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October 1, 2021

# Texas Agriculture

Published by Texas Farm Bureau for commercial farmers and ranchers



## Advancing Agriculture

Young farmers, ranchers take in North Central  
Texas agriculture during the 2021 Fall Tour

Pages 16-17



# Sometimes strong and silent just won't do the job

Those of us who are fans of old movies understand when someone is described as “the strong, silent type.” Many of my childhood heroes fit this description. They didn't feel the need to speak a lot of words, but rather let their actions do the talking. I still deeply admire that trait, but sometimes it just doesn't work.

The situation that farmers and ranchers find themselves in these days requires that we speak up.

I read a quote the other day that is relevant here: “Don't let someone who has done nothing tell you how to do anything.”

As our population and leaders become further removed from the farm, that is exactly what we are experiencing. Folks who have never experienced or been involved in the production of food, fiber and fuel trying to dictate how it is done.

“I spent a week every summer at my grandparents farm when I was a kid” simply does not make someone an authority on production agriculture. Yet, we have many folks in this category now promoting rules, regulations and tax policy that will drastically, and negatively, affect agriculture.

This is not only ridiculous, it is dangerous.

The EPA's effort to re-visit WOTUS and some of the latest tax proposals that will affect family farms and ranches are two issues that we must speak up about.



**By Si Cook**  
COO/Executive Director

Mark Twain is credited with saying, “It ain't what you don't know that gets you into trouble. It's what you know for sure that just ain't so.”

Many of the explanations and assurances we are being fed to justify actions on those two

topics “just ain't so.” It is up to us to speak up and shine a light on those elements that “just ain't so.”

Your organization is built to do just that. We continue to speak up every day on issues that affect agriculture. And we do it with the credibility of leadership who knows what they are talking about. Folks who have spent a lifetime farming and ranching and producing food and fiber for the 98% of our population who spend their efforts elsewhere.

We do it through traditional media, digital and social media channels

and face-to-face in classrooms and public events across the state. We also do it in the halls of Congress and in our state capitol in Austin with a combination of professional staff and volunteer leaders.

As an industry, we must make our

voices heard. If we don't, the consequences will be catastrophic. Your membership and support help make our organization strong.

Unfortunately, in the times in which we live, we can't afford to be silent!

## Your Texas Agriculture Minute

### Agricultural land is disappearing in Texas

**By Gary Joiner**  
Publisher

The costs of a growing state like Texas can be sobering.

The price paid is often the development of working farm and ranch land.

It's been happening for a while in our state. From 2010 to 2020, Texas added 4 million people. Housing units were up over 16% in that same time.

More folks are coming, too. An historic 3,800-acre ranch about 11 miles from downtown Fort Worth is one of the latest properties to fall. Cattle had called the ranch owned by the same family home since 1935.

Not anymore. The Veale Ranch sold recently to make room for homes and another 30,000 people.

Reports indicate housing starts in North Texas are up more than 40% this year. Builders are scrambling to find sites for future home communities.

That puts farms and ranches and their acres in high demand. Once farm and ranch land is developed, it leaves production agriculture forever.

It's a cruel irony that a burgeoning state and nation that needs more food to feed a growing population is actually gobbling-up the acres it needs to grow that food.

We need to keep private property in agriculture. We need to keep farmers and ranchers on the land, because it's good for the land, and it's good for you, me and Texas.



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## FALA signs available online for Farm Bureau members

During the 87th legislative session earlier this year, Texas Farm Bureau (TFB) worked with State Rep. Andrew Murr on strengthening protections for farmers and ranchers. That included new language added to the Farm Animal Liability Act (FALA).

The bill, HB 365, ensures farmers and ranchers receive the same liability shields already in place for other agricultural activities.

The original Texas statute said people hosting agritourism events such as livestock shows, rodeos and other activities were protected against liability for “property damage or damages arising from the personal injury or death of a participant in a farm animal activity or livestock show” where people can reasonably expect to be around livestock.

Now, FALA is expanded to livestock owners on their private property, as well.

As part of the changes, farmers and ranchers must display a sign on the premises with the new statutory



*Kimble County Farm Bureau and Texas Farm Bureau District 10 State Director Pete Pawelek presented Rep. Andrew Murr a Farm Animal Liability Act (FALA) sign and thanked him for his leadership on the issue in the legislative session earlier this year.*

language.

TFB offers signs for members.

Signs may be purchased online through the TFB Store at [texasfarmbureau.org/store](https://texasfarmbureau.org/store). After clicking on the “member” link, you will be prompted to enter your MyTFB ac-

count information to proceed. You can create an account by clicking on the “Create Account” link.

For assistance in purchasing the signs, contact TFB Member Benefits Coordinator Whitney Richter at [wrichter@txfb.org](mailto:wrichter@txfb.org) or 254-751-2644.

## Farm, food workers to receive \$700 million in COVID aid

The U.S. Department of Agriculture (USDA) announced \$700 million in competitive grant funding will be available through the new Farm and Food Workers Relief (FFWR) grant program to help farmworkers and meatpacking workers with pandemic-related health and safety costs.

The program will provide relief to farmworkers, meatpacking workers and front-line grocery workers for expenses incurred due to the coronavirus pandemic.

This relief is intended to defray costs for reasonable and necessary personal, family or living expenses related to the COVID-19 pandemic, such as costs for personal protective equipment (PPE), dependent care and expenses associated with

quarantines and COVID-19 testing. The Request for Application will be announced in early fall and will be open for 60 days.

Funds will be awarded through grants to state agencies, Tribal entities and non-profit organizations serving farmworkers and meatpacking workers ranging from \$5,000,000 to \$50,000,000.

USDA is setting aside \$20 million for at least one pilot to provide targeted support to front-line grocery workers.

Eligible entities must demonstrate the capacity to reimburse farmworkers and meatpacking workers for up to \$600 for expenses incurred due to the novel coronavirus pandemic.

USDA encourages grant applica-

tions that demonstrate trusted communications networks with farmworkers, meatpacking workers and/or front-line grocery workers, as well as strong financial controls.

The grant requires applicants to show connectedness to hard-to-reach worker populations either directly or in partnerships with other local organizations.

Applicants should be able to describe how they will partner with smaller organizations to facilitate financial relief to such populations.

Applications must be submitted through [www.grants.gov](https://www.grants.gov).

Additional information and technical assistance for applying to these grants and program updates will be provided by USDA at [usda.gov](https://usda.gov) when the application period opens.

## Annual trapper, fur convention to be held in October

Well-known trappers, fur hunters and handlers from across the United States will gather in Gatesville this month for the semi-annual convention and members’ meeting of the Texas Trappers and Fur Hunters’ Association.

The Fall Rendezvous will be held Oct. 15-16 in the Gatesville Civic Center.

“We provide instructions and demonstrations on how to capture different kinds of animals, and we try to educate the membership and the public about proper fur handling techniques and ethical wildlife control methods,” Bill Applegate, vice president of the organization, said.

The programs are designed to help trappers deal with nuisance animal complaints.

There will be presentations on predator management for wildlife, high fence predator solutions and predator trapping.

Attendees will be able to visit a nearby ranch and pick locations to set traps.

The event also will include a ladies skillet toss, kids and ladies crafts, basic trapping for youth and fundraising activities.

Vendors with trapping, calling and fur hunting merchandise and specialty knives also will be at the event.

The rendezvous is free and open to the public. Advanced registration is not required.

Applegate said there’s a need for trappers in Texas year-round because they help manage wildlife.

With regulated trapping, the peaks and valleys in wildlife populations are minimized, he said.

For more information about the Fall Rendezvous, visit [www.ttfha.com/rendezvous.html](https://www.ttfha.com/rendezvous.html).



## Growers vote to continue pecan marketing order

Pecan growers voted to continue their marketing order program applicable to pecans grown in Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina and Texas.

In a referendum, 63% of pecan producers voting, who represented 71% of the volume of pecans produced by those voting, were in favor of continuing the program.

The referendum was held June 7-28 by the U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS).

Voting was reopened until July 23 in response to some industry members not receiving ballots.

For the program to continue, two-thirds or more of the growers voting in the referendum, or producers representing the production of two-thirds or more of the volume of pecans produced, had to vote in favor of continuance.

The marketing order requires a continuance referendum be held every five years.

The marketing order authorizes the American Pecan Council to regulate grade, size, maturity, container and pack standards for pecans grown in 15 states under USDA's oversight. Authorities under the marketing order support the industry's effort to thrive in a competitive marketplace.

Information about the marketing order is available on the 986 Pecans webpage on [ams.usda.gov](https://ams.usda.gov).

Authorized by the Agricultural Marketing Agreement Act of 1937, marketing orders are industry-driven programs that help producers and handlers achieve marketing success by leveraging their own funds to design and execute programs they would not be able to do individually.

AMS provides oversight to 29 fruit, vegetable and specialty crop marketing orders and agreements.



# Traditions endure

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# November ballot to include eight constitutional amendments

Eight constitutional amendments will be decided by Texas voters this November.

The eight propositions cover many topics, including rodeo raffles, taxes, the state judiciary, county-issued infrastructure bonds and the authority to limit religious services.

Texas Farm Bureau (TFB) policy is neutral on all propositions.

## **Proposition 1: HJR 143**

Bill language: “The constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys Association or the Women’s Professional Rodeo Association to conduct charitable raffles at rodeo venues.”

The constitutional amendment allows there to be charitable raffles at rodeo events if the raffle is hosted by a professional sports team’s charity foundation accredited by the Professional Rodeo Cowboys Association or Women’s Professional Rodeo Association. Other professional sports team organizations, such as Major League Baseball, the National Basketball Association and the National Football League, all are currently authorized to host these types of charitable raffles.

*TFB policy is neutral.*

## **Proposition 2: HJR 99**

Bill language: “The constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county.”

Counties would be able to issue bonds to finance the development of blighted areas to increase property

tax revenue to repay the bonds. Municipalities are already able to use tax increment financing, so supporters of the proposition say it makes sense to expand this authority to counties. This allows counties to redistribute property taxes to certain reinvestment zones without increasing taxes. Current law is unclear regarding whether counties may utilize this approach, so the amendment would ensure clarity.

*TFB policy is neutral.*

## **Proposition 3: SJR 27**

Bill language: “The constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.”

During the COVID-19 pandemic, some government officials sought to restrict churches from conducting religious and worship services. This constitutional amendment would add language to the state constitution to prohibit the state or cities and counties from enacting any order that prohibits or places any limits on religious services or places of worship such as actions that took place during the early part of the pandemic.

*TFB policy is neutral.*

## **Proposition 4: SJR 47**

Bill language: “The constitutional amendment changing the eligibility requirements for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals and a district judge.”

The constitutional amendment adds qualifications for holding the office of appellate and district judges. A candidate for appellate judge cannot have had their law license taken

or suspended during the required 10 years the person was licensed and practicing. A district judge must serve for eight years as a practicing lawyer or Texas judge and must not have had their license revoked.

*TFB policy is neutral.*

## **Proposition 5: HJR 165**

Bill language: “The constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.”

The constitutional amendment would allow candidates of a judicial office to be subject to complaints and investigations by the State Commission on Judicial Conduct. Currently, only incumbent judges are subject to the Code of Judicial Conduct.

*TFB policy is neutral.*

## **Proposition 6: SJR 19**

Bill language: “The constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation.”

During the COVID-19 pandemic, many essential caregivers were prohibited from entering facilities to visit their loved ones. This constitutional amendment would establish the right of the care facility resident to designate an essential caregiver who cannot be prevented from visiting in person.

*TFB policy is neutral.*

## **Proposition 7: HJR 125**

Bill language: “The constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse’s residence homestead if the

spouse is 55 years of age or older at the time of the person’s death.”

Currently, the surviving spouse of a deceased person over the age of 65 qualifies for the continuation of the “freeze” on school district property taxes on their homestead residence. The constitutional amendment would provide the same to a surviving spouse of a disabled person who had received a “freeze” on their school district property taxes. The surviving spouse would have to be at least 55 years old at the time of the passing of their spouse.

*TFB policy is neutral.*

## **Proposition 8: SJR 35**

Bill language: “The constitutional amendment authorizing the Legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.”

The constitutional amendment would allow an exemption from property taxes of all or some of the market value of the resident’s homestead of a surviving spouse of a member of the armed services killed in the line of duty. The exemption is only available if the surviving spouse has not remarried. Current exemption applies only to a surviving spouse of an armed service member killed in action, not in the line of duty.

*TFB policy is neutral.*

## **Voting information**

Early voting is on Oct. 18-29, and Election Day is Nov. 2.

For more information and resources for voting, visit [VoteTexas.gov](https://VoteTexas.gov).



# Hours of service exemption is extended

By Julie Tomascik  
Editor

The hours of service exemption for livestock haulers was extended to midnight Nov. 30.

The Federal Motor Carrier Safety Administration (FMCSA) announced the extension in late August.

The emergency declaration was first issued in March 2020 in response to the national state of emergency brought on by the COVID-19 pandemic. The declaration is meant to provide regulatory relief to motor carriers and drivers providing direct assistance in support of relief efforts related to the pandemic.

The extension comes after livestock and agricultural organizations, including American Farm Bureau Federation and Texas Farm Bureau (TFB), consistently advocated on behalf of producers and haulers.

“Livestock producers and truckers have been working hard to keep product moving throughout the pandemic,” TFB National Legislative Director Laramie Adams said. “We appreciate FMCSA for the extension of the exemption to provide livestock haulers the flexibilities under the hours of service regulations.”

Other industries such as medical, sanitation and fuel are included in the exemption.

The current hours of service rules allow for 11 hours of drive time and 14 hours of on-duty time. The rules then require 10 consecutive hours of rest.

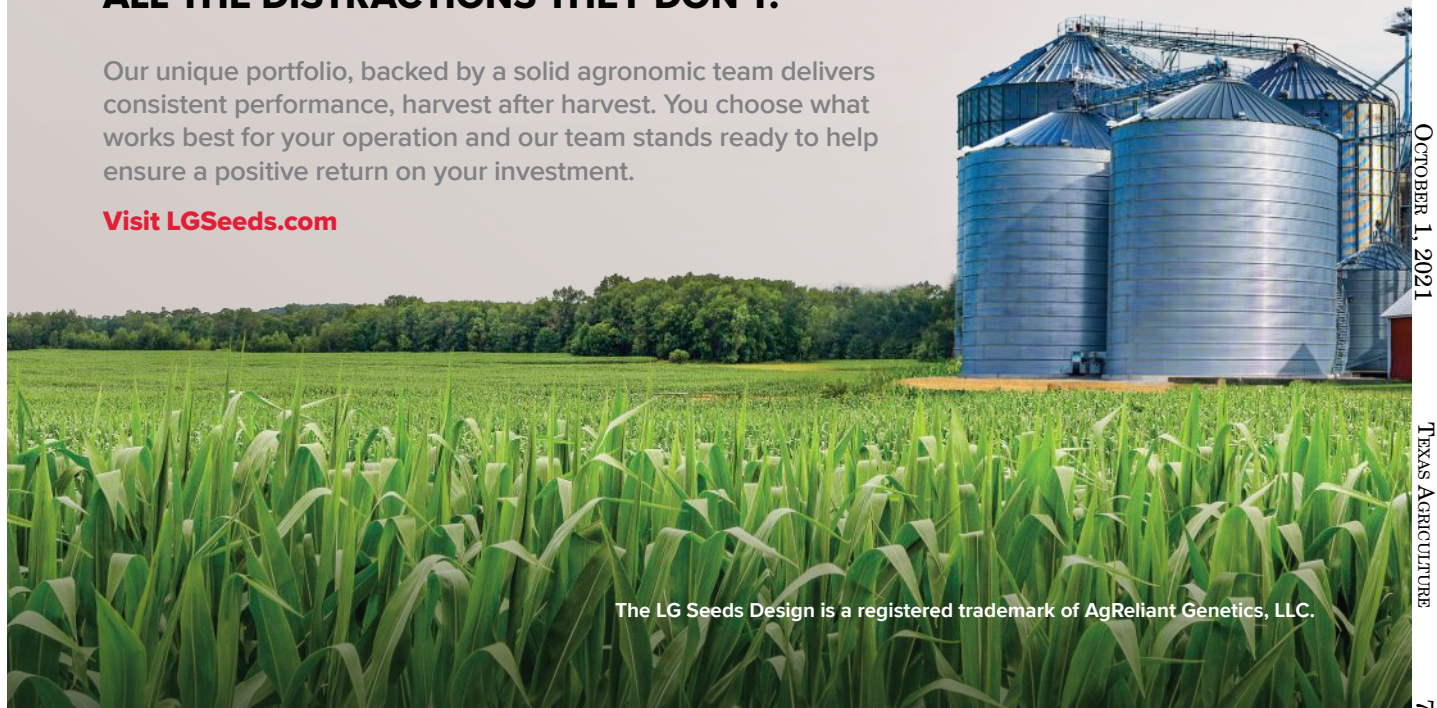
Earlier this year, a bill was introduced in Congress that aims to develop a working group that would examine guidelines to reform existing hours of service requirements for hauling farm goods. The working group would include the U.S. Department of Transportation, U.S. Department of Agriculture and other industry officials in agriculture and transportation.



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# Deadline for PRF, apiculture insurance extended

Farmers and ranchers now have until Dec. 1 to make coverage decisions and complete reporting activities for the Pasture, Rangeland, and Forage Pilot Insurance Program (PRF) and Apiculture Pilot Insurance Program (API).

The U.S. Department of Agriculture's (USDA) Risk Management Agency (RMA) is making this change and other updates to these two policies based on feedback from stakeholders.

"We want to offer flexibility to our nation's producers, which is why we are always listening to our customers and looking at ways to improve the process and products we provide to them," RMA Acting Administrator Richard Flournoy said. "The date changes will provide additional time to help producers who are busy preparing their operations for the winter."

PRF and API are both Rainfall Index crop insurance policies designed to aid farmers and ranchers in case

of a lack of precipitation that affects available forage for livestock and honeybees.

The plans consider a decline in rainfall by comparing it with the historical average precipitation for the same area during the same period of time.

PRF is designed to help protect a rancher's livestock operation from the risks of forage loss. In 2020, ranchers insured almost 160 million acres and nearly 32,000 policies to protect \$2.9 billion in liabilities.

API provides a safety net for beekeepers' primary income sources of honey, pollen collection, wax and breeding stock.

In 2020, farmers covered about 1.8 million colonies under 3,300 policies to protect \$250 million in liabilities.

RMA is revising the dates for the sales closing, acreage/colony reporting, cancellation and termination of the PRF and API insurance programs from Nov. 15 to Dec. 1.

For PRF, the agency is also increasing reporting flexibility by allowing the USDA's Farm Service Agency (FSA) acreage report (form FSA-578) to be used in conjunction with other documents to verify insurable interest.

Other changes to the plans include revising the definition of "veteran farmer or rancher" to allow a legal entity, comprised only of the veteran and their spouse, to qualify as a veteran farmer or rancher when a qualifying veteran has a non-veteran spouse.

Under the changes, a producer is also allowed to report acreage as certified organic, or as acreage in transition to organic, when the producer has requested an organic certification by the acreage reporting date.

## Other livestock insurance options

Livestock Risk Protection (LRP), which is available for feeder cattle, fed cattle and swine producers, provides protection against declining

market prices.

Recent changes to LRP have resulted in substantial increases in program participation and livestock producers are encouraged to explore these risk management tools.

More information on LRP and other livestock programs can be found online at [rma.usda.gov/Policy-and-Procedure](http://rma.usda.gov/Policy-and-Procedure).

## More information

RMA staff are working with approved insurance providers and other customers by phone, mail and electronically to support crop insurance coverage for farmers and ranchers.

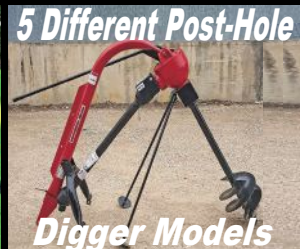
More information can be found at [farmers.gov/coronavirus](http://farmers.gov/coronavirus).

Crop insurance is sold and delivered solely through private crop insurance agents.

A list of crop insurance agents is available at all USDA Service Centers and online at [rma.usda.gov/informationtools/agentlocator](http://rma.usda.gov/informationtools/agentlocator).

Learn more about crop insurance and the modern farm safety net at [rma.usda.gov](http://rma.usda.gov).

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# Texas special legislative sessions continue, redistricting top focus

By Jennifer Whitlock  
Field Editor

The 87th Texas Legislature adjourned on May 31, but unfinished business prompted a series of special legislative sessions.

Under the Texas Constitution, the governor may convene the Legislature “on extraordinary occasions” outside the regular biennial session. The only stipulation in the constitution is that an official proclamation must state the purpose for which the Legislature is being convened.

In the third special session of the 87th Texas Legislature, which began Sept. 20, Gov. Greg Abbott identified five agenda items, including redrawing political district boundaries after the results of the 2020 Census were officially released. The final redistricting data toolkit was distributed to states on Sept. 16.

“The Texas Legislature now has the opportunity to redraw legislative and congressional districts in accordance with the new census numbers,” Abbott said. “In addition

to redistricting, there are still issues remaining that are critical to building a stronger and brighter future for all Texans.”

District boundaries for members of the Texas House of Representatives, Texas Senate, State Board of Education and the U.S. House of Representatives will be redrawn according to population data provided by the U.S. Census Bureau.

The deadline for the delivery of apportionment data was delayed by the COVID-19 pandemic, as well as “processing anomalies” uncovered during processing, Census Bureau Director Steve Dillingham said.

If Texas Senate or House districts are not enacted during the first regular session following the publication of the decennial U.S. Census, the Texas Constitution requires a five-member Legislative Redistricting Board of state officials, including the lieutenant governor and speaker of the house, to meet and adopt a plan, according to the Texas Legislative Council.

As authorized by federal law in 1941, the U.S. House of Representatives has 435 members. The congressional seats are reapportioned among the 50 states after each census to represent roughly equal populations. The “ideal population” for each congressional district is 766,987.

Texas was allocated 36 seats in 2010, but the latest census data shows the Lone Star State will now add two new congressional districts for a total of 38 seats in the U.S. House for the 118th Congress. The population of Texas increased by nearly 4 million people, or 15.9%, since the 2010 Census.

The number of Texas Senate, House and State Board of Education districts will remain the same at 31, 150 and 15, respectively, though the ideal population for each has grown to reflect the total increase in Texas’ population over the past 10 years.

Other priority legislative items covered in this special session include spending of federal coronavirus funds, participation of transgen-



*The third special legislative session is underway.*

der student athletes in University Interscholastic League competitions, COVID-19 vaccine mandates and the practice of leaving dogs tied to an object, such as a tree in a yard, while unattended.

## New insurance option for corn farmers who ‘split apply’ nitrogen

Corn farmers who “split apply” nitrogen will soon have another option for insurance coverage. Beginning in crop year 2022, the U.S. Department of Agriculture’s (USDA) Risk Management Agency (RMA) will offer the Post Application Coverage Endorsement (PACE) in certain states for non-irrigated corn, providing coverage for farmers who use this practice.

To “split apply” nitrogen, growers make multiple fertilizer applications during the growing season rather than providing all of the crop’s nitrogen requirements with a single treatment before or during planting.

PACE will provide payments for the projected yield lost when farmers are unable to apply the in-season nitrogen application.

“USDA is committed to building insurance options that encourage use of practices that are better for the environment and for producers’

bottom lines,” RMA Acting Administrator Richard Flournoy said. “We are able to offer the PACE thanks to the cooperation of our partners, including the Illinois Corn Growers Association, National Corn Growers Association, Ag-Analytics Technology Company and Meridian Institute.”

Split application of nitrogen can lead to lower input costs, as well as helps prevent runoff or leaching of nutrients into waterways and groundwater, the agency said. This is because it is used in more targeted amounts over multiple applications, rather than one large application.

This new crop insurance option builds upon RMA’s efforts to encourage use of conservation practices, including cover crops.

RMA recently provided premium support for farmers who planted cover crops to help offset impacts from the pandemic. The agency also



*The Post Application Coverage Endorsement will be another option for insurance coverage for corn farmers who “split apply” nitrogen.*

updated policy to allow farmers and ranchers with crop insurance to hay, graze or chop cover crops at any time and still receive 100% of the prevented planting payment. This policy change supports use of cover crops, which can help farmers build resilience to drought.

The Federal Crop Insurance Corporation Board approved PACE recently, and RMA will share additional details later this year. The sales closing date for the endorsement will be the same as the farmer’s underlying corn policy.

Learn more at [rma.usda.gov](https://rma.usda.gov).



# Educational tour highlights Southeast Texas agriculture

By Julie Tomascik  
Editor

From the fields to the jobs it creates, Texas agriculture is unique. An educational tour of Southeast Texas showed the Texas Farm Bureau (TFB) board of directors the area's agricultural diversity, providing a better understanding of the business and industry impacts from the region.

"We visited some producers and different types of facilities here in Southeast Texas," TFB President Russell Boening said. "We saw some cotton production and grain production, but we also saw things that are a little different. We saw a produce farm—a small farm in acres, but someone that's right in the middle of suburbia, so to speak."

The four-day trip through the Houston area gave the directors a look at urbanization's effect on agriculture. For the owners of Old Time Christmas Tree Farm in Spring, learning to adapt was essential.

"We went to a Christmas tree farm. That farmer was more of a conventional producer years ago, but he had to figure out a way to continue in agriculture in a different way with the Houston population growing around him," Boening said.

As the Houston area continues to expand, productive agricultural land is covered in cement, leaving farmers and ranchers to adapt quickly in order to survive.

"It's quite the experience to come down here. You're in a city, and then all of a sudden you come to a Christ-

mas tree farm. It's 60 acres and a thriving business," TFB Vice President Mark Daniel said. "We've seen vegetable farms to cattle operations and more, even a beef, pork and chicken processing plant. And we're just right in amongst the suburbs."

They visited Harris County Farms, the largest Halal slaughter facility in Texas. It's located in Houston and markets to the cultural diversity in the region.

One of the tour stops included Everde Nursery in Glen For. Their inventory includes trees, shrubs, perennials, palms, grasses, tropicals, fruits and succulents, among others.

At Atkinson Farms, the state di-

rectors learned how Mike and Theresa Atkinson took their fourth-generation vegetable farm and turned it into an agritourism experience. The Atkinsons grow over 60 different types of vegetables year-round, supplying local restaurants with produce and area residents with fresh vegetables and u-pick berries through their farm and on-site market.

But those weren't the only stops on the tour.

At Holub Fish, LLC in Blessing, the leaders learned more about fish farming. The family farm raises catfish and hybrid striped bass for wholesale food markets and recreational fish stocking.



*The state directors toured Atkinson Farms, an agritourism and u-pick operation in Harris County that grows over 60 different types of vegetables.*



*Old Time Christmas Tree Farm in Spring is surrounded by urban development but still manages to bring agriculture to life.*



*Holub Fish, LLC raises catfish and hybrid striped bass for wholesale food markets and recreational fish stocking.*



*Although it wasn't crawfish season, the directors toured rice fields and learned about crawfish production with Herff Cornelius.*



The area's climate is ideal for growing fish, although Winter Storm Uri dealt a significant blow to some of the fish farms.

They also toured a rice and crawfish farm owned by Herff Cornelius.

"We've seen catfish and bass farming. We've been to a crawfish farm, saw vegetable production. We've seen a multitude of things that involve agriculture right here in the Houston area," TFB Secretary-Treasurer Walt Hagood said. "They've all given us insight into what's going on and the challenges they have, which are very similar to the challenges we have in the Panhandle. But weather is a huge factor and a difference. We constantly worry about being dry, and so many of the producers

around here are worried about being too wet."

At Triangle Turf in Bay City, the grass is always greener. The turf farm grows St. Augustine grass, Bermudagrass and Zoysia grass. The sod is sold in pallets or rolls to fit custom installation requirements.

"I wanted my fellow directors to see how unique this area is, how much rainfall we get compared to other parts of the state and the unique, different operations that we have," said TFB District 11 State Director Allen Kaminski, who is from Sealy and represents Southeast Texas. "They're all agriculture-related, but fish farming, crawfish farming, nursery operations—it's agriculture, but it's different aspects

that you don't always think about."

The tour also included more traditional farms and ranches like J.D. Hudgins, Inc., who have been raising Brahman cattle for over 100 years. They toured United Ag Hillje Cotton Gin in El Campo, too.

As part of the trip, the directors met with Port of Houston Authority representatives for a tour of the port's facilities.

They also visited the British and Vietnamese consulates, where they discussed trade, policies and the importance of exports to Texas agriculture. Vietnam is the seventh largest U.S. agricultural export market and has seen 103% in growth since 2011. It's also an important market for Texas commodities.

"The meetings with the consulates were very good," Boening said. "We have to have these relationships so that when we start working on things like trade that are so important to Texas agriculture, we can rely on these relationships."

No matter the region, weather or circumstances, agriculture finds a way to survive and thrive. It's the spirit of farmers and ranchers, and it's definitely true in Southeast Texas where the growing population threatens the rural way of life.

"These trips are made to kind of reinforce the things that we know about, but you actually get to see them firsthand. And I think it helps us better represent our members," Boening said.



*The directors learned about shipping exports at the Port of Houston.*



*A tour of Triangle Turf in Bay City gave the directors a firsthand look at turfgrass production. The turf farm grows St. Augustine grass, Bermudagrass and Zoysia grass.*



*During the visit with the Vietnamese Consulate, they discussed trade and the importance of exports.*



*J.D. Hudgins, Inc. has been raising Brahman cattle for over 100 years in Hungerford.*



# U.S. federal judge vacates Trump administration's water rule

By Jennifer Whitlock  
Field Editor

The 2020 Navigable Waters Protection Rule (NWPR), a Trump-era replacement to the Waters of the U.S. Rule (WOTUS), was vacated by U.S. District Judge Rosemary Márquez in Arizona on Aug. 30.

Earlier this year, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers announced intent to repeal and rewrite NWPR. At the time, the agencies stated NWPR didn't sufficiently protect waters of the U.S. and was leading to environmental destruction.

After the announcement, several Native American tribes came together to file suit against the EPA and the Corps to challenge the NWPR and the 2019 "Definition of 'waters of the United States' Recodification of Pre-Existing Rules."

A South Carolina federal judge granted the plaintiffs' request to reconsider the rule in July but stopped short of completely removing it.

But in her order, Márquez wrote she had serious concerns about the two final rules.

"The seriousness of the agencies' errors in enacting the NWPR, the likelihood that the agencies will alter the NWPR's definition of 'waters of the United States,' and the possibility of serious environmental harm if the NWPR remains in place upon remand, all weigh in favor of remand with vacatur," she said.

EPA and the Corps seem to agree. The agencies previously stated they were aware of more than 300 projects that would have required EPA permitting prior to NWPR. Márquez referred in her ruling to an EPA press release alleging nearly 1,500 New Mexico and Arizona streams were considered non-jurisdictional under NWPR, "a significant shift" from statuses before NWPR was enacted.

Many in agriculture are dismayed by the court's ruling and concerned about a return to previous WOTUS definitions that were unworkable for



*A U.S. court vacated the Trump administration's scaled back clean water rule, the Navigable Waters Protection Rule, that limited the number of waterways that could be federally regulated.*

farmers and ranchers.

"American Farm Bureau Federation (AFBF) is extremely disappointed in the ruling to vacate the NWPR. Farmers finally had environmentally responsible regulations that brought clarity to clean water efforts," AFBF President Zippy Duvall said. "This ruling casts uncertainty over farm-

ers and ranchers across the country and threatens the progress they've made to responsibly manage water and natural resources."

In addition to the South Carolina court, two federal judges have refused to vacate NWPR, Duvall noted.

"Unfortunately, this Arizona court simply accepted the plaintiffs'

assertions as true and did something that no other court has done in vacating the NWPR," he said. "We are reviewing the ruling to determine our next course of action. Farmers and ranchers deserve consistency and a rule that is fair and doesn't require a team of attorneys to interpret."

## EPA should keep 'navigable' in water rule definition

The American Farm Bureau Federation (AFBF) submitted recommendations on the definition of "waters of the United States" (WOTUS). The comments were filed with the Environmental Protection Agency (EPA) and the Army Corps of Engineers.

In June 2021, the EPA announced its intent to revise the definition of WOTUS and solicited pre-proposal recommendations.

In the recommendations, AFBF expresses disappointment in EPA's decision to replace the Navigable Waters Protection Rule (NWPR) and explains why the rule should be left in place.

"To correct the fatal flaws in the 2015 WOTUS Rule, the agencies carefully struck 'a reasonable and appropriate balance between federal and state waters' that is 'intended to ensure that the agencies operate within the scope of the federal government's authority over navigable waters.'

The NWPR also brought an end to all of the uncertainty created by the agencies' aggressive assertions of jurisdiction under prior definitions by including 'categorical bright lines' to improve clarity and predictability."

"The agencies can ensure clean water for all Americans through a blend of the CWA's regulatory and non-regulatory approaches, just as Congress intended. It is unnecessary (and unlawful) to define non-navigable, intrastate, mostly dry features that are far removed from navigable waters as 'waters of the United States' to try to achieve the Act's objective."

AFBF's recommendations to EPA and the Corps include ensuring that any new regulations adhere to Supreme Court precedents and use Congress' CWA policy as a guidepost in rulemaking.

The national farm organization also said WOTUS should be defined in clear terms that are easy to apply in the field.

Other recommendations from AFBF include limiting jurisdiction over non-navigable tributaries, limiting jurisdiction of wetlands to those that abut other WOTUS and exclude prior converted cropland.

Any attempt to regulate typically dry low spots on farmland and pastures as jurisdictional "waters" would undeniably constitute overly burdensome regulation, AFBF noted.

As explained in AFBF's recommendations, it would mean any activity on those lands that moves dirt could be subject to regulation. Everyday activities such as plowing, planting or fence building could trigger harsh civil or even criminal penalties unless a permit is obtained. Federal permitting would require tens of thousands of dollars in additional costs, which is beyond the means of many farm and ranch families, and can take years to obtain.



# RMA makes changes to Whole-Farm Revenue Protection plan

Organic and aquaculture producers can soon benefit from updates to the U.S. Department of Agriculture's (USDA) Whole-Farm Revenue Protection (WFRP) plan.

USDA's Risk Management Agency (RMA) is revising the plan of insurance to make it more flexible and accessible to producers beginning in crop year 2022.

"These improvements to the Whole-Farm Revenue Protection program will make it a better risk management tool for producers," RMA Acting Administrator Richard Flournoy said. "USDA is committed to equity in program delivery, and this includes specialty crop, organic and aquaculture producers, who will benefit from these enhancements to WFRP."

Changes to WFRP include increasing expansion limits for organic producers to the higher of

\$500,000 or 35%. Previously, small and medium size organic operations were held to the same 35% limit to expansion as conventional practice producers.

The limit of insurance for aquaculture producers was increased to \$8.5 million. Previously, aquaculture producers were held to a \$2 million cap on expected revenue, and this change allows more aquaculture producers to participate in the program.

Another change allows a producer to report acreage as certified organic, or as acreage in transition to organic, when the producer has requested an organic certification by the acreage reporting date. This allows organic producers more flexibility when reporting certified acreage.

The flexibility to report a partial yield history for producers lacking records by inserting zero yields for missing years was added. Previously,

missing a year of records would cause the commodity's expected value to be zero, meaning past revenue from the commodity would contribute nothing to the insurance guarantee.

WFRP provides a risk management safety net for all commodities on the farm under one insurance policy and is available in all counties nationwide.

Farmers and ranchers purchased more than 2,000 policies to protect \$2.26 billion in liabilities in 2020.

This insurance plan is tailored for any farm with up to \$8.5 million in insured revenue, including farms

with specialty or organic commodities (both crops and livestock), or those marketing to local, regional, farm-identity preserved, specialty or direct markets.

The number of farmers and ranchers who purchase crop insurance for their specialty and organic crops continues to climb, which USDA attributes to its work with producers and agricultural groups in recent years to create new crop insurance options.

Learn more about crop insurance and the modern farm safety net at [rma.usda.gov](http://rma.usda.gov).

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# Young farmers, ranchers tour North Central Texas agriculture

By Jennifer Whitlock  
Field Editor

During the 2021 Texas Farm Bureau (TFB) Young Farmer & Rancher (YF&R) Fall Tour, 118 farmers and ranchers from 18 to 35 years of age spent a weekend in North Central Texas learning more about the region's agricultural impact.

Equine facilities, beef cattle, dairies and more were on the agenda for the annual two-day event.

"We have such a variety in agricultural production in Texas, so this fall, our advisory committee found some unique operations to show people that they may not otherwise be exposed to," TFB YF&R Advisory Committee Chair Kaylin Isbell said.

The first stop of the experience was at the King Ranch Turfgrass Granbury production facility. The King Ranch—the same legendary operation known for developing the Santa Gertrudis cattle breed—has 12 farms across the state growing more than 13,000 acres of sod grass for commercial and residential needs, said Granbury Operations Manager Nick Ashley.

A suburban residential neighborhood has sprung up around the Granbury location over the years, leading to some unique challenges. Residents complain about the noise and dust stirred up by the equipment, and they often have questions about the pesticides used by the farm.

But the frustrations go both ways. Ashley recounted how a group of local youth turned a turfgrass field into a sledding and mudding rink after this year's winter freeze, leading to costly and extensive repairs.

Other people have been found poaching on the premises, leading to a state game investigation and ongoing legal case. And yet others seem to think the turfgrass fields and well-maintained ditches are perfect dumping grounds. Ashley noted the farm's employees routinely haul away discarded mattresses, couches and trash to the city landfill, taking time and effort away from the main focus of growing sod.



*This year's Fall Tour in Granbury set a record with 118 young farmers and ranchers in attendance from across the state for the two-day event.*



*At Oswood Stallion Station, the group learned more about breeding successful working horses.*

The group also visited Oswood Stallion Station in Weatherford. Oswood specializes in breeding cutting, reining and cow horse stallions using both on-site and AI techniques. The young farmers and ranchers were able to interact with many of the yearlings being boarded at the facility.

The next stop was at Ellison Carter Cattle Co. in Santo.

Second-generation cattle broker Walton Carter explained how his family's business purchases lightweight cattle from smaller ranches and creates value by matching them into bigger lots for sale. Nine out of every 10 loads are headed to feeders in the Texas Panhandle, according to Carter.

It was a different take on one of



*Artesian Ranch raises half-blood Akaushi cattle using Angus, Red Angus and Angus-cross genetics.*

Texas' most popular agricultural sectors, said Wilson County rancher AJ Pardo. He and his grandfather run a 300-head cow-calf operation where they background the weaned calves until they are about 800 pounds and send them to feedyards.

"This operation was different because they help people who don't have big enough operations to fill contracts or sell directly on their own," Pardo said. "Whereas we could sell truckloads of cattle all at once, Carter Cattle Co. helps those who maybe only can sell 20 or 30 at a time."

Tarleton State University in Stephenville was the final stop of the day. Representatives of the College of Agriculture and Natural Resources led participants on a guided bus

tour of the university's agricultural facilities and provided dinner at the newly-acquired rodeo arena.

In addition to livestock equipment and boarding facilities, the college plans to add a weight room, exercise equipment and physical trainers on staff, because the rodeo team are student athletes, just the same as those who participate in other university sports.

The group also toured the Brazos Valley Stallion Station and Equine Rehabilitation facility in Stephenville. General Manager Frank Merrill explained the operation's equine rehabilitation, sale fitting services, breeding and mare care facilities.

Brazos Valley Stallion Station is home to the No. 1 National Cutting Horse Association stud Metallic Cat,



which sired more than \$1 million in winners at the 2021 NCHA Super Stakes, as well as top barrel racing sire Eddie Stinson.

Other stops included Ned-Tex Dairy and Volleman's Family Farm.

At Ned-Tex in Stephenville, Thomson Services owners Colin and April Thomson led participants on a tour of the dairy while discussing their dairy services operation. They sell and service all manner of dairy business needs to more than 40 dairy farms around Central Texas.

Ned-Tex, where the Thompsons installed and maintain Lely brand dairy equipment, is a fully-automated robotic dairy. Each cow of the 1,110-head herd is milked at-will once every eight hours by robotic milkers, producing two 48,000-pound loads of milk each day.

Volleman's is a vertically integrated dairy in Gustine that produces, bottles, delivers and sells milk under the Volleman's Family Farm brand. Another unique aspect of their milk is the returnable glass

bottle. Consumers pay a \$2 deposit for each bottle that is refundable when the rinsed bottles are returned to any participating store.

Pardo's wife, Illusion Hernandez, said the dairies were a big attraction for many on the tour.

"We were able to see what the product looks like from when it comes out of the cow to being bottled and sold in stores and everything in between," she said.

Beef cattle production was in the spotlight, as well, with tours of Evans Farms and Artesian Ranch.

Evans Farms is a Black Angus seedstock operation in Proctor owned and operated by third-generation rancher Dr. Bill Evans.

As someone who grew up on an Angus beef cattle operation, Montgomery County Farm Bureau member Shannon Norris-Parish said she was "nerding out" about visiting Evans Farms. And as an assistant professor of Agricultural Communications at New Mexico State University, she was excited about bring-

ing back the scope and variety of agriculture she experienced on the tour.

"Being able to take this back to the classroom is really valuable because if we're talking about ways my students can plug in with their careers or things they can do as a passion project, the possibilities are endless in agriculture," Norris-Parish said. "This experience helps reinforce this."

The final experience of the tour before dinner at a local winery was a visit to Artesian Ranch in Gustine, where owner Dr. Robert King and managers Tim and Susie Stallings run a cattle, pecan and vacation rental operation.

Artesian Ranch raises Akaushi beef for direct-to-consumer sales using Akaushi, Angus, Red Angus and Angus-cross genetics. They also manage a 5,000-tree native pecan orchard.

The Bell House vacation rental, located along the picturesque Leon River, is another revenue stream

for the diversified operation. Lodgers may bring pets and even board their horses during their stay on the working ranch.

Experiences like the Fall Tour are important for young farmers and ranchers because it brings in the next generation of Farm Bureau leaders, according to Isbell.

"The fun activities are the ones that get people hooked. My husband and I went to a Fall Tour in Amarillo six or seven years ago, and then we started attending other YF&R events from there," Isbell said. "Fall Tour is how we get them interested, then we start trying to get people to attend the YF&R Leadership Conference and get them serving on their county boards and other leadership roles from there. It's so important to have a fun event that's still educational and offers enough reason to leave our own operations and experience other types of agriculture."

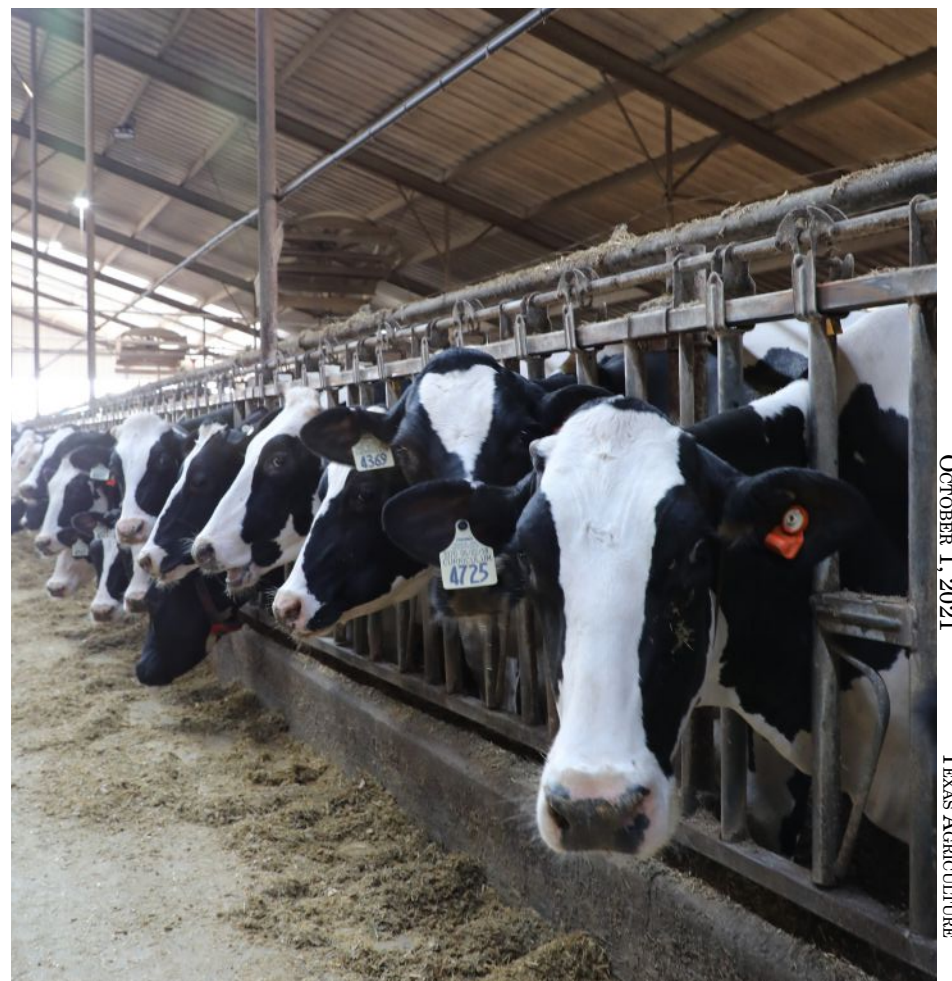
For more information about other YF&R activities, visit [texasfarmbureau.org/YFR](https://texasfarmbureau.org/YFR).



*The group learned about turfgrass and the impact of urban sprawl at King Ranch Turfgrass.*



*The Young Farmer & Rancher Advisory Committee plans the Fall Tour.*



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*At Ned-Tex Dairy, the group toured the barns and robotic milking parlor.*



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# TPWD proposes changes to CWD rules, expands CWD zones

By Jessica Domel  
Multimedia Reporter

To reduce the spread of a fatal, neurological disease in deer, the Texas Parks and Wildlife Department (TPWD) proposed several amendments to statewide chronic wasting disease (CWD) rules.

In a presentation to the Texas Parks and Wildlife Commission Sept. 15, Mitch Lockwood, TPWD Big Game Program director, said the amendments are needed to mitigate risks not addressed in the current rules.

“The epidemiology of the situation suggests the comprehensive CWD rules were not effective at early detection or at disease containment,” Lockwood said. “We think many of the shortcomings can be addressed by modifying the surveillance requirements for deer breeding facilities.”

Since March 23, CWD has been detected at seven permitted deer breeding facilities in Texas.

Those facilities were quarantined to prevent the further spread of the disease.

Then, sites that shipped deer to those facilities, or received deer from them, over the past five years were placed on hold—unable to ship or receive deer while animal health officials investigated.

To address concerns CWD was being transferred from facilities where the disease may exist undetected, TPWD issued emergency CWD rules in late June.

Those rules are set to expire in December.

The amendments proposed by TPWD in September would require postmortem testing for CWD on all deer mortalities at deer breeding facilities if the deer is at least 12 months old or older.

“We concur with stakeholder recommendations to require postmortem samples to be reported and submitted to the lab within seven days,” Lockwood said. “We also concur with the stakeholder recommendation to increase the minimum expected postmortem test, but we propose the rate to be five percent.”

Antemortem, or live animal, testing would be required for all deer before they’re released at a new site or facility.

“Staff believe the requirement of the emergency rules to antemortem test all deer prior to release should be maintained, but we recommend the time during which that testing may occur to eight months,” he said.

No deer under six months old will be tested, and therefore, deer under six months of age, cannot be released under the new amendment.

A testing plan would also be required for the site where the deer would be released.

“Limiting the number of breeding facilities that a nursing facility could receive fawns from, in a given season, to one is something that the CWD task force felt strongly about,” he said.

The proposal would also discontinue what some call the rent-a-buck program.

“A breeder buck would not be allowed to return to a breeding facility after being utilized in a DMP (Deer Management Permit) facility,” Lockwood said.

The Trap, Transport and Transplant program would also be suspended until it can be thoroughly evaluated. TPWD staff want to determine if the program can resume without adding risk for disease transmission.

The proposal would change proof-of-sex requirements to encourage owners to leave the risk parts of a deer carcass at the site of harvest.

“To facilitate this, we proposed changes to the proof of sex requirements to allow for sex organs accompanied by the tail to serve as proof of sex and species for does,” Lockwood said. “We chose to focus on doe deer right now, just because that’s simple to address in the short term. Antlers add complication, and more vetting with the white-tailed deer advisory committee is necessary to consider additional proof of sex alternatives.”

The commission recently approved new CWD surveillance and containment zones in areas where deer with

CWD has been found to prevent the further spread of the disease.

A new containment zone will cover a 75-square-mile radius in Lubbock County, while a larger 700-square-mile surveillance zone will encompass portions of Lynn, Lubbock, Crosby and Garza counties.

Another new surveillance zone was approved for areas of Hunt, Rockwall, Kaufman and Van Zandt counties.

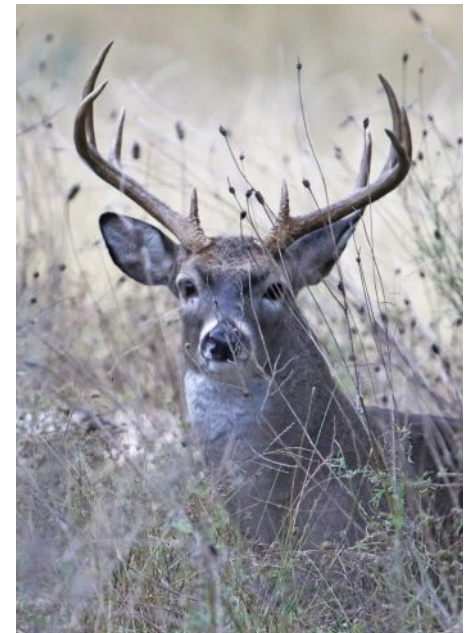
The commission also approved expansion of CWD zones in Uvalde County.

CWD is a neurodegenerative disease that affects cervid species like white-tailed deer, mule deer, elk, red deer and sika.

Cervids may be exposed to CWD by direct contact with an infected animal or by coming into contact with items in the environment an infected animal has been exposed to.

Infected deer can shed CWD prions through their saliva, urine, feces, blood and soft antler material for years before showing outward symptoms of the disease.

The soil can become contaminated through the decomposition of a dead



infected animal.

According to the Centers for Disease Control and Prevention, there is no evidence CWD poses a serious risk to human health, but as a precaution, hunters are encouraged to avoid consuming meat from animals that are infected.

TPWD will publish the proposal in the *Texas Register* and accept comments on the proposals before the commission takes further action.

## White-tailed deer season outlook strong

Texas Parks and Wildlife Department (TPWD) biologists say that 2021-22 is expected to be a white-tailed deer season for the books.

Last year, the overall white-tailed deer population was estimated to be 5.4 million deer.

While that estimate is down from the previous two years, TPWD biologists say that if fawn recruitment predictions hold true this season, coupled with good carryover of deer from last hunting season, hunters and landowners can expect to see an increase in the overall statewide white-tailed deer population.

The favorable habitat condi-

tions should boost the body condition of deer populations and set up deer to enter the fall and winter with a substantial layer of fat.

The favorable weather conditions were also vital in helping bucks maximize antlers as they finish out the growing season.

Antler quality is predicted to be well above average for the 2021-22 season.

The general season opener is on Nov. 6.

The general season runs through Jan. 2, 2022 in the North Zone and Jan. 16, 2021 in the South Zone. A special youth-only gun deer season is set for Oct. 30-31 and Jan. 3-16, 2022.



# New schedule outlined for Texas Farm Bureau annual meeting

By Julie Tomascik  
Editor

Texas farmers and ranchers will address organizational policy issues and be recognized for membership achievements at the 88th annual meeting of Texas Farm Bureau Dec. 3-5 in Corpus Christi.

The agenda for this year's annual meeting will be a bit different than previous years.

## Friday, Dec. 3

Registration will begin Friday afternoon at 3 p.m. TFB member services exhibits, County Activities of Excellence winners and TFB's Doorways to Agriculture exhibit will be on display from 3-6 p.m.

The Young Farmer & Rancher (YF&R) Discussion Meet registration and orientation will begin at 5 p.m.

Members can also enjoy an evening of fun and fellowship during the Annual Convention Welcome Event, which will be dueling pianos. The event, sponsored by the YF&R Advisory Committee, is scheduled for 8-10 p.m. at the Omni Hotel.

## Saturday, Dec. 4

Activities will begin on Saturday, Dec. 4, at 8 a.m. The events include TFB member services exhibits, County Activities of Excellence dis-

plays, TFB's Doorways to Agriculture exhibit, the YF&R Silent Auction and county delegate photos.

Also this year, a special guest will be in attendance in the exhibit area. Jen Betton, the illustrator of the children's book *Barn at Night*, will be signing copies of the book. It is the latest from the American Farm Bureau Foundation For Agriculture's publishing venture. The book features a father and daughter working in the pre-dawn hours in their barn to feed and care for their animals.

Betton lives in Dallas and has received numerous awards for her illustrations.

The first round of the Discussion Meet also begins at 8 a.m., followed by the second round at 10 a.m. The final round will begin at 1 p.m. Members are encouraged to watch the young farmers and ranchers participate in the various rounds.

The three YF&R Excellence in Agriculture finalists will each give a presentation, beginning at 9 a.m.

The Opening General Session will begin at 2 p.m.

During the session, members of the AgLead-FarmLead XV class will be recognized, as will the winners of the Pioneer Awards, Media Awards, Com-

## TEXAS FARM BUREAU

# 88th ANNUAL MEETING

DECEMBER 3-5, 2021 | CORPUS CHRISTI

munications Awards and Outstanding Ag in the Classroom Teacher.

Texas Lt. Gov. Dan Patrick has been invited to address members during the session.

District caucuses will begin after the general session concludes, and the AGFUND dinner, which is invitation only, is slated for the evening.

## Sunday, Dec. 5

On Sunday, the meeting will resume at 8 a.m. with a devotional and tribute video, followed by membership recognition and the announcement of the YF&R contest winners. Members will also hear from Gov. Greg Abbott via video.

A delegate luncheon and YF&R Live Auction will be held before the business session. The money raised during the live auction benefits TFB's scholarship program.

During the business session, members will discuss state and national policy issues to guide the organization's advocacy efforts.

"Our members will address the needs of farmers and ranchers and rural communities through our grassroots policy development process," TFB President Russell Boening said. "Our policy discussions will look at ways to strengthen agriculture in our state and nation. We want to make sure agriculture stays sustainable and profitable, ensuring we have a nutritious food and fiber supply."

## Registration details

A link to the reservations and the tentative agenda is available online at [texasfarmbureau.org/annualmeeting](https://texasfarmbureau.org/annualmeeting).

More details will be posted online as information becomes available.



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# COVID-19 virus found in deer

By Jessica Domel  
Multimedia Reporter

The U.S. Department of Agriculture (USDA) confirmed that wild, white-tailed deer in Ohio have tested positive for the virus that causes COVID-19.

It's the first time deer have tested positive for the disease worldwide.

According to USDA's Animal and Plant Health Inspection Service, samples from the deer were collected between January and March by the Ohio State University College of Veterinary Medicine as part of ongoing deer damage management activities.

The deer showed no clinical signs of infection.

So far, SARS-CoV-2 infections have been reported in a small number of species worldwide—mostly in animals that have had close contact with a human with the virus.

USDA reports they're still learning more about SARS-CoV-2 in animals, but based on the information available now, the risk of animals spreading the virus to people is considered low.

People with suspected or confirmed cases of COVID-19 are encouraged to avoid contact with pets and other animals to protect them from possible infection.

At this time, routine testing of animals for the virus that causes COVID-19 is not recommended.

State, tribal, local and territorial animal health and public health officials will work with USDA and the Centers for Disease Control and Prevention to determine whether animals should be tested.

USDA announces cases of confirmed infection in animals each time the virus is found in a new species.

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**READ THIS NOTICE CAREFULLY. YOUR LEGAL RIGHTS  
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**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)



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## Heavy summer rains left South Texas grain sorghum saturated

By Julie Tomascik  
Editor

Too much of a good thing? That summarizes this year's summer rainfall for some South Texas farmers.

The year promised to be a good harvest for grain sorghum. But in mid-summer, things changed. The rain started falling in Wharton County, where Keith Bram farms his own ground and works for Popp Farms.

And it didn't stop.

Many areas reported between 15 to 20 inches during July, but it wasn't the amount of rain that was necessarily the problem. It was the crop staying wet for an extended period of time.

"The continuous rains, daily rains and keeping it wet as it went into nighttime—that's probably the biggest problem is the daily rains we were getting just continuously keeping it damp and moist in the field," Bram said.

Before the rain set in, the crop had high potential.

"Last year was a tremendous crop.

I don't think this was going to be quite as good, but it was very good. It was going to be a lot of about 7,000 pound milo, I think," he said.

Unfortunately, the moisture degraded the crop. It caused the seed to sprout in the head, and it became moldy.

"No one wants the moldy sprout. The sprouted milo is one thing, but when it gets moldy, they definitely don't want it," he said.

With nowhere to take the crop, Bram and Popp Farms submitted a crop insurance claim.

"When they don't want it, we have to get rid of it somehow," Bram said. "We had crop insurance out to get the okay. We had to cut a sample, had to get three rejection letters from three different elevators saying that they would not accept that quality of milo, and so then we shred it and turn in the insurance claim."

With the extra height and heads still on the stalk, Bram decided to shred the crop rather than plow it under.



**Keith Bram holds damaged sorghum and stands in front of a field at Popp Farms that isn't harvestable due to an abundance of moisture.**

This year's weather has brought many challenges to Texas farmers.

"Rain is not always your best friend, but you sure hate to complain about the rain," Bram said. "Timely rains are always the best. Untimely rains usually happen when harvest

is beginning or when you're trying to plant, or just planted and you get a flood causing problems like that. So, we try not to complain about the rain, because I know there's a lot of parts of the state that don't get very much."



# Deadline extended for pandemic aid for producers with animal losses

The U.S. Department of Agriculture (USDA) is providing additional time for livestock and poultry producers to apply for the Pandemic Livestock Indemnity Program (PLIP).

Producers who suffered losses during the pandemic due to insufficient access to processing may now apply for assistance for those losses and the cost of depopulation and disposal of the animals through Oct. 12, 2021, rather than the original deadline of Sept. 17, 2021.

“Livestock and poultry producers were among the hardest hit by the pandemic,” Farm Service Agency (FSA) Administrator Zach Ducheneaux said. “We want to ensure that all eligible producers have the opportunity to apply for this critical assistance. The Oct. 12 deadline also aligns with the Coronavirus Food Assistance Program 2 deadline.”

PLIP is part of USDA’s Pandemic Assistance for Producers initiative.

PLIP provides payments to producers for losses of livestock or poultry depopulated from March 1, 2020 through Dec. 26, 2020, due to insufficient processing access as a result of the pandemic.

Payments are based on 80% of the fair market value of the livestock and poultry and for the cost of depopulation and disposal of the animals.

Eligible livestock and poultry include swine, chickens and turkeys.

## PLIP program details

PLIP payments are calculated by multiplying the number of head of eligible livestock or poultry by the payment rate per head, and then subtracting the amount of any payments the eligible livestock or poultry owner has received for disposal of the livestock or poultry under the Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP) or a state program.

The payments will also be reduced by any Coronavirus Food Assistance Program (CFAP 1 and 2) payments paid on the same inventory of swine that were depopulated.

Eligible livestock and poultry producers can apply for PLIP through the Oct. 12, 2021 deadline by completing the FSA-620, Pandemic Livestock Indemnity Program application, and submitting it to any FSA county office.

Additional documentation may be required.

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

## Additional pandemic assistance

Other programs within the Pandemic Assistance for Producer initiative with upcoming deadlines include the Coronavirus Food Assistance Program 2, which provides critical support to agricultural pro-

ducers impacted by COVID-19 market disruptions. The deadline for this application is Oct. 12.

The deadline for the Pandemic Assistance for Timber Harvesters and Haulers, which provides financial re-

lief to timber harvesting and timber hauling businesses that experienced losses in 2020 due to COVID-19, is Oct. 15.

For more information, visit [farmers.gov/pandemic-assistance](https://farmers.gov/pandemic-assistance).



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# Possible tax increases continue to worry farmers, ranchers

By Jennifer Whitlock  
Field Editor

The latest round of negotiations for the FY22 Reconciliation Spending Package includes proposed tax increases that could negatively affect many family farms and ranches.

While Democratic proponents of the \$3.5 billion spending bill have backed away from eliminating the step up in basis of assets upon inheritance and the 1031 like-kind exchange tax law, farmers and ranchers are still concerned.

In a letter sent to congressional leadership in early September, American Farm Bureau Federation (AFBF) President Zippy Duvall said many of the proposals could set back American agriculture for generations to come.

“Despite all claims to the contrary, these tax increases will have a disproportionate impact on American family farms, stifle economic growth and rural prosperity and could lead to further consolidation across the agricultural sector, putting multi-generational family farms in jeopardy,” Duvall wrote.

More than 275 other organizations representing family-owned agribusinesses joined AFBF in sending another letter to Congress stating their concerns.

There are more than four times as many farmers and ranchers 65 years of age and older as there are under the age of 35. And those individuals own more than 40% of agricultural land in the U.S., according to the ag groups.

With more than 370 million acres expected to be passed down or change hands in the next 20 years, any changes to estate tax code provisions could drastically affect those families’ continued legacies.

Under the leadership of Texas Congressman Kevin Brady, the Tax Cuts and Jobs Act (TCJA) of 2017 doubled the estate tax exemption from \$11 million per married couple to \$22 million. The provision is set to expire on Dec. 31, 2025.

But when the House Committee

on Ways and Means submitted its markups to the House Budget Committee in mid-September, it asked to end the TCJA estate tax exclusion on Dec. 31 of this year. If passed, estate tax exclusions will roll back to \$5 million per person or \$10 million per couple, indexed.

“While the death tax should never have come into existence, we were pleased many farms and ranches were spared by doubling the exemption rate in 2017. The hope was, by 2025, we would be able to pass legislation to make that higher estate tax exclusion permanent or scrap the tax altogether,” Texas Farm Bureau (TFB) National Legislative Director Laramie Adams said. “But the current administration and some congressional leaders want to cut the exemption rate early. We, as an organization, cannot allow for the exclusions to go away at the end of this year. It will be disastrous for many of our members.”

The past few years have not been

kind to agriculture, with lower commodity prices, trade wars, multiple natural disasters and supply chain disruptions from the COVID-19 pandemic creating a challenging business environment.

“Any changes to the tax code that create additional financial burden on those operating or hoping to inherit family operations could well be the proverbial final nail in the coffin,” Adams said. “These are all very important tools used by many of our members. If Congress wants to saddle farmers and ranchers with more taxes right now, when they’re already having a difficult time coming out of the pandemic, it’s going to put them out of business. It’s important our members stay very vocal about how those changes will affect them.”

TFB has facilitated more than 60 congressional farm visits and discussions so legislators can get a “boots on the ground” view of how these proposals could harm family operations, he added. TFB also led a

## TFB names 2021 Clover Cash grant recipients

By Julie Tomascik  
Editor

Engaging students and the community in activities to increase agricultural literacy and awareness is part of Texas Farm Bureau’s (TFB) educational and youth outreach efforts.

To help do that, TFB awarded \$20,000 to 23 county, district and state 4-H programs and activities through the Clover Cash Grant Program.

“This program is important because it seeks to encourage county, district and state 4-H programs to continue their educational efforts in a variety of ways,” said Jordan Walker, TFB associate director of Organization Division, Educational Outreach. “The applications present unique, exciting and creative projects that provide students with training and experiences that ultimately equip them to take on valuable roles as leaders, change-makers

and active community members. TFB believes in investing in the next generation of leaders, and this program does just that.”

Now in its second year, the grant program was established to fund hands-on activities that grow students’ knowledge of food, fiber and fuel. Programs funded by the Clover Cash grants also strive to help students understand the importance of agricultural advocacy.

“4-H members involved in these projects truly have the opportunity to learn so many different skills, lessons and information,” Walker said. “Our hope is that the projects funded by this grant will foster an environment of growth, challenge students to think critically and create a community of life-long learners.”

Programs that received county-level grants include: Anderson County 4-H, Alvin County 4-H, Cass County 4-H, Concho County 4-H, Grayson County 4-H, Harris



letter with many agricultural, business and energy organizations and chambers of commerce to U.S House and Senate leadership to highlight issues with the tax proposals.

“Although this package has some support, nothing is set in stone yet. We have to keep fighting and keep engaging with our lawmakers to help them understand why these changes will kill family farms and ranches,” Adams said.

County 4-H, Channing 4-H Club, 4-H Greenville – Hunt County, Leon County 4-H, Preston Smith PTA – Lubbock County, Evening Star 4-H Club – Montgomery County, Mildred GT Classroom 4-H – Navarro County, Roberts County 4-H, TGC 4-H & ANR Coalition – Tom Green County, Cooperative Extension Program – Willacy County CEP Agents, Williamson County 4-H and Young County 4-H Program Area Committee.

Programs that received district-level grants include: District 1 4-H, District 2 4-H, District 8 4-H and a Hamilton County 4-H District Event.

Programs that received state-level grants include the 4-H Water Ambassadors Program and Texas 4-H Council.

For more information about the Clover Cash grant program, visit [texasfarmbureau.org/youth/youth-opportunities](https://texasfarmbureau.org/youth/youth-opportunities) or contact [youthactivities@txfb.org](mailto:youthactivities@txfb.org).



# Above-average quail season expected in South Texas

By Jessica Domel  
Multimedia Reporter

Quail hunters can expect good to very good hunting in South Texas this year, but should probably temper their expectations if hunting on the Rolling Plains.

Rangeland and habitat conditions across much of Texas are good to excellent this year thanks to spring and summer rains. That bodes well for grassland birds, including quail, but this year, other factors are impacting quail numbers.

“With the Rolling Plains, the last three years have really been comparable to the 2011-2013 drought period that we had,” John McLaughlin, Upland Game Bird program leader for the Texas Parks and Wildlife Department (TPWD), said. “Entering this year, we had really low population numbers and what we refer to as low breeding stock—not a lot of hens on the landscape available to nest.”

That, combined with a lack of quality nesting cover from previous

years, led to a slow start to the nesting season.

“We really expect that it will be a below-average hunting season for most folks across that region,” McLaughlin said.

Each year, TPWD releases a quail season forecast based on quail roadside counts conducted the first two weeks of August.

McLaughlin said despite the good spring and summer rains across Texas, TPWD came up with some of the lowest survey numbers on record for much of the state.

The good news is bobwhite numbers are expected to be much better in South Texas.

“Last year, they had quite a productive year and actually accounted for about 80% of the statewide harvest. They had some good carryover,” McLaughlin told the Texas Farm Bureau Radio Network. “They caught that May-to-July rainfall. Range and habitat conditions look great in that part of the state.”

Good to very good quail numbers are expected in South Texas, especially in areas east of Interstate 35, including Brooks, Kenedy and Kleberg counties.

Above-average to good quail hunting conditions are expected anywhere west of IH-35 from Austin to Del Rio.

Scaled quail numbers are expected to be below average to average in West Texas.

If Winter Storm Uri had any impact on the quail population, it's tough to tell.

“We weren't tracking birds during that period, so it would be mostly speculative, but I would say it definitely wasn't good and most likely hurt birds as they were preparing to come into the nesting season,” McLaughlin said.

TPWD made no regulation changes for quail hunters this year.

The bag limit remains at 15 birds per day with a possession limit of 45. Quail hunting season is set for



*An above-average quail season is expected this year. Photo courtesy Texas Parks and Wildlife Department.*

Oct. 30 through Feb. 27, 2022.

If hunters don't have a place to hunt quail this season, McLaughlin recommends checking out the Drawn Hunt webpage on [tpwd.texas.gov](http://tpwd.texas.gov).

“It's a private lands quail hunt in Lipscomb County,” McLaughlin said. “It's a great opportunity to get out on a private ranch and pursue some birds.”

There are 36 permits available.

Applications are \$10 each. The deadline to enter is Oct. 15.

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# Agricultural groups urge USDA to address supply chain issues

By Jennifer Whitlock  
Field Editor

The American Farm Bureau Federation (AFBF) recently sent a letter to U.S. Secretary of Agriculture Tom Vilsack offering possible solutions to several supply chain issues American farmers and ranchers have repeatedly encountered since the start of the COVID-19 pandemic.

The letter was sent to Vilsack ahead of his anticipated report to President Joe Biden regarding agricultural commodity and food product supply chains.

Biden issued an executive order in February requiring a 100-day review and report of various American supply chains by federal agency executives including Vilsack, who is the head of the U.S. Department of Agriculture (USDA).

AFBF asked USDA to consider action on a variety of topics, including livestock processing capacity, farm inputs, commodity and food transportation, labor and trade.

“We are now in our 18th month of the COVID-19 pandemic. During this period, our nation has witnessed vulnerabilities throughout the supply chain that haven’t been seen before. Consumers faced empty grocery store shelves and mile-long food bank lines, while farmers and ranchers were being asked to cull animals, dump milk and plow under fresh produce,” AFBF President Zippy Duvall wrote. “The pandemic emphasized areas beyond the farm gate where food supply chain systems need improvement.”

Livestock processing capacity issues particularly affected Texas farmers and ranchers, according to Texas Farm Bureau (TFB) Associate Director of Commodity and Regulatory Activities Tracy Tomascik.

Livestock processing capacity issues were worsened by a series of recent events: a 2019 meatpacking facility fire, the 2020 pandemic and a cyberattack this spring against the world’s largest meat processing com-



pany, JBS SA.

Changes are needed to prevent bottlenecks in the packing and processing sectors of meat production, Tomascik noted.

“Farmers and ranchers in Texas have not been spared the challenges over the past 18 months as we’ve dealt with supply chain issues,” he said. “This has uncovered numerous vulnerabilities in our ability to endure catastrophic events in the food supply chain.”

AFBF suggested USDA implement grants to modernize or expand existing facilities, provide grants to

processors to modernize processing and manufacturing equipment, develop grants for down payments to build new meatpacking facilities, and create grants or cost-share programs for state governments to develop and implement state inspection programs.

Funding for those grants could come from the \$500 million allocated to meat and poultry processing from the USDA’s Build Back Better Initiative.

A summary of AFBF’s letter and details on each supply chain issue are available at [fb.org](http://fb.org).

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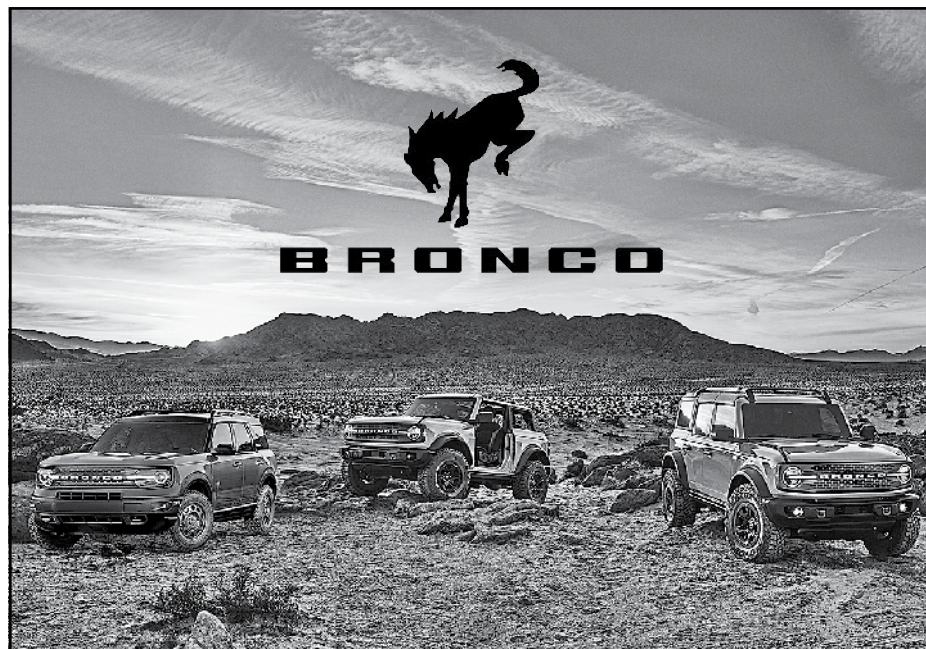
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27



# Rio Grande Valley citrus slowly recovering after February's freeze

By Julie Tomascik  
Editor

After February's historic freeze, Rio Grande Valley citrus growers faced much work and rehab for the groves.

"We had to see what groves we were going to keep and what groves we were going to take out and where we were going to replant," Dale Murden, citrus grower and president of Texas Citrus Mutual, said. "A lot of the trees are looking good after the freeze, but we're soaking a lot of money in them, which means we're going to have more expenses, obviously."

More expenses with a citrus crop that's forecast to be down 70% is tough news for Valley farmers.

"A light crop means little income when you're trying to rehab a grove and infuse the dollars into it to get them back to a profitable state," Murden said.

But it could have been worse. Like the freezing weather in 1983 and 1989 that decimated the citrus crops.

"It's a big number—70%. But we're thankful we've got what we've got. At least we get to keep our spot in the marketplace somewhat until we're back fully," he said.

February's freeze devastated two different growing seasons of crops, Murden noted.

The majority of the fruit that remained on the trees in February fell to the ground, and the crop that's growing now was significantly reduced. Because of the freeze, harvest is expected to be delayed.

"I think we're probably going to push harvest back to the first of November. Typically, we'd start in late September, but with a light crop, we'll probably consolidate harvest into about maybe a three month period—November, December and January," he said. "We'll just have to see how it goes. But I think that's most of the sheds' plans at the moment is to just hold what we've got and then pull the trigger early November. Kind of in time for the holidays."

The holiday seasons are important for Texas citrus growers. Providing a little slice of sunshine in holiday gift baskets is a premium market for the fruit.

In addition to weather challenges, Rio Grande Valley citrus growers also struggle with the Mexican fruit fly, citrus greening and lack of labor needed to help harvest the fruit from the trees.

"Aside from COVID, we were seeing labor issues starting to develop here, anyway. That's a huge concern of ours. Obviously, guestworker programs are what we need, but then we need to just get past this COVID pandemic that we're in and move forward," he said. "It's really, really hard to find people to work right now. And then in the specialty crop industry down here, we typically fight each other for laborers. We'll be harvesting grapefruit at the same time some of these specialty crops are coming in. So, now we're competing with ourselves for a smaller labor pool."



**Citrus harvest will be delayed this year. Photo courtesy Dale Murden.**

Despite the challenges, growers remain hopeful.

"I was out digging around in one of the groves the other day, and when you see those clusters of fruit coming back and looking good, that just always gives you optimism," Murden said. "And why do we do what we do? We're passionate about it, it's what we love doing. It's a challenge. You can't control Mother Nature, but your heart and soul is in it. It's just what we do."



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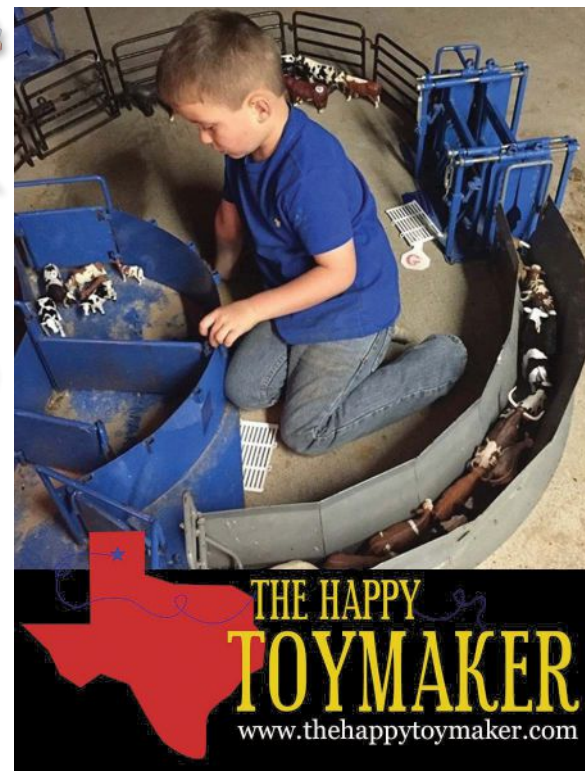
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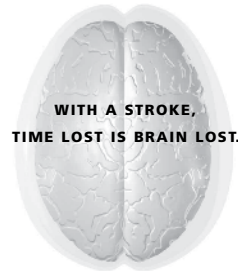
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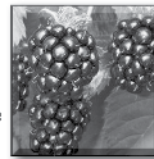
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