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Ricketts Farm Service  
Salisbury

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Carroll

April 25, 2009

## FROM STEVE'S DESK Taylor

by Steve



### What Does "Card Check" Mean to You?

In the game of blackjack, my understanding is that you say "check" when you want to "check your cards" and not draw any additional cards. But what does "card check" mean? If you employ people, "card check" could have the potential to impact your business.

Congress is considering legislation that would do away with secret ballots as the method of holding union elections. Instead, it would be replaced with a "card check" process where a union is organized if a majority of workers simply sign a card. The legislation is called the Employee Free Choice Act (EFCA) or also called the "card check" bill (S. 560, H.R. 1409).

Besides eliminating secret ballots, EFCA would impose binding arbitration in the event a first collective bargaining agreement cannot be reached in 120 days and expand penalties for employer (but not union) violations of the National Labor Relations Act, including penalties of up to \$20,000 per offense.

At the national level, many organizations are voicing concern with the "card check" bill. MO-AG's affiliated organization, the Agricultural Retailers Association (ARA), is one of the agricultural organizations expressing opposition to the EFCA. Groups dedicated to stopping EFCA include the Coalition for a Democratic Workplace (<http://www.myprivateballot.com>) and Agriculture

Jefferson City

**Chris Hoffman**  
Hoffman and Reed  
Trenton

**Rex Meyr**  
Shawntee Feed and Seed  
Jackson

**Mike Nordwald**  
Ray-Carroll Co. Grain  
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**Wayne Orey**  
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for a Democratic Workplace  
(<http://www.coalitionforagriculture.org/index.php>).

At the state level, several states, including Missouri, are considering amendments to the constitution which would protect the secret ballots (<http://www.sosballot.org/index.php>). Missouri House Joint Resolution 37 is being considered which would allow Missouri voters to consider amending the state constitution to say "That the right of individuals to vote by secret ballot is fundamental and thus, where state or federal law requires elections for public office or public votes on initiatives or referenda, or designations or authorizations of employee representation, the right of individuals to vote by secret ballot shall be guaranteed." HJR 37 is designed to prevent elimination of secret ballots in Missouri, if EFCA should become federal law. As this Wrap-Up goes to print, HJR 37 is on the House calendar.

Again, if you employ people, "card check" could impact your business. If want to look into this potential impact further, I suggest you may want to get more information from the sources I mentioned above.

Until next time ... Steve

### **MEMBER NEWS**

#### **MO-AG Welcomes New Member**

Please welcome MO-AG's newest member: Loida Ag Service. We appreciate your membership and look forward to working with you in the future.

### **REMINDER**

#### **2009 MO-AG Pesticide Container Recycling Program**

The application for the 2009 MO-AG Pesticide Container Recycling Program is due May 1st. The containers will be picked up in August this year. You can download the brochure at [www.mo-ag.com](http://www.mo-ag.com).

### **NEWS YOU CAN USE**

#### **Climatologist Watches La Nina Activity**

According to Iowa State University extension climatologist Elwynn Taylor, the agricultural weather forecast for the Midwest over the next couple of months depends on the strength of La Nina. "The extremes we had during the winter were because of La Nina, almost directly," Taylor says. "La Nina faded - but it's now strengthened back to La Nina strength."

Taylor says most experts believe La Nina will fade away again. "If it's gone by early June, we can expect a year with an above-trend line crop yield once again," Taylor explains, "and maybe even get some drydown in the fall, without all of the headaches to start with." But if La Nina sticks around ... "We might find what was a very wet winter and spring, and some planting problems, turning into a very hot and dry summer," says Taylor. That, he says, is still a very real - and overdue - possibility. [*Source: Brownfield*]

### **Court Stay Grants EPA Two Years to Finalize NPDES Permits**

On April 8, 2009, the Environmental Protection Agency (EPA) announced that it would not petition for rehearing of the U.S. Court of Appeals for the Sixth Circuit decision that vacated the agency's final rule exempting pesticide applications from the need to obtain a Clean Water Act permit. On April 9, 2009, the Department of Justice (DOJ) chose not to seek rehearing on the opinion issued by the federal court. DOJ instead filed a motion to stay issuance of the Court's mandate for two years to provide EPA time to develop, propose and issue a final National Pollutant Discharge Elimination System (NPDES) general permit for pesticide applications, for States to develop permits, and to provide outreach and education to the regulated community. If the request is granted, water permits would not be required until expiration of the stay. EPA estimates that the ruling will affect approximately 365,000 pesticide applicators that perform 5.6 million pesticide applications annually.

On January 26, 2007, EPA's final rule became effective, which gave legal effect to the agency's long-standing policy of not requiring permits under the Clean Water Act's NPDES for many applications of pesticides to, over, or near waters

of the United States. Under the EPA's interpretation of the Clean Water Act's definitions of "pollutant" and "point source," pesticide applications made in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), did not require NPDES permits even if the pesticide entered waters of the United States. In a lawsuit challenging the legal validity of the final rule, the United States Court of Appeals for the Sixth Circuit on January 7, 2009, struck down the rule as contrary to the plain meaning of the Clean Water Act.

CropLife America, National Cotton Council, and American Farm Bureau Federation were among numerous stakeholder representatives that urged EPA to petition the Court for a rehearing of its decision. On March 6, 2009, USDA Secretary Vilsack wrote a letter to EPA Administrator Lisa Jackson asking EPA to consider the "significant adverse effect" of the Court's decision on farmers and USDA's own pest control activities. EPA received similar requests from the Association of State Water Pollution Control Administrators, ranking members of both House and Senate Agriculture Committees, and industry associations. Nevertheless, EPA declined to seek rehearing, opting instead to seek a two-year stay of the mandate.

In its motion to the Court, EPA argued that the stay is necessary to "avoid significant disruption" to EPA, state permitting authorities, and the hundreds of thousands of persons and businesses who apply pesticides. If the rule were vacated immediately, neither EPA nor state authorities would have the capability under existing regulatory programs to address the many pesticide applications suddenly requiring NPDES permits. Rather than issue thousands of individual permits to each discharger, EPA has announced a preference for authorizing pesticide discharges through a general permit which can broadly address a large number of similarly situated dischargers. EPA estimates that a period of two years is necessary to develop a general permit, a process which entails environmental analyses, public notice and comment, and state certifications. [Source: *Asmark Institute*]

**Johanns, Thune Concerned with EPA**

## **Proposed Rule**

Senators Mike Johanns of Nebraska and John Thune of South Dakota are expressing concern over the EPA's proposed rule to regulate greenhouse gas emissions as air pollutants. Thune says it's the first step in a process that could result in sweeping new regulations on carbon dioxide and methane gases. He says that includes a possible tax on naturally occurring emissions from livestock - the so-called "cow-tax." Johanns has the same fears, saying a cow tax could cost farmers and ranchers tens of thousands of dollars each year. Thune says the EPA's announcement reinforces the need for Congress to act. In March, Thune and New York Senator Charles Schumer introduced a bill that would prevent the government from imposing a cow tax. Johanns has signed on as a co-sponsor of that bill. [*Source: Brownfield*]

## **Attorney Says He's Taking Atrazine Case to "Court of Public Opinion"**

Steve Tillery of the law firm of Korein Tillery says the threat of the herbicide atrazine to the "environment and the health of every citizen of America" is a cause he's ready to take on. "This issue is much bigger than a case in a court of law. This issue belongs in the court of Public Opinion; the people deserve and have a right to demand clean and uncontaminated water. Any compromise to that right is unacceptable," Tillery says.

In conjunction with Earth Day, Tillery says he is launching a national awareness campaign dedicated to the cause "Clean Water for America Now." Tillery says his message is resonating with stakeholders throughout the country, and that his campaign will not rest until responsible actions are taken to protect our environment and our citizens from the effects of contaminated water systems. [*Source: Ag Professional*]

## **Syngenta Says Atrazine Suit Has No Merit**

Syngenta has issued a statement in response to

recent information sent out by attorney Steve Tillery, whose firm filed a complaint in 2004 against six manufacturers of atrazine on behalf of Holiday Shores Sanitary District in Illinois.

"Syngenta believes this suit has no merit and is vigorously defending against it. Atrazine has been used safely by farmers for 50 years. US EPA and Illinois EPA have already set a standard for atrazine in drinking water of 3 ppb - a level which carries a 1000-fold safety factor. The determination as to what constitutes a safe level of atrazine in drinking water is a matter best left to the expertise of the US EPA and the Illinois EPA.

"Atrazine not only works better than most other herbicides, but it stands up to the most stringent safety tests and regulatory standards in the world - those of the US EPA. In 2006, after a 12-year review, EPA re-registered atrazine. "EPA categorizes atrazine as 'not likely' to cause cancer -- the most favorable classification. This conclusion was upheld in the recent Agricultural Health Study of farm workers in Iowa and North Carolina conducted by the National Cancer Institute, the National Institute of Health, the National Institute of Environmental Health Science and EPA. No links were found between atrazine and breast, prostate or other cancers.

The World Health Organization, along with the Food and Agriculture Organization of the United Nations, also concluded (September, 2007) that atrazine is not likely to pose a carcinogenic risk to humans. Today, atrazine is used in more than 60 countries around the world — in Africa, North and South America, Asia and the Middle East. No country has ever discontinued the use of atrazine based on health effects. Even though countries in the European Union do not use atrazine, the product received a favorable safety review there: "It is expected that the use of atrazine, consistent with good plant protection practice, will not have any harmful effects on human or animal health or any unacceptable effects on the environment." Instead, EU countries use a triazine herbicide similar to atrazine which has nearly the same safety profile, called terbuthylazine. The European Union's decision not to use atrazine was not science-based, but directed by a groundwater limit for all pesticides of 0.1 part per billion (ppb), regardless of toxicity. In fact, the EU had recommended a health-based drinking water standard for atrazine that was 150 times higher

than the 0.1 ppb arbitrary drinking water limit and five times higher than the US federal limit of 3 ppb atrazine. [Source: *Ag Professional*]

## **UPCOMING EVENTS**

### **JUNE, 2009**

- 8-12 Missouri Agribusiness Academy; St. Louis, MO
- 25 Central Missouri Golf Tournament; MCGA; Marshall, MO
- 27 Missouri Department of Agriculture Golf Classic; Holts Summit, MO

### **JULY, 2009**

- 1 Southeast MO Goft Tournament; MCGA; Sikeston, MO
- 7 Missouri Pork Classic Golf Tournament; Columbia, MO
- 9 Northwest MO Goft Tournament; MCGA; Maryville, MO
- 22-24 MO-AG Summer Meeting; Country Club Hotel; Lake Ozark, MO**
- 28 Chillicothe Golf Tournament; MCGA; Chillicothe, MO
- 28-31 Crop Injury and Diagnostic Clinic, Columbia, MO**

### **AUGUST, 2009**

- 5-7 MCGA Annual and Board of Directors Meetings; Lake Ozark, MO
- 7-8 Missouri Land Improvement Contractors Assn. Family Weekend and Membership Meeting; Bennett Spring State Park; Lebanon, MO**
- 13-23 2009 Missouri State Fair; Sedalia, MO

### **SEPTEMBER, 2009**

- 30- Oct 2 Missouri Seedmens Association

Annual  
Meeting; Lake Ozark, MO

## **DECEMBER, 2009**

11-12 Missouri Cattlemen's Association Annual  
Meeting  
and Convention; Springfield, MO

## **JANUARY, 2010**

**6-7 MO-AG Winter Convention; Lodge of  
Four Seasons;  
Lake Ozark, MO**

**Note:** *Items in **red** are new postings since the  
last Wrap-Up issue.*

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## **Letters to the Editor**

*Do you have a response to the Missouri Agribusiness Wrap Up? Let us know! The Missouri Agribusiness Wrap Up is a bi-weekly publication of the Missouri Agribusiness Association (MO-AG). MO-AG is a member-owned association based in Jefferson City, Mo. which protects members' interests in state legislation and provides educational opportunities.*

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