



Growing Michigan

Michigan Agricultural News

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"This legislation provides iron-clad certainty to farmers, ranchers, small business owners that farm dust would stay off the EPA's to-do list for at least another year."

Representative Daniel Webster (R-Fla.)

USDA Releases Final GIPSA Rule

The USDA has released its final Grain Inspection, Packers and Stockyards Administration (GIPSA) rule, which was originally proposed in June 2010. The rule includes sections that identify criteria the Secretary may consider when determining whether a live poultry dealer has provided reasonable notice to poultry growers of any suspension of the delivery of birds, when determining whether a requirement of additional capital investment over the life of a poultry growing arrangement or swine production contract constitutes a violation of the Packers and Stockyard Act and when determining whether a packer, swine contractor or live poultry dealer has provided a reasonable period of time for a grower to remedy a breach of contract that could lead to termination of a production contract.

Perhaps more notable than what the GIPSA rule does, is what it does not do. As originally proposed, the rule would have had several provisions relating to beef cattle marketing. These provisions were intended to promote fairness and increase transparency in the marketplace by prohibiting discriminatory and deceptive practices and preferential treatment, and imposing recordkeeping requirements for packers. According to USDA, the fiscal year 2012 Agriculture Appropriations Bill passed by Congress contains language prohibiting it from moving forward on many of these provisions.

Greenhouse Gas Reporting Delayed

Among the riders in the recently passed FY 2012 Omnibus Spending Bill, is a provision blocking EPA from requiring permits for emissions from livestock production and from requiring greenhouse gas reporting on manure management systems. The bill also cuts \$219 million from EPA's \$8.68 billion budget.

Farm Dust Regulation Act Passes the House

By a 268 to 150 vote, the United States House of Representatives passed the Farm Dust Regulation Prevention Act, which limits EPA's ability to regulate naturally occurring dust. There had been some concern that EPA might issue a new rule regulating dust, which could conceivably prohibit farmers from working a field on windy days. Although the bill enjoyed support from 33 Democrats, many others criticized the legislation. The bill "is not really about farms at all," but rather an effort to "exempt industrial mining operations and other large industries from regulation under the Clean Air Act," said Henry Waxman (D-Cal.), ranking member of the House Energy and Commerce Committee. The bill, however, only restricts EPA from regulating dust for one year.

USDA Announces Improvements to Risk Assessment and Rulemaking Process

The United States Department of Agriculture has announced plans to streamline and improve several processes for conducting risk assessments and rulemaking. According to Ed Avalos, Under Secretary for Marketing and Regulatory Programs, "our ambitious review ... found ways to capture significant time savings while protecting agriculture and supporting trade. This change is part of our commitment to improving the customer experience by streamlining processes, accelerating delivery



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"MAEAP is a perfect example of government extending a hand, assisting farmers to better protect our natural resources and conservation districts are proud to deliver this proactive program at the local level to Michigan's farmers."

Mike Lawless, President of Michigan Association of Conservation Districts

and using innovative technologies." Overall, the Department's process improvement should help to evaluate import requests in a more reasonable timeframe which improves trading relationships with foreign partners and could potentially open new market opportunities for U.S. products abroad.

MAEAP Program Verifies its 1,000th Farm

Interest in Michigan's voluntary, proactive program for promoting effective land stewardship practices on farms is growing, announced Michigan Department of Agriculture & Rural Development Director, Keith Creagh. The Michigan Agriculture Environmental Assurance Program (MAEAP) has now verified its 1,000th farm with the verification of Lee Sesquicentennial Farm in Shiawassee County.

To become MAEAP verified, farmers must complete three steps which include attending an educational seminar, conducting a thorough on-farm risk assessment and developing and implementing an action plan addressing potential environmental risks. Once verified, farms receive some statutory liability protection in the event of certain pollution events. Becoming MAEAP verified can also help reduce insurance and other operation costs.

DOL Receives Over 10,000 Comments on Proposed Child Labor Rules

As reported earlier, the U.S. Department of Labor (DOL) has proposed sweeping new rules that would dramatically change the types of work children under sixteen years of age can perform on farms. The DOL has received over 10,000 comments from farmers and other interest groups regarding the proposed rules, and must now review those comments over the next several months. Once that review is complete, the DOL can make changes to the rules, or no changes at all, and then the rules will be published in final form. Shortly after publication, the rules will become effective.

Many of the comments raised concern that the rules would not only limit the work performed by true farm workers under the age of sixteen, but also family members of farmers. Although there is an exemption for children who work on their parent's farm, the exemption is arguably not broad enough to apply to nephews, cousins or other family members who may work on a family farm not owned directly by their parents.

A matter of Principle - Farmer Takes Road Commission to Trial

Over the past year, I've had the pleasure of representing Ottawa County farmer, David Morren, in a dispute he has had with the Road Commission. Earlier this year, Mr. Morren attempted to access his farm field using public, county roads that traveled through a residential subdivision. Mr. Morren's traditional access point was not usable due to the wet spring. Despite the fact that he only used the road a couple times and left no dirt behind him, residents in the subdivision complained that tractors were "too dangerous" to be on subdivision streets and the Ottawa County Road Commission promptly blocked his access.

We subsequently filed suit on behalf of Mr. Morren, and after a preliminary hearing, the Court granted temporary access to Mr. Morren. The case was tried before Judge Jon Hulsing in December, with the Road Commission arguing that its decision to block access was justified, even though its own engineers conceded that farm equipment was perfectly legal on the subdivision streets, and by law, could not be prohibited. According to the Road Commission, its only obligation is to provide landowners with an access, not a useable access.

Judge Hulsing took the matter under advisement and a ruling is expected by late January.



Agriculture Events

- MABA Winter Conference & Trade Show, January 9 – 11, 2012. For more information, see <http://www.miagbiz.org/>
- Michigan Family Farms Conference, January 14, 2012. For more information, see <http://miffs.org/mffc/index.asp>
- Northern Michigan Small Farm conference, January 28, 2012. For more information, see <http://smallfarmconference.com/>
- 97th Agriculture and Natural Resources Week at MSU, March 3 – 10, 2012. For more information, see <http://anrweek.canr.msu.edu/>



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