

Agricultural Law Update

Foster Swift Agri-Business Section

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DATES TO REMEMBER:

December 5, 2011 - Deadline to return USDA FSA county committee election ballots to local FSA offices

December 6-8, 2011 - Great Lakes Fruit, Vegetable and Farm Market Expo, Grand Rapids, MI

December 12, 2011 - First Michigan Wheat Committee Meeting, Greenstone Farm Credit Services, East Lansing, MI

December 14, 2011 - Michigan Commission of Agriculture & Rural Development Meeting, Greenstone Farm Credit Services, East Lansing, MI

January 9-11, 2011 - Michigan Agri-Business Association Winter Conference & Trade Show, Lansing, MI
VISIT OUR BOOTH!

January 17-19, 2011 - Fort Wayne Farm Show, Fort Wayne, IN

Michigan Farmers Markets Receive Federal Grants

by: Liza C. Moore

The United States Department of Agriculture announced the grant recipients for fiscal year 2011 for the Farmers Market Promotion Program. The Farmers Market Promotion Program is aimed at improving and expanding domestic farmers markets, roadside stands, community-supported agriculture programs, agri-tourism, and other direct producer-to-consumer market opportunities.

Approximately \$10 million was allocated to the program for fiscal year 2011. Entities eligible to apply include agricultural cooperatives, producer networks and associations, public benefit corporations, economic development corporations, regional farmers market authorities, and Tribal governments.

Several programs, cities, and markets in Michigan received funding through the program.

Food System Economic Partnership, Ann Arbor, MI - \$91,840

In collaboration with Ann Arbor Township and Michigan State University's Student Organic Farm, Food System Economic Partnership was awarded a grant to develop a New Farmer Incubator Center.

City of Manistique, Manistique, MI - \$62,671

This grant is for development of the Manistique Farmers Market.

Village of Edmore, Edmore, MI - \$59,994

This grant will promote, develop, and expand the Edmore Marketplace and Farmers Market.

City of Clare, Clare, MI - \$21,800

The grant will expand the Clare Main Street Farm and Arts Market.

Ottawa County Health Department, Holland, MI - \$43,376

The Ottawa County Health Department will collaborate with the City of Holland to implement a new EBT system at the Holland Farmers Market.

Main Street Calumet, Calumet, MI - \$29,089

The grant will be used to promote, develop, and expand the Main Street Calumet Farmers & Artisans Market.

Joy-Southfield Community Development Corp., Detroit, MI - \$53,114

This grant will expand the West Side Market.

Wayne Metropolitan Community Action Agency, Wyandotte, MI - \$63,316

This grant is to start the Inkster Farmers Market.

City of Marquette, Marquette, MI - \$46,002

This grant will expand the Downtown Marquette Farmers market and EBT program.

- For more information about this program, please visit www.ams.usda.gov/AMSv1.0/fmpp
- To view the nationwide recipient list, please visit www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5094639&acct=fmpp

Calhoun Conservation District Awarded People's Garden Grant

by: Liza C. Moore

On November 10, 2011, The USDA announced that the Calhoun Conservation District was one of the 10 recipients of the USDA's People's Garden Grant Program. According to the press release, the Calhoun Conservation District was awarded \$70,000. This program was designed to invest in urban and rural areas identified as food deserts or food insecure areas, particularly those with persistent poverty. More than 360

proposals were submitted nationwide. People's Gardens give residents direct access to fresh fruits and vegetables. To view the press release, please visit http://www.usda.gov/wps/portal/usda/usdahome?contentid=2011/11/0484.xml&navid=NEWS_RELEASE&navtype=RT&parentnav=LATEST_RELEASES&edeployment_action=retrievecontent

USDA APHIS Posts Draft Environmental Impact Statement on Glyphosate Tolerate H7-1 Sugar Beets; Seeks Public Comment

by: Liza C. Moore

On October 11, 2011, the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA APHIS) produced a draft Environmental Impact Statement considering alternatives in response to Monsanto/KWS SAAT AG request for a determination of non-regulated status of its event H7-1 sugar beets. This sugar beet cultivar is genetically engineered to be resistant to glyphosate herbicide, or "Roundup Ready (RR)." The regulation status of these sugar beets has been extensively litigated in California and District of Columbia federal courts.

APHIS originally deregulated H7-1 sugar beets in 2005. APHIS prepared the draft EIS to comply with a September 2009 court order that APHIS should have prepared an EIS before making a determination on the nonregulated status of the beets. The APHIS press release regarding the EIS states that "On July 29, 2010, Monsanto and KWS SAAT AG submitted to APHIS a supplemental request to amend the petition requesting partial deregulation of RR sugar beets to authorize continued cultivation subject to carefully tailored interim measures and conditions.

In response to that supplemental petition, APHIS prepared an environmental assessment and made a determination that it is appropriate to partially deregulate H7-1 sugar beets root crop production activities if grown under specific mandatory conditions." According to the EIS Executive Summary:

"The purpose of this EIS is to present analysis of alternative responses to the 2003 petition [from Monsanto/KWS SAAT AG] in a manner that comprehensively informs the decisionmaker of the potential impacts to the human environment from the selection of a given alternative." (p. v). The three alternatives considered in the EIS include:

1. denial of the petition seeking a determination of nonregulated status,
2. determination of nonregulated status, or
3. extension of the partial deregulation of RR sugar beets for the root crop, with mandatory conditions and restrictions.

The EIS noted that Huron County, Michigan has ten percent of harvested cropland in sugar beet production. (Table 5-2, p. 658). The EIS analyzed the alternatives, the affected environment, environmental consequences, and cumulative effects of the sugar beets. Regulations.gov states that it will accept comments on the EIS until December 13, 2011.

To view the EIS, please visit www.regulations.gov/#!documentDetail;D=APHIS-2010-0047-3179

To view the press release, visit www.aphis.usda.gov/newsroom/2011/10/eis_ge_sugarbeets.shtml

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USDA APHIS also posted a Plant Pest Risk Assessment for Event H7-1 Sugar Beet. The Assessment concludes:

"APHIS has prepared this plant pest risk assessment in order to determine if event H7-1 sugar beet is unlikely to pose a plant pest risk under full deregulation. Based on the information provided by the applicant, consideration of current scientific literature and the lack of plant pest risk from the inserted genetic material, weedy

characteristics, atypical responses to disease or plant pests in the field, effects on non-targets or beneficial organisms in the agro-ecosystem, and horizontal gene transfer, APHIS has concluded that event H7-1 sugar beet is unlikely to pose a plant pest risk." (p. 10).

To view the Plant Pest Risk Assessment, please visit www.regulations.gov/#!documentDetail;D=APHIS-2010-0047-3178

Michigan Recipients of Federal Biofuels Payments

by: Liza C. Moore

Green Meadow Farms, Inc. and Scenic View Dairy, LLC in Michigan both received funding for anaerobic digesters from the USDA's Bioenergy Program for Advanced Biofuels Program. The federal program is designed to help eligible producers support and expand advanced biofuels production. Eligible examples include biofuels derived from cellulose,

crop residue, animal, food and yard waste, biogas (landfill and sewage waste treatment gas), vegetable oil, and animal fat. To view the press release, please visit http://www.usda.gov/wps/portal/usda/usdahome?contentid=2011/10/0466.xml&navid=NEWS_RELEASE&navtype=RT&parentnav=LATEST_RELEASES&deployment_action=retrievecontent

Great Lakes Conservation Assessment Released; Shows Conservation's Positive Effects

by: Liza C. Moore

The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) prepared a study showing that farmers using combinations of erosion-control and nutrient-management practices on cultivated cropland are reducing the movement of sediment, nitrogen, and phosphorus from farm fields to the Great Lakes. Agriculture Secretary Tom Vilsack said "The Great Lakes Conservation Effects Assessment Project (CEAP) study confirms that good conservation planning and implementation have reduced loadings of sediment and nutrients to waterways throughout the region. The Administration appreciates the actions of every farmer who is stepping up to implement conservation practices, protect vital farmlands and strengthen local economies. At the same time, we also see opportunities for even further progress."

The study estimates that conservation tillage and other conservation practices have resulted in a 50% decline in sediment, 36% decline in phosphorus, and 37% decline in nitrogen entering streams and rivers. The study covers the entire United States side of the Great Lakes region, including nearly all of Michigan, and analyzes data obtained by the USDA National Agriculture Statistics Survey from 2003-2006.

View more information about this report at www.mi.nrcs.usda.gov/news/11%20NewsReleases/Great%20Lakes%20CEAP%20Report%2010-14-11.html

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Interested in hosting "Breakfast on the Farm" in 2012? Submit your application by December 1, 2011.

by: [Liza C. Moore](#)

Michigan State University Extension is seeking applications for the 2012 "Breakfast on the Farm" program. More than 13,400 people attended the eight "Breakfast on the Farm" programs held at farms across Michigan this past year. The program gives consumers a chance to take a look at modern farms and meet hardworking farm families.

For more information visit www.breakfastonthefarm.com or contact MSU Extension

Agriculture Literacy Educators and Breakfast on the Farm organizers, [Mary Dunckel](#) at 989-354-9870 or dunckelm@anr.msu.edu or [Nancy Thelen](#) at 734-222-3825 or thelenn@anr.msu.edu.

Applications and Host Farm Expectations are located at www.breakfastonthefarm.com/breakfastonthefarm/contact_us

EPA Administrator Tells Sen. Stabenow that PM10 Regulating Dust Will Not Be Revised

by: [Liza C. Moore](#)

On October 14, 2011, Environmental Protection Agency Administrator Lisa Jackson wrote Senator Debbie Stabenow a letter stating that "Based on my consideration of the scientific record, analysis provided by EPA scientists, and advice from the Clean Air Science Advisory Council, I am prepared to propose the retention--with no revision--of the current PM10 standard and form when it is sent to OMB for interagency review." Sen. Stabenow had inquired about the status of EPA's Review of National Ambient Air Quality Standards for particulate matter, in particular coarse particles (PM10), which can come from construction, demolition, industrial operations, and dust. Senator Stabenow issued a statement in response to the EPA letter. "We raised this issue earlier in the year with the EPA Administrator and

the Secretary of Agriculture, and I'm glad that they listened to the serious concerns raised by the agriculture community about possible dust regulations," Senator Stabenow said. Many were concerned that revisions to the PM10 standard would cover farm dust.

To view the EPA letter, please visit www.epa.gov/pm/pdfs/20111014Stabenow.pdf

To view the Senate Committee on Agriculture, Nutrition, and Forestry press release, please visit <http://ag.senate.gov/newsroom/press/release/chairwoman-stabenow-senator-klobuchar-issue-statements-on-epas-decision-not-to-impose-burdensome-dust-regulations-on-farmers-rural-communities->

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