



AGRIBUSINESS ASSOCIATION OF IOWA

TAKE FIVE

A five-minute summary of industry activities for members of the largest state agribusiness association in the nation.

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CropLife America Expresses Disappointment at US Supreme Court's Decision to not Review Ruling on NPDES Permitting

CropLife America (CLA) expressed its disappointment with the U.S. Supreme Court's decision not to review a recent ruling from the 6th Circuit Court of Appeals regarding National Pollutant Discharge Elimination System (NPDES) permits. CLA had filed a cert petition asking the Supreme Court to review and reconsider the three-judge panel's decision which struck down the U.S. Environmental Protection Agency's (EPA) regulation that NPDES permits are not required when applying pesticides to or near water sources. Historically, agricultural pest management activities have been treated as non-point sources under the Clean Water Act and have not required NPDES permits.

"The panel's ruling creates another legal burden for our farmers, custom applicators and agricultural dealers, and leads to additional regulations which may well further prevent food growers from maximizing their output," said Jay Vroom, president and CEO of CLA. "We are disappointed that the 6th Circuit's decision could cause the U.S. government to continue to practice a precautionary policy which is detrimental not only for farmers, but could prevent the country from producing more food, fuel and fiber for a growing world population."

The final decision by the 6th Circuit is stayed until April 2011. Despite the Supreme Court's decision, CLA will continue to pursue additional avenues to contain the 6th Circuit's ruling. The organization will also continue to work with key stakeholders to ensure

that the critical needs of agriculture are best preserved.

"While we recognize that only a very small percentage of cert petitions are accepted for review," said Douglas Nelson, executive vice president and general counsel of CLA, "we are also aware of decisions of other federal courts in NPDES cases which affirm the regulatory framework of EPA and Congress to treat pesticides as non-point source applications. Regardless, CLA will continue to work with EPA to minimize the burden placed on farmers and reduce the disruption this will cause across the crop protection industry."

CLA filed the cert petition with the U.S. Supreme Court on November 2, 2009, with support from a host of agricultural allies including: Agribusiness Association of Iowa, BASF Corporation, FMC Corporation, Responsible Industry for a Sound Environment, Southern Crop Production Association and Syngenta Crop Protection, Inc. A separate cert petition challenging the 6th Circuit's decision was also filed by the American Farm Bureau Federation, American Forest & Paper Association and The National Cotton Council.

Several amici briefs supporting CLA's cert petition were also filed by various state departments of agriculture and national trade associations. Additionally, over 30 members of Congress, including both Democrats and Republicans, also filed a brief requesting the Supreme Court accept the case.

Department of Justice and USDA Workshops to Explore Competition and Regulatory Issues in the Agriculture Industry to Begin March 12 in Iowa

The Department of Justice (DOJ) and the U.S. Department of Agriculture (USDA) have announced the agenda and panelists for the first joint public workshop, which will be held on March 12, 2010, in Ankeny, Iowa, to explore competition and regulatory issues in the agriculture industry. The workshop will be held at the Des Moines Area Community College's FFA Enrichment Center.

The workshops are the first joint DOJ/USDA workshops ever to be held to discuss competition and regulatory issues in the agriculture industry. Attendance at the workshops is free and open to the public. The general public and media interested in attending the initial workshop should register at <https://go.dmac.edu/ffa/agworkshop>.

The DOJ's Assistant Attorney General for the Antitrust Division, Christine Varney and Agriculture Secretary Tom Vilsack will participate in the workshop and will be joined by Iowa Agriculture Secretary Bill Northey and Iowa Attorney General Tom Miller. They will participate in a roundtable discussion with presentations on current issues affecting farmers. Two panels focusing on the competitive dynamics in the seed industry and trends in contracting, transparency and buyer power will follow. The first day of the workshops will end with an enforcer roundtable and public testimony.

A full agenda can be found on the DOJ's website at <http://www.justice.gov>. Individuals seeking more information on the workshops should contact agriculturalworkshops@usdoj.gov.



Time to Think About Grain Quality Again

Written by: *Dr. Charles R. Hurburgh, Department of Agricultural and Biosystems Engineering*

Towards the end of February we typically begin to experience warmer weather and with that arises concerns related to the 2009 corn that came from the fields with low quality and high moisture. Some of the important properties of this corn that are at the basis of this concern are:

It was wet - over 20 percent moisture, some much greater.

It was light - test weights averaged about 52 pounds per bushel with little increase after drying. Light corn spoils faster and breaks more in handling.

It had low protein - less than 7.5 percent at 15 percent moisture.

Storage life is an issue - about half of normal corn with the same moisture and temperature.

There was damage (mold) in the field - about 3-5 percent where normal is 1-2 percent. The field mold was primarily *cladosporium* which does not produce toxins. There was some incidence of other molds and toxins in either hail damaged corn or very late planted corn. Toxins will not go away in storage, but usually do not increase either. For more details and information about harvest quality issues, visit the archive of ICM articles related to this topic at www.iowagrains.org.

Managing last year's corn harvest

Stored grain should be uniformly cool at 35 F or below. The active period for grain spoilage will begin in late February, as air temperatures rise. You should be checking corn weekly from now on, because 2009 corn has much shorter storage time (shelf life) than normal.

Record the temperatures on every inspection, more often if you have an electronic system that monitors continuously. Changes (increases) in the temperature over time when there has been no fan activity are an indication of spoilage starting. Grain is a good insulator which means that a slow rise in a temperature monitor could mean a much greater problem some distance from the

sensor. Once corn has started to spoil, problems will return even after aeration cooling; the shelf life has been used and this corn will create problems until it is moved out.

Corn can be kept cold, even frozen, farther into spring as long as: 1) the corn is clean; 2) it has had the center core removed (to take out fines and trash); and 3) the bin has additional fans in the peak to bring in fresh air to control condensation dripping.

Things to do or check now, before problems show up:

- Know the moisture, test weight and temperature in every bin. These are the key parameters that determine future condition.
- If you have corn at 20 percent or higher moisture, move or dry it immediately.
- Market by test weight - lightest corn first.
- In February or early March - remove some corn from each bin if possible. Check. Re-level.
- If there is an increase in temperature, act immediately.
- Corn for feed should be tested for toxins (vomoxin) and protein.
- Test for toxins by drawing at least a 5 pound sample; grind the whole sample for the test. Composites of several individual loads or undivided bin samples are best.

Not all corn is in good condition, even now

Outdoor storage had problems; some firms used it as temporary wet holding space with poor results. Bins have been emptied with the corn in poor condition. This means that there will be marketing concerns through the entire year. The average damage level of 2009 corn was high out of the field, which leaves very little room to blend storage problems. Since 65 percent of Iowa corn is used for ethanol, which has low tolerances for damage and damage-related toxins, expect that damage discounts will increase, and that corn will be graded more carefully. On the other hand, corn that is kept in good condition into summer will be in demand. Expect that even dry corn will start to have issues in late summer.

We will keep you updated as the weather changes.

Charles Hurburgh is a professor of Agricultural and Biosystems. He can be contacted at (515) 294-8629 or by email at tatry@iastate.edu. This article can be found at:

www.extension.iastate.edu/CropNews/2010/0216hurburgh.htm.

DNR now Accepting Watershed Planning Grants

The DNR is now accepting applications for the grants, which help local groups develop comprehensive, long-term Watershed Management Plans to improve rivers, lakes and streams on the state's impaired waters list. These plans identify problems in the watershed and propose solutions for better water quality. Groups can request \$10,000 to \$50,000 in grant funding to create a plan.

Applications are due April 1, 2010 by 4:30 p.m., Central time.

Find application forms and additional details at: www.iowadnr.gov/water/watershed/planning.html or contact Steve Hopkins at (515) 281-6402 or Stephen.Hopkins@dnr.iowa.gov.

Upcoming AAI Committee Meetings & Events

- [Foundation Motorcycle Conference](#)
Call: March 1, 2010, 4:00 pm
- [Grain Committee Meeting](#): March 2, 2010, 8:00 am - 5:30 pm, Scheman Building, Ames, IA
- [Feed & Livestock Committee Meeting](#): March 2, 2010, 10:00 am - 2:00 pm, AAI Office, Des Moines, IA

For additional information and to view more upcoming events, go to the AAI website at www.agribiz.org for.