

Master Marketer Newsletter

<http://mastermarketer.tamu.edu>

Volume 18●Issue 4●January 2019

In this Issue:

Season's Greetings!	1
Choice Website	1
FARM Assistance Update	1
Guest Column	2

Season's Greetings!

In keeping spirit with the holiday season and being thankful for the many opportunities we have been provided, Master Marketer would like to give a "Texas-Sized" *Thank You* to the 2018 and 2019 Master Marketer sponsors. With their support, we have taught workshops year-round to bring you the latest in market news and provide up-to-date trends while using current data and connecting professionals throughout the field. We could not have had this successful run without the continued support from our sponsors. Along with Texas A&M AgriLife Extension Service, funded grants have been provided by USDA-RMA, Texas Corn Producers, Texas Farm Bureau, Cotton State Support Committee-Texas, Texas Wheat Producers Board, Texas Grain Sorghum Board, and Capital Farm Credit.

Choice Website

www.mesonet.ttu.edu

The West Texas Mesonet provides high quality meteorological and agricultural information to the National Weather Service who then relays WTM data to the media and surrounding community through warnings, forecasts, local storm statements, weather radio, and other reports. The West Texas Mesonet is a continuing partnership with the National Weather Service and works to expand the WTM into other regions and additional NWS County Warning Areas. Available as an Apple and Android App and with a 120 weather station-network, the mission of the West Texas Mesonet is to operate a world-scale monitoring network to deliver high-quality information to the citizens of West Texas and Eastern New Mexico.

The West Texas Mesonet website is very well organized and full of easy-to-read maps, charts, and graphs with data dating back to 2000. Collected at each WTM station every 1-5 minutes are wind speed and direction, temperature, humidity, rainfall, barometric pressure, and solar radiation. Soil temperature, soil moisture, and leaf wetness are collected every 15 minutes. In addition, the West Texas Mesonet features agricultural data, radar imagery, satellite imagery, Sound Detection and Ranging Maps, and West Texas Lightning Mapping Arrays.

FARM Assistance Update

Steven Klose,

Professor and Extension Economist,
Department of Agricultural Economics,
Texas A&M University

As we kick off another year and plans for 2019 start to shape up, it's a good time to highlight another product that comes out of our FARM Assistance group. Extension Agricultural Economics has published budgets for common enterprises around the state dating back almost 50 years. For the last several years, Jerry Cornforth has been coordinating the development and publishing of the state Extension Budgets. Extension District Ag Economists annually prepare district specific budgets using local knowledge, data, and expertise. Jerry and our staff make the budgets available early each spring.

Extension budgets are published to serve several purposes. First, is simply to provide examples of common practices used to raise a crop or livestock enterprise in a specific area. The budgets also illustrate a possible set of price and cost expectations for that coming crop year. Most importantly, the budgets serve as a template the farm/ranch manager can use to produce a budget plan specific to their operation. Directly supporting the last purpose, we also have available downloadable spreadsheets you can use to build your own budgets. Using the template provided, you can enter costs, yields, and prices specific to your operation and analyze your own profit potential, break-even prices, and break-even yields. Jerry also has a help video that explains how to use the spreadsheets.

The budgets can be found at <http://agecoext.tamu.edu/> Follow the "Resources" menu to "Crop and Livestock Budgets." You can search the budgets by district or by commodity. To find the downloadable spreadsheets, look for the "Build Your Own Budgets" menu option on the right side of the page.

Need help with budgets, or need a more comprehensive evaluation of your whole farm/ranch, as always, we look forward to helping you. Contact FARM Assistance toll free at 1-877-TAMRISK or online at: farmassistance.tamu.edu



Guest Column: 2018 Ag Law Year in Review

Tiffany Dowell Lashmet, J.D.

Agricultural Law Specialist,
Department of Agricultural Economics,
Texas A&M University

It's been quite a year for agricultural law! Looking back, it has been interesting to see the variety of legal issues that have come up in the last 365 days and there are numerous issues of which agricultural producers should be aware. If you want to hear more about these topics, check out the Year in Review podcast at <http://aglaw.libsyn.com/episode-47-paul-goeringer-2018-year-in-review> We'll be looking forward to sharing more ag law news and information with you in 2019!

Syngenta corn litigation settles for \$1.5 billion.

The (nearly approved) settlement in the class action litigation against Syngenta related to MIR-162 corn seed is likely the biggest news of the year. As you may recall, lawsuits were filed across the country by farmers, shippers, and agribusinesses when corn prices fell after China rejected corn shipments in 2013 due to the presence of this MIR-162 trait.

In April 2018, Judge Lungstrum, who was overseeing the Multi-District Litigation in the District of Kansas, granted preliminary approval for a nationwide settlement of claims for all farmers, grain elevators, and ethanol plants. The proposed settlement required Syngenta to pay \$1.5 billion to the class—which included any farmers who offered corn for sale—whatever variety—between September 2013 and April 2018. Any farmers, elevators, or ethanol facilities meeting the class definition, then, had a decision to make. They could either opt out of the class (meaning they would not receive any portion of the settlement, but would still be able to file any individual claims they may have) or remain in the class, which would bar any future claims. Those wishing to remain in the class and obtain their portion of the settlement funds were required to submit a claims form by October 2018.

Judge Lungstrum held a final approval hearing in November and issued an Order approving the settlement in December. According to statements from Class Counsel, the earliest possible time frame for settlement distribution to occur would be April 2019. Class members could still potentially appeal that Order once it is filed which would, of course, delay the payment of any proceeds.

Federal hauling regulations require Electronic Logging Devices for certain vehicles.

The Federal Motor Carrier Safety Administration (FMCSA) was not an agency on the radar of many cattle producers, but that changed in 2018. In December 2017, new regulations were passed by the FMCSA that requires Electronic Logging Devices (ELDs) on certain vehicles hauling property, including livestock and horses. Initially, there was a good deal of concern and confusion that these regulations could apply to anyone driving a one-ton pickup and pulling a horse trailer. After certain clarification was offered and additional laws passed, these regulations are in place, but will not impact the vast majority of livestock producers hauling trailers, but will certainly apply to commercial haulers. The ELD rule did not modify the already-existing hours of service limitations, but will require electronic logging of hours driven, rather than manual, paper records previously used. Given concern over animal welfare impacts of the new regulations, a waiver of the ELD requirements was granted and has been in place for several months. Just last week, the FMCSA announced a new policy, making the ELD rules inapplicable to livestock and insect haulers "until further notice."

Several nuisance lawsuit verdicts against swine operations in North Carolina.

When twenty-six nuisance lawsuits were filed against swine operations in North Carolina, the livestock industry across the US paid attention. Hundreds of landowners who are neighbors of swine farms that are contract growers for Murphy-Brown, LLC (a subsidiary of Smithfield Foods) filed suits against Murphy-Brown alleging that the operations were a nuisance. In particular, they complained about odor, flies, and heavy traffic at these hog farms.

In an extremely critical pre-trial ruling, the presiding judge held that the North Carolina Right to Farm statute did not apply in any of the twenty-six cases. This meant that the Right to Farm affirmative defense—which was designed to apply in cases like this—could not be argued by the defendants in these lawsuits.

Four of the lawsuits have been heard to date. The first three each one resulting in multi-million dollar verdicts in the plaintiffs' favor. The fourth trial, which was just concluded last week, resulted in a far smaller verdict of \$102,000 total for eight plaintiffs. That was, in part, because the judge sitting on the fourth trial—a different judge than on the prior three—held that the plaintiffs failed to present sufficient evidence to allow for punitive damage claims to go forward. The fifth trial is set to go to trial in early January, and twenty-one more remain pending after that.

The parties have agreed and sought approval from the trial court to allow for an interlocutory appeal in these cases, which means that although the litigation is not over, the court would allow the defendants to appeal certain rulings at this stage, including the Right to Farm decision, rather than waiting for all twenty-six cases to be tried. Although the trial judge indicated he would approve this, the required orders have not been issued to allow this step to be taken yet.

In light of these lawsuits, the North Carolina legislature made significant modifications to its Right to Farm Act this year, offering stronger protections for agricultural operations. Although these provisions will not apply to the cases already filed, they will be in place for any future lawsuits.

EPA allows over-the-top dicamba use for 2 more years with additional labeling restrictions.

After litigation across much of the country related to dicamba drift, there was some question whether the EPA would renew the registration for the three products approved for over-the-top use on cotton and soybeans. At the end of October, EPA announced it was extending the registration for an additional two-year period, subject to some additional labeling requirements. Among the additional requirements are that only certified applicators may apply the product (rather than someone supervised by a certified applicator), limits on how long after planting the product may be applied, and limits on the time of day the products may be used.

Meanwhile, numerous lawsuits remain pending around the country against the companies that manufacture the seed and three pesticide products. Several class action suits were transferred to multi-district litigation in Missouri. An individual suit, where a Georgia peach farmer who suffered drift damage in 2015 and 2016 filed suit against Monsanto for releasing a defective crop system (by selling the dicamba tolerant seeds but no corresponding approved pesticide) will be the first to go to trial with a scheduled court date of October 2019.

TEXAS A&M AGRI LIFE EXTENSION

2124 TAMU, College Station TX 77843-2124

Prepared by:
Emmy Kiphen, Extension Program Specialist and
Dr. J. Mark Welch, Professor and Extension Economist-Grain Marketing

Department of Agricultural Economics,
Texas A&M AgriLife Extension Service,
Texas A&M System,
College Station, TX 77843-2124

If you would like to receive this newsletter by mail,
or have any other questions about the Master Marketer System,
please contact Emmy Kiphen at emmykiphen@tamu.edu or (979) 847-6143.

An archive of newsletters can be found online by visiting
<http://agecoext.tamu.edu/programs/marketing-programs/master-marketer-program/newsletters/>

The Texas A&M AgriLife Extension Service provides equal access in its programs, activities,
education and employment, without regard to race, color, sex, religion, national origin,
disability, age, genetic information, veteran status, sexual orientation or gender identity.

The Texas A&M University System, U.S. Department of Agriculture,
and the County Commissioners Courts of Texas Cooperating

Partial funding support for the Master Marketer program has been provided by
USDA-RMA, Cotton Inc.-Texas State Support Committee, Texas Farm Bureau, Capital Farm Credit,
Texas Corn Producers, Texas Grain Sorghum Producers, and Texas Wheat Producers Board.