’ve never had a retail outlet before, so we’re really excited about that personal interaction directly with the Nolan Ryan Beef and Goodstock customer,” he said.

But the products won’t just be for area residents.

Soon, consumers across the state



Texas Farm Bureau member Nolan Ryan opened a boutique butcher shop and meat counter in Round Rock earlier this summer. The company also plans to offer retail sales online later this year. Photos courtesy Goodstock by Nolan Ryan.

will be able to enjoy Nolan Ryan Beef and other Goodstock products, too. Later this year, Goodstock will offer retail sales online.

“We did a little test run over the holiday season of 2019, and we had a great response. This retail store is giving us an opportunity to do all of our own fulfillment and really expand that business, and it’s something we’re very excited about,” Reese said.

As part of the Nolan Ryan Beef team from its inception, Reese said it’s been gratifying to help build a recognizable, quality brand from the ground up.

“I’ve been associated with the

brand since the beginning, and it’s really been rewarding to watch this go from an idea that came out of a Beefmaster Breeders United long-range planning session to a reality,” he said. “It’s been a lot of fun to see how this company has grown over the years and how we continue to deliver locally-sourced products to our customers.”

And it’s all thanks to an 8-year-old boy with a good arm who had the dream of owning a ranch someday.

“Most people know my father as a Hall of Fame baseball player,” he said. “But his first passion, before baseball, was ranching. He got into

the beef business at eight years old. He bought dairy calves with the money he earned delivering papers. It’s something he has been passionate about for the past 65 years and continued to grow. To this day, ranching and beef production occupies the bulk of his time.”

The Round Rock store opened in June, and the Ryan family hopes the business model of connecting consumers with quality beef and educational opportunities is a winning combination.

Visit <https://goodstocktx.com> to learn more about what’s in store, shop online and see upcoming events.

Deadline approaches for CFAP enrollment

Signup for direct payments through the Coronavirus Food Assistance Program (CFAP) ends Aug. 28.

The program, which was launched in April by the U.S. Department of Agriculture (USDA), helps offset price declines and additional marketing costs because of the coronavirus pandemic.

Farmers and ranchers can submit applications through an online portal.

USDA's Farm Service Agency (FSA) is leveraging commercial document storage and e-signature solutions to enable farmers and ranchers to work with local service center staff to complete their applications from home.

"We are doing everything we can to serve our customers and make sure agricultural producers impacted by the pandemic can quickly and securely apply for this relief program," FSA Administrator Richard Fordyce said. "In addition to working with FSA staff through phone, email and scheduled in-person appointments, we can now also take applications through the farmers.gov portal, which saves producers and our staff time."

Through the online portal, farmers and ranchers with secure USDA login credentials—known as eAuthentication—can certify eligible commodities online, digitally sign applications and submit directly to the local USDA Service Center.

Farmers and ranchers who do not have an eAuthentication account can learn more and begin the enrollment process at farmers.gov/sign-in. Currently, the digital application is only available to sole proprietors or single-member business entities.

USDA Service Centers can also work with farmers and ranchers to complete and securely transmit digitally signed applications through two commercially available tools: Box and OneSpan.

Farmers and ranchers who are interested in digitally signing their applications should notify their local service centers when calling to discuss the CFAP application process. You can learn more about these solutions at farmers.gov/mydocs.

New customers seeking one-on-one support with the CFAP application process can call 877-508-8364 to speak directly with a USDA employee ready to offer general assistance.

This is a recommended first step before a farmer engages the team at the FSA county office at their local USDA Service Center.

All other eligibility forms, such as those related to adjusted gross income and payment information, can be downloaded from farmers.gov/cfap. For existing FSA customers, these documents are likely already on file.

Farmers and ranchers can also download the AD-3114 application form from farmers.gov/cfap and manually complete the form to submit to the local USDA Service Center by mail, electronically or by hand delivery to an office drop box.

Farmers and ranchers self-certify their records when applying for CFAP, and that documentation is not submitted with the application. However, farmers and ranchers may be asked for their documentation to support the certification of eligible commodities, so they should retain the information used to complete their application.

CFAP will provide direct relief to farmers and ranchers who have suffered a 5 percent or greater price decline due to COVID-19 and face ad-

ditional significant marketing costs as a result of lower demand, surplus production and disruptions to shipping patterns and the orderly marketing of commodities.

As of July 27, USDA's weekly report shows that farmers and ranchers have received more than \$6.5 billion of the \$16 billion that is expected to be distributed through the program.

In Texas, more than 30,700 farmers and ranchers have applied for and received CFAP payments totaling over \$355.6 million.

Livestock is the largest sector to receive funding in Texas, with more than 26,685 applications totaling over \$269.5 million.

Non-specialty crops had 7,300 applications, specialty crops had 275 applications and dairy had 272 applications.


USDA made updates to the initial list of commodities and other adjustments to the program based on comments received from farmers, ranchers and agricultural organizations and review of market data.

The full list of eligible commodities, a list of frequently asked questions and more information about the program is available online at farmers.gov/cfap.



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AFBF asks Senate to expand PPP access for farmers

The American Farm Bureau Federation (AFBF) is asking Senate lawmakers to make several changes to the Paycheck Protection Program (PPP) to make it more workable for farmers and ranchers.

According to data from the Small Business Administration, which administers the PPP, only 1.5 percent of loans were distributed to the agriculture, forestry, fishing and hunting subsector. This low participation rate is due to the lateness of SBA's clarification of farm and ranch eligibility coupled with issues that severely limited loan amounts.

Along with additional PPP funding, Farm Bureau is recommending senators allow farms and ranches operating as sole-proprietorships to apply for PPP loans based on gross receipts.

The organization is also calling for forgiveness of PPP loans of less than \$150,000 upon the borrower's completion of a simple, one-page forgiveness document; the inclusion of rental payments for all business-related items in the calculation for determining loan forgiveness; clarification that expenses incurred while operating a business under a PPP loan are deductible as normal and customary business expenses for income tax purposes; and the inclusion of income from farm equipment trades, breeding livestock and all rental income in the calculation of income for loan availability.

AFBF also shared its concerns about any qualification that would require eligible businesses to demonstrate at least a 50 percent reduction in gross revenue in a 2020 quarter relative to the same 2019 quarter. As noted in the letter, while there has been a considerable amount of uncertainty in commodity prices as a result of COVID-19, meeting the 50 percent reduction in gross revenue would likely exclude most farms and ranches.

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TFB webinar addresses issues in cattle industry

By Julie Tomascik
Editor

Major upheaval in U.S. cattle markets during the COVID-19 pandemic has increased attention on the gap between high beef prices and low cattle prices.

Texas cattlemen and women had the opportunity to hear about the current state of the cattle economy from U.S. Department of Agriculture (USDA) Undersecretary for Marketing and Regulatory Programs Greg Ibach in a webinar hosted July 9 by Texas Farm Bureau (TFB).

The webinar, Today's Volatile Cattle Industry, addressed prime topics, including market manipulation in the cattle sector, beef supply chain issues, country of origin labeling and livestock risk management coverage.

In his role as undersecretary, Ibach facilitates domestic and international marketing of U.S. agricultural products and ensures the health and care of animals and plants.

"With COVID, we had a string of events that took place. Restaurants were closed. Food service collapsed, because people were asked to stay at home and weren't going out to keep that balance that we had going in the supply chain between the restaurant and food service demand and grocery store demand," Ibach said. "As the industry, the packing industry and the distribution industry struggled to make that shift, we had products that were packaged for restaurant and food service that weren't ready to go into the grocery stores."

That led to empty shelves and consumer panic.

"Then we saw the spread between boxed beef and fed cattle prices start to grow," Ibach said.

He noted that improved price discovery, increased competition and a more transparent relationship between the prices for live cattle and resulting products are needed.

"We need transparency of how all packers—big, small or otherwise—are procuring their cattle, and then we also need that to be able to be



utilized on down the line. I think that knowledge will help even the cow-calf producer," he said.

But managing risk for cattlemen and women is also key.

Changes have been announced to the Livestock Risk Protection and Livestock Gross Margin insurance programs, including moving premium due dates and increasing premium subsidies.

"I would be interested in hearing the thoughts of Texas Farm Bureau and what USDA can do to work with the CME to look at different products or, maybe more importantly, to provide educational opportunities for cattlemen of all sizes and in all categories to understand better the

risk management tools they could use in their operation," Ibach said.

Ranchers are also concerned with labels on beef imports.

"WTO (World Trade Organization) has given Canada and Mexico the ability to assess tariffs on us if we go back to our mandatory country of origin labeling system," Ibach said. "We know that Mexico and Canada are very important to the beef industry as export markets, as well as moving a finished product into those marketplaces."

He noted ranchers can take advantage of USDA's Process Verified Program or other branded or marketing programs. The USDA's Process Verified Program is a program

designed to provide agricultural suppliers with labeling and marketing tools that assure customers of the consistent quality of the products or services they purchase.

Other programs developed by the Angus, Red Angus and Hereford breeds also use a verification service to certify quality products to consumers.

"I think those are the opportunities that might exist where we differentiate ourselves, and we seek those premiums," he said. "I think you can look to your breed programs. You can look to other programs like the natural programs or the GAP Certified Program that all provide premiums right now over some of the non-branded and non-program cattle that are being sold through the marketplace."

Ibach encouraged ranchers to visit the USDA Agricultural Marketing Service's website, ams.usda.gov, to view feeder cattle prices and manipulate the data to better mimic their operation to compare prices.

To view the recorded webinar, visit the Webinars section on TFB's COVID-19 resources page at <https://texasfarmbureau.org/covid-19-resources>.

New bills would help livestock industry meet consumer demand

Farm Bureau is backing two recently introduced bills that would help more small meat and poultry plants sell their products in other states and better meet nationwide demand for beef, chicken and turkey.

The Requiring Assistance to Meat Processors for Upgrading Plants (RAMP-UP) Act would establish a program to make facility upgrade and planning grants to existing meat and poultry processors to help them move to federal inspection, which will allow them to sell their products across state lines. The legislation would also require the U.S. Department of Agriculture (USDA) to work with states and report on ways to improve the existing Cooperative Interstate Shipment program.

The RAMP-UP Act was introduced by Chairman Collin Peterson of Minnesota and U.S. Reps. Frank Lucas of Oklahoma and Jeff Fortenberry of Nebraska.

Also in the House, the Direct Interstate Retail Exemption for Certain Transactions (DIRECT) Act would allow state-inspected meat to be sold across state lines, but only through e-commerce. The bill would allow small producers and processors an additional option to directly market to consumers.

The bill would amend the retail exemption under the Federal Meat Inspection Act and Poultry Products Inspection Act to allow processors, butchers or other retailers to sell normal retail quantities (300 lbs. of beef, 100 lbs. of pork, 27.5 lbs. of lamb) of state in-

spected meat online to consumers across state lines.

The legislation would also maintain traceability of sales easily accessed in the event of a recall; allow retail sales to consumers, minimizing the risk for further processing in export and keeping equivalency agreements with trading partners intact; and allow states operating under the Cooperative Interstate Shipping system to ship and label as they are currently.

The DIRECT Act, which was sponsored by U.S. Reps. Henry Cuellar of Texas and Dusty Johnson of South Dakota, would create opportunities for strengthening the farmer-consumer connection and increase meat processing capacity nationwide.

Small meat processors hope pandemic spurs supply chain changes

By Jennifer Dorsett
Field Editor

Hess Meat Market is a family-owned custom meat processor and butcher shop in Muenster.

Business mostly consists of repeat customers who bring their animals to be processed, and shoppers who know what to expect from a custom meat market.

But the COVID-19 pandemic's effects have reached even this little corner of the world in North Texas, bringing with it new customers, new business and new challenges.

“When this whole thing first started, we had people standing in lines out the door just to get hamburger meat,” Stanley Hess, owner of the meat market, said.

The long lines were good for business, but Hess said they were only temporary.

When meat supply chains settled back down and larger retailers began having more stock on the shelves again, the crowds at Hess Meat Market dwindled.

While retail demand may have returned to normal levels, Hess said the processing plant—where he processes lambs, goats, buffalo, hogs, cattle and wild game—is staying busy.

In fact, Hess has turned away several people who have called asking if there was any availability this spring and summer.

“I’d say probably 80 to 90 percent of my processing business is custom slaughter,” he said. “Right now, we’re booked solid through September 2021, then probably about 85 percent booked for the remainder of the year. And I have one date on the books already for 2022.”

Hess does maintain a waiting list. If someone cancels on a day when he’s processing animals, he’ll call to see if anyone on the wait list can bring animals to take their spot.

“I had a couple of people cancel or not show up last week, and I called some folks on the list and had two people get up here within about



Hess Meat Market in Muenster is a family-owned custom meat processor and butcher shop.



Hess Meat Market offers a variety of hand-cut and specialty meats, including sausage and jerky made in store. Stanley Hess said small processors have to be creative in their offerings to stay competitive with grocery stores and large processing operations.

30 minutes,” he said. “We have to keep running, though. Every animal that’s booked that doesn’t come through the door loses us money.”

It’s a business he is proud to be in, but it’s an expensive one.

Hess said regulatory burdens, costly upgrades, pressure from activists and skyrocketing expenses have all taken their toll on smaller operations like his.

“There used to be one or two meat lockers in every little town around here, but they’re almost all gone now. We’re a dying breed, because no one can afford to stay in it,” Hess said. “There’s no other business you’d spend this much money on just

to stay afloat. It’s a very expensive game.”

To help offset the amount of money spent on facility and processing fees, Hess has focused on expanding the sausage and jerky business by building relationships and making deliveries to grocery stores, who will then in turn sell his products to a larger audience.

“Slaughter used to be the only business, but now it’s just a sideline,” he said. “The real profits are in the sausage and jerky. I’ll keep processing because it’s a service people need, but it’s not where I make my money at all.”

One good thing about the pan-



The Hess family also sells spices and marinades to complement the items they have for sale in the meat counter.

demic, Hess added, is that it has highlighted weaknesses in a supply chain controlled by a handful of large businesses.

“If Congress wants to ensure our food safety and production before the next pandemic and just for the future, they need to let more small plants become federally-inspected plants instead of state-inspected plants,” Hess said. “Something as important as food—when people run out of food, where do they go? They turn to the small packers, farm stands, ranchers and farmers in the field. America still needs us. It takes businesses of all sizes to keep things going.”

USDA releases investigative report into beef, cattle price margins

By Jennifer Dorsett
Field Editor

The U.S. Department of Agriculture (USDA) Agricultural Marketing Service (AMS) released an investigative report on the impact of the 2019 fire at a Kansas meatpacking plant and the COVID-19 pandemic on beef price margins.

The report, which summarizes market conditions, fed cattle prices, boxed beef values and the price spread over the course of the two events, identifies no wrongdoing on the part of meatpackers.

“We’re pleased to finally see some results to USDA’s investigation, because our farmers and ranchers have been feeling the effects of low prices while watching the price of beef hit record levels,” Texas Farm Bureau Associate Director of Commodity and Regulatory Activities Tracy Tomascik said. “We know the investigation into the markets is ongoing, but at the end of the day, our members need a stable market for

their cattle.”

Improved price discovery, increased competition and a more transparent relationship between the prices for live cattle and resulting products is needed, USDA noted.

“The closure of the Tyson beef packing plant in Holcomb, Kansas, after a fire at the facility and the COVID-19 pandemic clearly disrupted the markets and processing systems responsible for the production and sale of U.S. beef,” U.S. Secretary of Agriculture Sonny Perdue said in a press release. “The report examines these economic disruptions and the significant increase in the spread between boxed beef and fed cattle prices that resulted from them. While we’re pleased to provide this update, we assure producers that our work continues in order to determine if there are any violations of the Packers and Stockyards Act. If any unfair practices are detected, we will take quick enforcement action.”

According to the report, market conditions over the past two years are only one part of a larger discussion within the cattle, beef and other related industries, which share a “common narrative about a highly-concentrated meatpacking sector.”

The agency offered suggestions for improving the market, including adding capacity at smaller processors and allowing these smaller processors to sell across state lines.

There are several policy considerations which may result from the report, including possible updates to Livestock Mandatory Reporting and enhancements to the Packers and Stockyards Act investigative and enforcement tools.

“We are pleased the USDA responded to our call for an investigation, but it’s important to note the scrutiny of the markets is not concluded,” American Farm Bureau Federation President Zippy Duvall said.

Since the investigation is still un-

derway, AMS has limited ability to publicly report on the full scope and status of the investigation.

“We appreciate the USDA’s thorough examination of the beef markets. There’s little doubt that something is wrong when consumers are paying higher prices for meat and at the same time America’s farmers and ranchers are being paid less,” Duvall said. “We are reviewing the policy recommendations the USDA put forth in the report and look forward to working with them and Congress to ensure markets remain fair for everyone involved.”

USDA continues to be engaged with the U.S. Department of Justice (DOJ) regarding allegations of anti-competitive practices in the meat packing industry.

If USDA finds a violation of the Packers and Stockyards Act, the agency is authorized to report the violation to DOJ for prosecution.

The report is available online at <https://usda.gov>.

Texas Farm Bureau launches Ag Inquiry Science Fair for fifth-grade students

By Julie Tomascik
Editor

To help fifth-grade students explore agriculture and better understand the science involved in farming and ranching, Texas Farm Bureau (TFB) is launching the Ag Inquiry Science Fair (AISF).

It’s the first project of its kind for the state’s largest farm and ranch organization, but one TFB hopes cultivates agricultural literacy and awareness.

“Agriculture today looks much different than it did just five years ago,” Jordan Walker, TFB director of Educational Outreach, said. “Our hope is that students will learn what it means to think critically as they inquire and research about questions they have, while also learning about agriculture and how food and other goods are produced.”

AISF project categories and components align with TEKS to reflect grade-level standards and material

learned in the classroom.

Students can choose from five categories—Animal Science, Agronomy, Technology in Agriculture, Water Systems/Conservation and Sustainability in Agriculture—for their project.

“Inquiry-based learning challenges students to direct their own learning by asking questions and conducting research to learn the answers,” Walker said. “Focusing the inquiry on agriculture allows students to learn and become more informed consumers.”

As part of AISF, students are required to submit a completed project that includes a 3-5 minute video presentation, a display that presents the inquiry and findings and a journal that tracks the progress of the inquiry.

Students will submit individual projects. Submissions are due by Oct. 30.

Judges will rank the project de-

scription and video to determine the projects that advance to the display round.

First, second and third place will be awarded for each category based on the scores for the display and written portions.

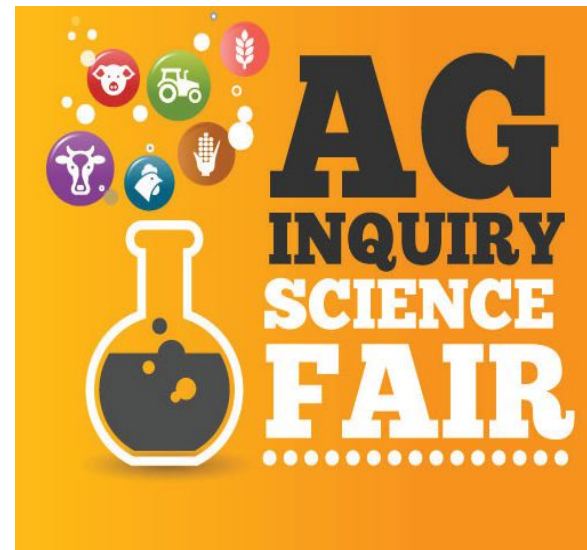
Winners will receive an award package with a variety of items included.

“In the first year of the program, we wanted to focus on one grade rather than a large number of students in multiple grades,”

Walker said. “We selected fifth grade this year per a recommendation from our network of educators, but our hope is to expand grade-level participation in the future.”

And TFB hopes to continue to cultivate a deeper understanding of agriculture in young students.

“This is a unique opportunity



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Texas Supreme Court finds ranchers, ranch hands not covered by FALA

By Jennifer Dorsett
Field Editor

The Texas Supreme Court recently handed down a decision which may have far-reaching implications for Texas farmers, ranchers and livestock owners.

In the case, *Zuniga v. Waak*, the family of ranch hand Raul Zuniga allege he was killed on the job by a bull owned by Conway and Marlene Waak.

The Waaks, who run a cattle operation, were sued by Zuniga's family for wrongful death. In their suit, the family alleged the Waaks were negligent in providing a safe workspace, failed to adequately train Zuniga and warn him of the dangers of working cattle, as well as failed to supervise Zuniga.

The trial court who first heard the case granted summary judgement in favor of the Waaks and dismissed the case, saying the Texas Farm Animal Liability Act (FALA) barred the plaintiffs' claims.

The Zuniga family appealed, and the case was taken up by the First Court of Appeals in Houston, which reversed the decision. The appeals court held that FALA was inapplicable because Zuniga "was not a participant in a farm animal activity" for whom FALA is applicable.

The Waaks sought review from the Texas Supreme Court, and their petition was granted. In their case, the longtime ranchers argued FALA applies by its plain terms to ranching—working farm animals for a living or for profit.

FALA is an update to the previous Texas Equine Activity Limitation of Liability Act, passed in 1995, which provided horse owners were not liable for participants' injuries due to the inherent risks of interacting with horses, according to Agricultural Law Specialist at Texas A&M AgriLife Extension Service Tiffany Lashmet.

In 2011, the Equine Act was amended to include bovine animals,



Earlier this summer, the Texas Supreme Court ruled that the Farm Animal Liability Act is inapplicable to ranchers and ranch hands.

sheep, goats, pigs, hogs, ratites, ostriches, rheas, emus, chickens and other fowl. The act was also expanded to cover veterinarians and livestock shows, and the words "handling, loading or unloading" were added to the definition of farm animal activities.

FALA limits liability for injury to a "participant in a farm animal activity or livestock show" that results from "inherent risk" of activities.

A participant is defined as "with respect to a farm animal activity, a person who engages in the activity, without regard to whether the per-



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son is an amateur or professional, or whether the person pays for the activity or participates in the activity for free.”

But in a divided opinion issued in June, the Texas Supreme Court upheld the decision of the appeals court, writing, “Not only do the many examples in the Equine Act omit any mention of ranchers and ranch hands, every textual indication shows that they are not covered. The court of appeals came to that conclusion 10 years after the Equine Act was passed in *Dodge v. Durdin*. In the 40-year history of equine activity statutes, the Dodge court—the only one to consider the issue of which we have been made aware—held that the Texas Equine Act does not apply to ranching.”

As such, the court’s majority opinion said, “Ranch hands have none of the characteristics the Farm Animal Act lists for ‘participants.’ Ranch hands do not work as amateurs or professionals, they certainly do not pay to do their work, and they ordinarily do not work for free.”

The Waaks did not subscribe to any workers’ compensation insurance.

The court noted in its opinion that though the Texas Workers’ Compensation Act limits the non-subscribing employer’s defenses, it does not prevent an employer from “asserting the liability shield of FALA.”

However, Lashmet said the interpretation of the Texas Supreme Court limits the scope of the act, and Texas farmers and ranchers need to be aware because the decision limits FALA from applying to working ranches.

“Previously, I read the FALA as applying to activities like moving cattle, branding and processing calves. This decision, however, expressly excludes injured ranchers or ranch hands,” she said. “Instead, it appears the Texas Supreme Court believes the defense is limited to situations involving injuries at livestock or horse shows, rodeos, exhibitions, competitions, trail rides and riding lessons.”

The court drew a distinction between ranchers, ranch hands and

other participants, instead of focusing on the distinction between an employee and an independent contractor.

“There had been some appellate court cases, including *Dodge v. Durdin*, where the courts had drawn a distinction between employees, to whom the act did not apply, and independent contractors, to whom it did apply. And at the appellate level, the Waaks’ counsel argued Mr. Zuniga was an independent contractor, not an employee,” she said. “The Texas Supreme Court had never ruled on that issue, so while they knew the appellate courts believe it was limited to independent contractors, the Supreme Court could have ruled differently. But the Supreme Court did not address the employee versus independent contractor distinction at all. They just said the act did not apply to any ranchers or ranch hands.”

But nothing in the language of the statute expressly excludes ranchers from those protections, according to Lashmet.

“FALA defines a ‘livestock producer’ as a person who owns, breeds,

raises or feeds livestock animals. It then provides that any person, including a farm animal activity sponsor, farm animal professional, livestock producer, livestock show participant or livestock show sponsor, is not liable,” she said. “If the majority [of the Texas Supreme Court] was concerned about the categories of people included on this list, it seems that ‘livestock producer’ certainly could intend to encompass a rancher who produces livestock.”

Lashmet recommends livestock operations and landowners in Texas have some form of liability insurance, and any operation with employees should consider carrying workers’ compensation insurance.

“This is especially critical if the operation has three or more employees,” Lashmet said. “Because under the Texas Workers’ Compensation Act, farm and ranch employers who do not subscribe with three or more employees are prohibited from raising certain defenses in wrongful death lawsuits.”

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Brazos County groundwater case a win for landowners

By Jennifer Dorsett
Field Editor

Brazos County landowner Anthony Fazzino recently won an appeal in a suit against the Brazos Valley Groundwater Conservation District, sending the federal case back to trial.

At its heart, the case is about groundwater ownership and a local groundwater district's ability to be taken to court.

The U.S. Fifth Circuit Court of Appeals' ruling is a key victory for Texas landowners in the ongoing battle for strengthening private property rights, according to Texas Farm Bureau (TFB) Director of Government Affairs Regan Beck.

In the original case filed in 2017, Fazzino alleged the district permitted the City of Bryan to drill a new well, Well No. 18, on land adjacent to his property but denied him the same ability to do so on his own property, amounting to an illegal taking of his property.

But the district judge of a federal court in Waco dismissed Fazzino's case under the premises the groundwater district is equal in status to a state agency, and therefore, protected under the 11th Amendment from being sued.

In 2019, TFB filed an amicus curiae brief in Fazzino's appeal, noting several flaws in the initial judge's decision to dismiss the case.

"TFB's interest in this case centers upon clearly established property rights," Beck said. "Groundwater ownership is well-settled in Texas. If a person's neighbor is pumping a certain amount of water from below the ground, that person has the legal right to do the same thing. The groundwater conservation district attempted to prevent Mr. Fazzino from doing so, which is an attempt to suppress his property rights as a private landowner while letting a municipality play by a different set of rules. And when he tried to bring them to court to correct the situation, the court said they were protected from lawsuits because they're a state agency, and that's just not the case."



The U.S. Fifth Circuit Court of Appeals' decision has far-reaching, positive implications for landowners across the Lone Star State.

The permit issued by the groundwater district allowed the city to produce groundwater at 3,000 gallons per minute and 4,838 acre-feet of groundwater per year on a 2.7-acre parcel of land. The city's well is located within 3,000 feet of Fazzino's 26-acre property.

To offset the production from Well No. 18, which had the effect of draining water from under Fazzino's property, he applied for a drilling and operating permit for a new well of his own, seeking the same production rate the groundwater district permitted for Well No. 18.

But Fazzino's application was denied. And when David Stratta, a board member of the Brazos Valley Groundwater Conservation District, attempted to bring up the permitting issue at a board meeting, his fellow directors refused to discuss it.

Stratta, an active TFB leader and fellow landowner, felt the rejection of Fazzino's permit was unfair. In denying the permit, the groundwater district told Fazzino he would need 649 acres of land to attain a production rate of 3,000 gallons per minute, despite allowing the city's well the same rate on far less land.

Later, Stratta joined Fazzino's appeal after the district court threw

out the case.

Fazzino was only asking for what he is guaranteed under the Texas Constitution: The right to produce a fair share of the groundwater under his land in the same manner, and under the same application of rules, as his neighbor, Beck said.

"He isn't seeking any new groundwater rights or asking for a greater amount of that property right than his neighbor, which in this case was a municipality," he said. "Instead, he realized the neighbor was pumping a far greater amount of groundwater out from under him, and when he sought to remedy the situation by installing his own well, the groundwater district denied him the ability to do so, which absolutely goes against everything private property rights stand for."

The groundwater district's treatment of Fazzino, in contrast to its permitting treatment of the City of Bryan, presents both unequal protection and takings of property issues.

The unequal application of rules has prevented Fazzino's effort to produce his fair share of the groundwater under his property, Beck noted. The initial decision that the groundwater district was immune from

lawsuits was an incorrect interpretation of the 11th Amendment.

In May, the three-judge panel of the Fifth Circuit agreed.

They reversed the district court's decision, saying a Texas groundwater district is not immune from suit under the 11th Amendment, because the groundwater district does not have statewide jurisdiction and is not an "arm of the state." The court also stated the Texas Supreme Court has recognized groundwater is a property interest entitled to protection, allowing plaintiffs to seek compensation for takings violations by way of a federal lawsuit.

"This is a big deal and a huge win for Texas landowners," Beck said. "Otherwise, a person who had a disagreement with a groundwater conservation district can't get their day in court. Water is a precious natural resource that any farmer, rancher or private landowner rightfully wants to protect from being taken, so we're glad to see the court uphold those rights and verify that a person can sue a local district that's acting unfairly."



Additional round of coronavirus aid expected

By Jennifer Dorsett
Field Editor

Agricultural organizations say additional assistance for farmers and ranchers reeling from the economic effects of COVID-19 is crucial to keeping family operations in business. And while Congress continues to work on a new coronavirus relief package, that aid may not come anytime soon.

The Republican-controlled U.S. Senate released its \$1 trillion Health, Economic Assistance, Liability Protection & Schools (HEALS) Act on July 27.

The U.S. House passed the \$3 trillion Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act several weeks earlier.

Both bills provide relief for Americans struggling to stay afloat in the wake of the pandemic but differ drastically in amounts provided for different interests, including federal unemployment benefits, additional economic stimulus checks to individ-

uals, additional funding for COVID-19 testing, SNAP benefits and aid for agriculture.

"We are pleased the Senate provided an additional \$20 billion for agricultural producers, growers and processors impacted by the COVID-19 pandemic and included funds to strengthen the operations of agriculture-related federal agencies," Texas Farm Bureau (TFB) National Legislative Director Laramie Adams said. "However, there is a lot of work that remains between House and Senate leaders to craft a final legislative package the president will sign."

American Farm Bureau Federation (AFBF) and TFB asked for several provisions in the proposed legislation.

Those requests included replenishing Commodity Credit Corporation (CCC) funding, additional resources to U.S. Secretary of Agriculture Sonny Perdue for COVID-19 response, support for farms and ranches of all sizes and commodi-

ties that were impacted by the pandemic and liability protection for farmers and ranchers who are doing their best to protect their workforce.

Additional requests included aid to contract poultry producers, waiving overtime fees for U.S. Department of Agriculture (USDA) Food Safety and Inspection Service meat inspectors at smaller packing plants and to open Conservation Reserve Program lands for emergency haying and grazing.

Provisions for farmers, ranchers and other agribusinesses in the Senate's HEALS Act include \$20.457 billion to USDA, U.S. Food and Drug Administration and related agencies.

The Office of Agriculture Secretary would receive \$20 billion to provide additional funding to assist farmers, ranchers and other related agricultural sectors impacted by COVID-19.

Eligible commodities covered in

the HEALS Act include specialty crops, non-specialty crops, dairy, livestock and poultry, as well as livestock and poultry that had to be depopulated because of lack of access to processors. Growers who produce livestock or poultry under a contract for another entity are also included.

The remaining funds would be distributed among USDA agencies, including the Farm Service Agency, Foreign Agricultural Service, Food and Nutrition Service and Agriculture Quarantine and Inspection Service.

"We appreciate the Senate for working to provide additional assistance to farm and ranch families struggling through this pandemic," Adams said. "While a long road of negotiations lie ahead, Texas Farm Bureau will continue working with leaders in Washington, D.C., every step of the way to help ensure agriculture receives the needed resources. At the end of the day, this is about providing the resources needed to keep our farmers and ranchers in business."

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Hurricane Hanna disrupts harvest across Rio Grande Valley

By Jennifer Dorsett
Field Editor

In late July, Tropical Storm Hanna developed into a Category 1 hurricane, lashing the Texas Gulf Coast and the Rio Grande Valley with high winds and widespread rainfall.

The first hurricane of the 2020 Atlantic season first made landfall with 90 mile per hour (mph) winds in the Rio Grande Valley along the Cameron-Willacy county line. Preliminary reports suggest areas of the Rio Grande Valley and Coastal Bend received anywhere from two to 15 inches of rain.

In the largest citrus-growing area of Texas, orchards loaded with developing oranges and grapefruit are now standing in water, fruit bobbing uselessly underneath the trees.

Cotton is strung out of the bolls where it wasn't blown away completely. Sesame plants were laid over, covered by a foot of dirty water.

It's more bad news in an already troubled year for Rio Grande Valley farmers.

Willacy County

An unusually dry start to 2020 had many area farmers, even those with irrigation, cutting back on cotton acres.

"We had about 1,800 acres in the field when this hurricane hit, which was down quite a bit because of the drought," Willacy County Farm Bureau (CFB) member Bryce Wilde said.

Wilde and his family were able to harvest about 500 acres before the hurricane hit. He said yields were averaging from two to two-and-a-half bales per acre, a blessing after the tough start to the season.

But Hanna stripped the rest of his cotton clean. And what wasn't blown away was under water. He estimated his area received anywhere from 10-15 inches of rain.

Irrigation ditches were full to overflowing, and Wilde said it would likely take weeks for the water to recede.

"When you combine the high winds with this pooling water, I



Cotton standing in water in Cameron County after Hurricane Hanna. Photo courtesy Chris Sparks.

think that's a one-two punch that pretty much sealed the deal on those crops," he said.

Sugarcane, Wilde's other major crop, fared better in the storm.

"Sugarcane can take a lot of water, but I've never seen a storm snap stalks like I saw it do this time. Some of the early planted stuff that had six or seven months of growth time, those upper three or four nodes of sugarcane got snapped off, which isn't a problem," Wilde said. "It'll all regrow, but we lost some yields there. But it can handle sitting in quite a bit of water for a while, so that's okay."

Cameron County

"This year was one of the most unique years I can remember," Cameron CFB member Chris Sparks said. "We started out with hardly any rain. Then, we caught enough rain to make a little bit of a corn and grain crop, but the cotton was coming along pretty nicely. And then the hurricane hit. I'd say the RGV cotton crop is a complete loss."

Sparks, a dryland cotton farmer, said he had 800 acres of cotton under water with nowhere for the water to go. What cotton wasn't blown out of the bolls by the high winds—which he noted a neighbor clocked at 100 mph—is going to have serious qual-



San Patricio County crops were also impacted by the Category 1 hurricane. Photo courtesy Kelly Whatley.

ity degradation where floodwaters were still standing.

"I have cotton that was ready to be picked that's completely gone," Sparks said. "What cotton I had that wasn't quite ready to be picked will fare better, but it's still damaged."

He added many area farmers had cotton crops that never came up due to the drought, so they planted sesame, which was also damaged by the hurricane.

"Their sesame is lying completely flat in the fields," he said. "I don't see how you can recover from that. We've had big rains in June back-to-back for the past two years, and now we've added a hurricane in late July this year. It's been really hard on everybody."

For now, all he can do is focus on the future.

"Trash is everywhere. Fences are down. A few buildings were down, and lots of people don't have power," Sparks said. "All we can do until the floodwaters recede is just try to get our houses back in order."

Hidalgo County

Although further inland than Cameron or Willacy counties, Hidalgo County was also ravaged by Hurricane Hanna.

For many, the cotton crop appears to be a total loss, according to Hidal-



Hidalgo County cotton was also standing in water after Hurricane Hanna. Photo courtesy Brian Jones.

go CFB member Brian Jones.

"I don't know how much rain we had—at least 12 inches," Jones said. "We have cotton with 70 percent open bolls standing in one to two feet of water. A lot of cotton was strung out and blown out from the rain and the high winds, so we're looking at probably a total devastation of the cotton crop down here."

What concerns Jones is how close it is already to the state-mandated cotton stalk destruction date.

"Any cotton that was open and exposed to the storm is out of the boll. It's not pickable. And we're basically 35 days away from our plow-out date in the RGV," he said. "We have to have our cotton stalks completely destroyed by Sept. 1, so we're looking at that date, as well. We're right up against the plow-out date, so really, the best result we could see is a zeroed-out cotton crop."

Although it was a dry year, Jones, who irrigates his crops, said his cotton was in good shape before Hanna hit.

"It was already going to be a shorter year for the gins because there wasn't as much cotton grown this year, but now it looks like there may not even be anything left to harvest," Jones said. "Gins, trucking...all the related industries are going to be hurt by this."

Hunters set sights on favorable dove season

By Jessica Domel
Multimedia Reporter

The Texas Parks and Wildlife Department (TPWD) is forecasting a favorable dove season this fall.

“Just about every season is a good season in Texas,” Owen Fitzsimmons, TPWD Webless Migratory Game Bird Program leader, said in an interview with the Texas Farm Bureau Radio Network. “Texas, by far, leads the nation in the number of hunters and harvest for doves. Even in a bad year, it’s considered a pretty good year relative to other states.”

Due to the coronavirus, many of the migratory game bird monitoring efforts that typically occur were canceled this year.

“That includes our spring dove surveys that we usually conduct in May and June. They give us a better idea of what the breeding populations look like each year,” Fitzsimmons said. “We don’t have that data, but I’ve been trying to get as many reports as I can from our field staff around the state. For the most part, things look pretty good.”

People are reporting more mourning doves than in the past few years.

“A lot of this comes down to habitat, as well. We’ve had average to above-average rainfall for most of the year so far,” Fitzsimmons said. “Range conditions are still looking pretty good. We’re starting to get dry now, but I think that probably equates to a good year for production for doves in Texas.”

The forecast holds true for mourning doves and white-winged doves, because they have the same requirements during the breeding season and typically target the same types of food.

“I think it’s going to be a pretty good year all around,” he said.

There’s been an increase in white-winged dove populations in Texas over the past 10 to 15 years.

“That’s something a lot of hunters are starting to key in on, especially those outside of the traditional white-winged areas,” he said.

Dove season for the north zone is Sept. 1-Nov. 12 and Dec. 18-Jan. 3.

Dove season for the central zone is Sept. 1-Nov. 1 and Dec. 18-Jan. 14.

The south zone regular season is Sept. 14-Nov. 1 and Dec. 18-Jan. 23.

After TPWD announced this year’s dates, some hunters questioned the Monday start on social media.

In 2018, Fitzsimmons said TPWD opened the south zone season as early as Sept. 14 to give hunters more time in the field.

“Historically, the south zone has always had to open a little later than the north and central zones. That goes back decades to when there were thoughts and concerns that opening hunting too early in the south zone might affect birds that might be still breeding at that point,” he said.

That’s probably not likely, but research is ongoing, Fitzsimmons said.

“Since then, we’ve been trying to open up more of September to the south zone hunters,” he said. “I think it was back in 2016, we were able to expand the special white-winged zone to the entire south zone, and in 2017, we got the overall dove season

expanded from 70 to 90 days.”

Prior to the Sept. 14 start date, the south zone opened on the Friday closest to Sept. 17.

“Sept. 14 was a strategic date. The idea behind that was we have our four special white-winged days that we’re allowed early on in the season in the south zone,” Fitzsimmons said. “By setting the opening day of the regular south zone season on Sept. 14 every year, we can guarantee no matter how the calendar days fall, every single year the four special white-winged dove days will cover the first two weekends in September and the 14th will come after that and cover the next weekend and then on.”

It gives south zone hunters an opportunity to hunt every weekend in September.

“Considering that 70 to 85 percent of the doves that are harvested in Texas are harvested the first weeks in September, trying to get more of early September as possible for our south zone hunters is important,” he said.

The additional days for special white-winged dove season in the south zone are Sept. 5-6, 12 and 13.

There are no major changes to this year’s bag limit or other regulations.

“We have a 90-day season and 15-bird bag limit,” Fitzsimmons said. “The only thing hunters need to be aware of is, as usual, the special white-winged days in the south zone do have special regulations.”

Hunters who bag Eurasian-collared doves are encouraged to keep some sort of plumage or a wing on it to identify it as a non-native or non-game species.

Eurasian-collared doves do not count toward the daily bag limit.

Fitzsimmons reminds hunters to get the migratory game bird endorsement along with their hunting license.

“If you buy your super combo, it should be included,” Fitzsimmons said. “You do need to be HIP certified, and that stands for Harvest Information Program. That’s a federal program that helps estimate overall harvest and number of hunters on a nationwide scale. When you buy your license, make sure you answer those HIP questions and get your HIP certification to be legal.”

More hunting dates and information can be found at <https://tpwd.texas.gov>.

Farm Bureau Farm Dog of the Year nominations open

Nominations for the 2021 Farm Bureau Farm Dog of the Year will be accepted through Aug. 20.

This is the third year of the contest, which celebrates farm dogs that work alongside farmers and ranchers to produce nutritious food for families and their pets across America.

The grand prize winner will take home a year’s worth of Purina dog food and \$5,000 in prize money. The winner will be recognized at a Farm Dog of the Year award ceremony at the American Farm Bureau Federation Convention in January. Up to four regional runners-up will win \$1,000 each in prize money.

Desired attributes in the Farm

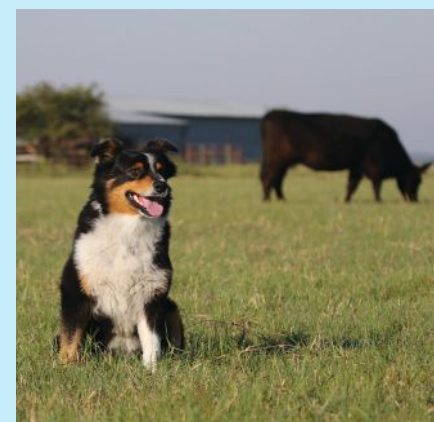
Dog of the Year include helpfulness to the farmer and his/her family, playfulness and obedience. The 2021 Farm Dog of the Year will also be featured in a video.

Farm dog owners must be Farm Bureau members to enter their dogs in the competition.

Eligibility guidelines and submission requirements are available at <https://fb.org/2021farmdog>.

Farm Dog of the Year nominations, which include written responses to questions, still photos and a video clip (optional), must be received by Aug. 20 for consideration. The contest is sponsored by the American Farm Bureau Federation.

People’s Choice Pup will return



AUGUST 7, 2020

TEXAS AGRICULTURE

27

Non-GMO, herbicide-tolerant sorghum technology launched in U.S.

By Jennifer Dorsett
Field Editor

Advanta Seeds U.S. has released a first-of-its-kind sorghum technology that is non-GMO, yet herbicide-tolerant, providing sorghum farmers options in the field and at market.

The technology, called igrowth, is available for preorder for the 2021 growing season, according to Zach Eder, Advanta Seeds U.S. technology development manager.

“We’re really excited this summer to be making the big step in bringing our igrowth herbicide-tolerant technology to the marketplace. This is the first of its kind to be available in the United States,” Eder said. “It’s a non-GMO, herbicide-tolerant technology that’s going to allow us to use over-the-top or pre-emerge herbicide to control broadleaf and those really hard-to-control grass weeds.”

A companion herbicide containing imidazolinone is currently under review by the U.S. Environmental Protection Agency (EPA). Eder said

when combined with the proprietary herbicide, igrowth technology helps reduce water and nutrients used by weeds, allowing the sorghum crop to have more access to crop inputs.

“We’ve launched in five different countries worldwide, and our parent company, UPL, will be handling our companion product IMIFLEX, which is still pending EPA registration,” Eder said. “This will allow you to use it as a pre- or post-application to control broadleaf and grass weeds. Our data shows it has really good pre-activity, as well as post-activity, and will provide growers a new opportunity to control those weeds throughout the season.”

Eder said some farmers chose not to grow the crop, because they didn’t have good options for weed control. But igrowth changes that.

The technology was first developed in 2007 by the Advanta research and development team in Argentina. It was commercially launched and proven in Argentina,



The launch of a non-GMO, herbicide-tolerant grain sorghum will allow farmers to treat weeds, such as Johnsongrass and Texas panicum, without harming the crop.

Australia and several other countries before being tested extensively in the U.S., including at Texas A&M AgriLife Research fields near College Station.

Eder, who, along with his wife Sarah was the 2019 Texas Farm Bureau Excellence in Agriculture award winner, has been working on the project and monitoring test plots for several years.

“This is going to allow a grower that has avoided sorghum access to a new crop and new modes of action to look at it for the first time. This will not only provide growers that are in the grain belt more tools to do a better job of managing stewardship of their land, but it will also give growers outside of that grain belt alternatives for marginal ground,” he said. “And, sorghum being such a drought-hardy, good producer in a stressful environment, it will allow them to be able to tap into a whole new production system to improve their profitability, as well as their

overall management on their farm.”

At a recent virtual field day in South Texas, Eder and other Advanta representatives discussed the company’s portfolio of grain sorghum with igrowth technology, which will be released in 2021. They also discussed the timetable for the EPA regulatory process.

The company has several sorghum varieties with igrowth technology available, allowing farmers to select the hybrid that best suits their area and growing practices.

“This is a really unique opportunity for growers who may not be in a sorghum-growing area to see the crop for the first time and to learn a lot about it and to see the opportunities that are coming their way,” Eder said.

A video of the July 8 virtual field day is available at www.hpj.com/sorghumfrontiers.

For more information on igrowth technology and to pre-order seed, visit www.igrowthtech.com.

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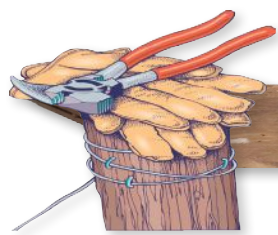
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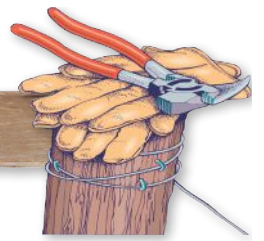
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Canton	95.1 FM	KWJB	Elk City, OK	98.9 FM	KSNZ	Marshall	1450 AM	KMHT	Spearman	98.3 FM	KXDJ
Carthage	1590 AM	KGAS	Greenville	1400 AM	KGVL	Marshall	103.9 FM	KMHT	Stephenville	93.1 FM	KSTV
Carthage	104.3 FM	KGAS	Greenville	93.5 FM	KIKT	Mason	102.5 FM	KHLB	Sterling City	100.5 FM	KSCK
Center	930 AM	KDET	Haskell	97.1 FM	KVRP	Memphis	105.3 FM	KLSR	Sulphur Springs	1230 AM	KSST
Childress	96.1 FM	KCTX	Hebbronville	104.3 FM	KUFA	Meyersville	100.1 FM	KQBQ	Sweetwater	1240 AM	KXOX
Christine	96.9 FM	KWYU	Henderson	1470 AM	KWRD	Pampa	96.3 FM	KSNZ	Sweetwater	96.7 FM	KXOX
Comanche	1550 AM	KCOM	Hillsboro	1560 AM	KHBR	Paris	93.9 FM	KOYN	Temple	1400 AM	KTEM
Comanche	100.1 FM	KCOM	Hondo	1460 AM	KCWM	Pearsall	1280 AM	KMFR	Tyler	104.1 FM	KKUS
Comanche	94.3 FM	KYOX	Junction	93.5 FM	KYKK	Pearsall	94.7 FM	KMFR	Tyler	105.7 FM	KYKX
Corpus Christi	1360 AM	KKTX	Kenedy	92.1 FM	KCAF	Perryton	1400 AM	KEYE	Victoria	107.9 FM	KIXS
Corpus Christi	99.1 FM	KRYS	Kerrville	92.3 FM	KRNH	Perryton	93.7 FM	KEYE	Wichita Falls	1290 AM	KWFS
Corsicana	1340 AM	KAND	La Grange	104.9 FM	KBUK	Post	107.3 FM	KSSL	Winters	96.1 FM	KORQ