

WESTERN ORGANIZING REVIEW

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WORC asks for open and competitive livestock markets

WORC members were among the 2,000 ranchers, consumers and food advocates that converged on Ft. Collins, CO, August 27 to participate in the fourth of a series of workshops dealing with concentration in agriculture. Sponsored by the U.S. Department of Agriculture and Department of Justice, this event focused on competition in the livestock industry.

Among those workshop panelists was WORC leader Gilles Stockton, a member of Northern Plains Resource Council from Grass Range, MT. During the panel discussion, Stockton submitted a letter to Agriculture Secretary Tom Vilsack and Attorney General Eric Holder proposing solutions to the problems of the broken livestock markets.



Photo by Jamie Folsom/Daily Yonder

Dakota Rural Action Chair Holly Waddell joined with thousands of ranchers at the Ft. Collins antitrust workshop to demand an end to unfair packer practices and uncompetitive livestock markets.

WORC's proposal would restore competition in livestock markets by requiring contracts and marketing agreements to have a fixed base price and requiring sale through an open, public market. The proposed rules would allow continued use of forward contracts and marketing agreements to supply livestock in advance of slaughter, value-based pricing and payment of premiums.

Lincoln Reinhiller, a Dakota Resource Council and WORC member from Hazen, ND, said, "WORC

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The View from WORC

by WORC Chair, Shane Kolb

As livestock producers go into this marketing season, they are still facing the problems of market manipulation. However, WORC is on the threshold of bringing to fruition one of its longest running campaigns—fixing the broken livestock markets. After over 20 years, livestock producers and consumers have an opportunity to make open public livestock markets a reality.

However, there is a very small window of opportunity and if there was ever a time to focus, to get the win, this is it.

After years of inaction, the U.S. Department of Agriculture (USDA) issued rules for enforcing the Packers & Stockyards Act (PS&A). Public comments on these rules are due November 22.

We cannot be diverted from this cause. Other worthy issues weigh on us, but our time for real change is NOW.

As WORC goes through the strategic planning process, it is clear that many campaigns will continue throughout the next five or maybe even 10 years. Our members' perseverance DOES pay off. We are an organization that develops solutions and fights for them until we win. If we all, producers and consumers alike, stand tall and stay in the saddle throughout this rulemaking process, this might just be the issue we can cross off that list and say—"It may have taken a while, but it sure was worth it!"

I encourage you, as either a producer or consumer, to strengthen the P&SA by sending comments supporting the rules as written. Your action will help counter the packers, who oppose any measure that would keep them from manipulating producers and the price they pay to producers.

At the same time, tell USDA that the agency hasn't gone far enough. These rules do not solve the problems faced by livestock producers in a concentrated and manipulated market. Ask USDA to do more rulemaking to improve competition in the marketplace by requiring packers to pay a firm base price on all forward contracts and to buy and sell in an open public market that is transparent to everyone participating in the livestock markets.

You can submit your comments in several ways:

- Email to comments.gipsa@usda.gov,
- Fax to (202) 690-2173,
- Mail to Tess Butler, GIPSA, USDA, 1400 Independence Ave. SW, Rm 1643-S, Washington, DC 20250-3604,
- Through the Federal e-rulemaking Portal at <http://www.regulations.gov>, or
- Through WORC's website, www.worc.org.



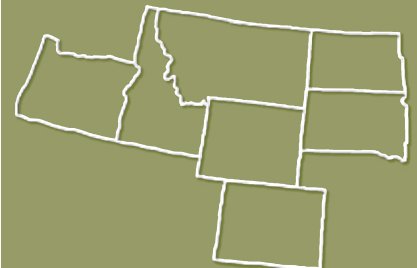
WESTERN ORGANIZING REVIEW

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WORC is a regional network of seven grassroots community organizations, which includes 10,000 members and 45 local chapters. WORC helps its member groups succeed by providing trainings and coordinating regional issue campaigns.

MEMBER GROUPS

Dakota Resource Council, North Dakota
Dakota Rural Action, South Dakota
Idaho Rural Council, Idaho
Northern Plains Resource Council, Montana
Oregon Rural Action, Oregon
Powder River Basin Resource Council, Wyoming
Western Colorado Congress, Colorado



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Around the Region

A look around WORC's region

Dakota Resource Council's (DRC) Missouri Valley Resource Council is petitioning Montana-Dakota Utilities to exclude a rate increase to cover profits the utility expected from the construction and operation of the failed coal-fired power plant, Big Stone II. The "profits," which only exist through statute, are estimated at \$952,000 and will be recovered from MDU's North Dakota ratepayers. The project failed earlier this year when Otter Tail Power backed out after other utilities pulled out of the project. The Public Service Commission ignored DRC arguments that the Commission failed to take into account rising construction and regulatory costs, and that the utilities could serve ratepayers less expensively through energy efficiency programs and renewable energy.



system. Members are now looking forward to their Annual Meeting on October 9th. This year's focus is "Making the Shift: Building a Vibrant Local Economy Amidst the Broken Global Financial System."

The **Powder River Basin Resource Council** held a workshop August 28 in response to calls from landowners seeking help with impending oil and gas development in southeast Wyoming. The goal of the workshop, "Protecting



Dakota Rural Action is launching its second year of Farm Beginnings®, a farmer-led training and support program that provides participants the opportunity to learn first-hand about low-cost, sustainable methods of farming and gives them the tools to successfully launch a profitable farm enterprise. Farm Beginnings classes are taught by area farmers who, from October to March, lead sessions like Whole Farm Planning, Financial Planning, Marketing, Business Planning, Connecting with Resources, and Connecting with Mentors. Thirteen families enrolled in the program last year, and over 20 area farmers helped lead the course. Anne Hauglid, a graduate of the program, said, "The class is a great opportunity to learn more about every aspect of farming, from financing to the type or way you can farm."



Your Land and Living with Oil and Gas," was to help landowners understand their rights and to prepare them for a variety of development scenarios. About 40 landowners participated in the workshop, held in Douglass. Due to more requests from citizens and local governments, Powder River is planning to hold another workshop this fall.

A judge ruled against a challenge by the **Idaho Rural Council** and others to a permit for a 13,000-animal feedlot in Jerome County. The lawsuit questioned the constitutionality of a state law limiting comments at public hearings to speakers with homes within a one-mile radius of a proposed confined-animal feeding operation. The proposed feedlot is just over a mile west of the Minidoka National Historic Site, which contains the former Hunt Camp for Japanese-American detainees during World War II. An appeal has been filed.



The **Western Colorado Congress** has become increasingly involved in voter education projects in western Colorado. In collaboration with both progressive and conservative organizations, WCC is working to defeat three ballot measures on the November 2010 Colorado state ballot. "The Bad 3" (Amendments 60 & 61 and Proposition 101) would cut billions of dollars out of local



This summer the **Northern Plains Resource Council** and two affiliates—Stillwater Protective Association and Cottonwood Resource Council—celebrated the 10th anniversary of the Good Neighbor Agreement with Stillwater Mining Company. Several events were held, and the anniversary drew local news coverage and praise as a working example of how ranchers, rural communities, and heavy industry can address local environmental and socioeconomic problems without going to court.



Members and community supporters of **Oregon Rural Action's** the Blue Mountain Chapter participated in a Gleaning Day of Service on September 11, collecting 964 pounds of produce that would otherwise have gone to waste and donating it to local food banks. Afterward, participants enjoyed a pie social and reflected on policy and hunger issues in the larger food



projects and further aggravate communities struggling to provide vital services like public safety, primary education, health care and environmental protection. To learn more about the ballot initiatives and the likely impacts, go to www.lookingforwardcolorado.com.

WORC weighs in on Senate food safety bill to protect local foods

Congress stands at the brink of passing sweeping new food safety legislation, and WORC's membership is working to ensure that if a bill passes, it does not undermine the many emerging new businesses appearing in our region to produce, process and market local foods.

In August the nation was rocked by a massive recall of half a billion eggs contaminated with salmonella. Interestingly, the source of contamination was traced to two Iowa mega-farming operations that acquired feed from the same source. The eggs from the two farms were sold under 25-30 different labels in over a dozen states. The episode perfectly underscores the growing disillusionment of consumers looking for alternatives to a highly concentrated, vertically integrated food system with long industrial supply and distribution chains.

Consequently, farmers markets, buying clubs, community supported agricultural operations and cooperative grocery outlets are blossoming across the country. Ironically, the federal food safety reforms deemed necessary to protect the public from contamination from animal factories or long, difficult-to-trace industrial supply chains threaten to cut off the alternative local food systems just beginning to emerge.

The House passed food safety bill, H.R. 2749, and the most recent version of the pending Senate bill, S. 510, both incorporate very small produce farmers and processing facilities for an inappropriate and burdensome level of federal regulatory oversight, and, in the case of the House-passed bill, fees. These small businesses would have to contend with significant new federal regulations, inspection, enforcement and penalties under the new food safety law, unless an amendment put forward by Montana Senator Jon Tester is added to the final bill.

WORC members and leaders, along with 155 local and national groups,

have written letters and made phone calls for the past year urging



An amendment by Senator Jon Tester would protect small local food businesses from burdensome regulations.

Congressional representatives to make sure that "one size does not fit all" as they reform food safety laws.

The Tester amendment, co-sponsored by North Carolina Senator Kay Hagan, sets a threshold for small direct market processing facilities and produce farmers that removes them from federal oversight. Local and state public health laws remain in place, so processors still must comply with laws for certified kitchens and public health inspections at the local level.

If the Senate passes S. 510 in the next few weeks, a conference committee with the House of Representatives will reconcile the two different approaches to food safety reform.

WORC and allies will focus on getting the Tester-Hagan amendment into the final version of the bill, so our advocacy on this local foods issue will continue past the fall harvest season.

—Margie MacDonald

TAKE ACTION

Call Your Senators Today

If you haven't contacted your Senators yet about the food safety bill, S. 510, please take a few minutes to call them. Urge your Senators to support the Tester Amendment to S. 510.

You can reach your Senators by calling the Capitol Switchboard, 202-224-3121. You'll have to make two calls.

The amendment sets a threshold for small direct market processing facilities and produce farmers that removes them from federal oversight. Local and state public health laws remain in place to cover processors.

Call 202-224-3121

Local food producer profiles

Gus Wahner, Oregon Rural Action, & Monica Wiitanen, Western Colorado Congress

Gus Wahner, Way of Life Farms, Stanfeld, Oregon



Gus Wahner is concerned federal food safety legislation would increase expenses with no corresponding food safety benefit. Gus was raised on the 7.5 acre farm along the Umatilla River that he now farms for direct sales to farmers markets throughout the region. He brews and sells compost tea, raises produce and pastured chickens on his farm, and is a regular fixture at regional farmers' markets. Gus uses organic methods, but he does not have organic certification. In his well-composted, biologically remineralized soils he grows a variety of produce to sell directly to customers.

"I sell my patrons safe, nutrient rich food, following state and local sanitation rules for direct sales at farmers markets," he said.

However, the current version of S.510, the Food Safety Modernization Act, concerns him deeply. It mandates additional steps to certify compliance with FDA farming and harvesting rules. Accountability and traceability are needed in the industrial food system where larger growers and processors have long, complex supply chains. He supports Sen. Jon Tester's Healthy Local Food common sense amendment to S. 510.

As Gus puts it, "I believe that knowing your farmer is the clearest path to food safety."

Monica Wiitanen, Small Potatoes Farm, Paonia, Colorado

In 1997, the Wiitanen family moved to Paonia, Colorado, where they purchased an organic farm. Several years later, when the Colorado organic certification fee increased from \$160 to \$800 per year, they opted not to renew their certification. Since then, they have continued to grow their crops using organic methods, but now market their produce as "grown without pesticides or chemical fertilizers" rather than certified organic.

Their main cash crops are potatoes and garlic, along with a limited amount of other vegetables—peppers and chilies, tomatoes, lettuce, greens, peas, green beans, herbs and root vegetables—all of which they sell locally.

Wayne Wiitanen is retired, and the income from their farm sales is an essential part of the couple's budget. The possibility of more governmental regulation and the increased paperwork involved could impact them negatively and make it extremely difficult for them to stay in business.

"We are a small, family-run farm," explains Monica. "We need to spend our time in the fields. If the paperwork becomes too much, it will take our farming opportunity away from us."

The Wiitanens agree that food safety is essential, but feel strongly that local, direct-sales farms such as theirs do not need to be regulated by the federal government.

Direct market farms do not present the same safety hazards or risk that large commercial operations or importers whose produce is stored, comingled and shipped widely.



Oil spills and blunders plague Keystone tar sands pipeline

A Canadian corporation's plans to build a high pressure pipeline to carry tar sands oil from Alberta to the Gulf Coast of Texas have run into setbacks in recent weeks. Concerns about the safety of TransCanada's proposed Keystone XL pipeline, already under the spotlight in the wake of BP's Gulf oil spill, have been magnified further by tar sands oil pipeline spills in Michigan and Illinois, and a fatal gas pipeline explosion in California.

Landowners, volunteer emergency responders and others along the proposed route of the pipeline had been protesting TransCanada's plans to operate the pipeline at higher than standard pressure (and thus at a lower margin of safety) for more than a year.

After the Gulf oil spill, the Department of Transportation (DOT) apparently increased the scrutiny it was giving to TransCanada's application for a waiver of standard pressure limits. That scrutiny redoubled after a pipeline in Michigan spilled about one million gallons of tar sands oil in the Kalamazoo River, for a time threatening to pollute the Great Lakes.

Waiver pulled

The Michigan pipeline, operated by another Canadian pipeline company, Enbridge, was shut down for weeks after the spill; the Department of Transportation has approved recently Enbridge's plan to repair and restart it.

With increasing opposition to its plans to run the pipeline at high pressure from landowners and members of Congress, and oil and pipeline spills by BP and Enbridge providing stark evidence of the potential threat of oil spills, TransCanada withdrew its application to the Department of Transportation for a special permit that would allow the pipeline to operate at above-standard pressure.

Unanswered questions remain, however, about TransCanada's sudden withdrawal of the pressure waiver application, which it had defended at hearings up and down the pipeline route earlier this year. TransCanada said it would use thinner pipe than it would have needed to move the full



Landowners want tests to determine whether defective steel was used in the Keystone I tar sands pipeline running through the eastern Dakotas.

planned capacity of the pipeline, 900,000 barrels per day, at lower pressure (without the waiver). What is the capacity of the pipeline with this thinner pipe? Will the pipeline be economically viable at the lower capacity? Will TransCanada re-apply for a waiver after the pipeline is built?

Landowners and others along the proposed pipeline route called on TransCanada to pledge not to re-apply for a special permit, but considered the announcement good news for now: it showed that their concerns were getting through to the executives at TransCanada's Calgary headquarters.

"Oil spills" continued on Page 7

Coal prospecting continues in WORC region

A large number of coal proposals have popped up in the WORC region in the last 18 months. While most of the efforts by WORC and the affected member groups have focused on fighting more immediate mine proposals and mine expansions – specifically new mines in North Dakota at South Heart and in Montana at Otter Creek and new coal leases in Wyoming – we have been tracking potential new mines in the region.

Many of these projects are in historic coal mining areas, where coal mining companies can use new technology to look at previously less desirable coal resources. In Montana, companies are in the early planning stages for potential coal mines in Musselshell, Carbon, and Judith Basin Counties.

In Wyoming, companies have proposed mines in Sheridan and Campbell Counties. The Youngs Creek mine in Sheridan County on the Wyoming-Montana border seems the most likely to develop, and Liberty Coal Energy also has promoted new coal development in this historic mining area. Liberty Coal Energy also is looking to develop a new mine in Campbell County, which produces more coal than any other single county in the country.

Coal Intended for Export?

Just about all of the mines listed above have in one way or another talked about exporting the coal, usually to Asia. WORC is researching the feasibility of coal expansion in the region and the capacity of railroads to move the coal to ports.

Companies have estimated an export market of anywhere from 140 million tons to 400 million tons a year. If anything close to this amount of coal was shipped west, it would strain the capacity of rail. WORC is looking to determine where and how railroads would have to upgrade to move this increased coal on the rails, its environmental impacts, and possible organizing opportunities to keep coal in the ground.

—Mike Ritter

TAKE ACTION

Your help is needed to tell the Environmental Protection Agency to protect human health and water by setting standards for toxic coal ash waste disposal.

Remember the coal ash spill that soaked Tennessee? And, in Colstrip, Montana, coal ash toxins contaminated the aquifer. Residents had to abandon their water wells. Despite a legal settlement, toxic leaks continue.

Commenting is easy. Just go to WORC's Coal Ash Action Page, <http://tiny.cc/CoalAshcom>. Urge EPA to adopt "Subtitle C" for coal combustion waste, which would provide federal standards and enforcement to clean up coal ash and protect the health of people living near coal ash disposal sites.

"Oil spills" continued from Page 7

No sooner had TransCanada taken this step to mollify landowners concerns, though, it lost whatever goodwill it gained by bullying landowners.

Threatening letters

Although the company is months away from decisions by the State Department and other agencies on permits it needs to build and operate the pipeline, TransCanada sent letters to landowners in South Dakota, Nebraska, and other states in June and July, threatening to begin state court condemnation proceedings against them if they didn't accept TransCanada's offer for compensation for permanent easements across their farms and ranches.

That raised the ire of Senator Mike Johanns (R-NE), who released a letter he wrote to TransCanada demanding that it retract the threats. Landowners groups in South Dakota and Montana have asked their members of Congress to follow Johanns' example.

TransCanada's prospects for getting a Presidential Permit from the U.S. State Department also got a lot fuzzier. First, the Environmental Protection Agency (EPA) submitted comments on the State Department's Draft Environmental Impact Statement (EIS) on the pipeline, which supported the charges made by landowners groups and others. The EPA gave the EIS its lowest rating, and said that safety issues and questions about the need for

"Oil spills" continued on Page 13

Facing Con

Member voices on a b

Holly Waddell, Shadehill, South Dakota

I was a cow/calf producer. Did what we thought were the right things to improve our production. Even invested in a value-added co-op for branded beef products. That co-op did not come to be because it could not compete in the current market environment.

The last group of my brood cows walked on the trailer and left our ranch this spring. I didn't have one cow to calve out this spring and I won't have any calves to sell this fall.

USDA has a 90 year old law on the books to break up the monopolies in the livestock industry. They have not used it. We need this [proposed unfair practices] rule now to start restoring competition to the livestock markets.

This rule is just the first step. Farmers and ranchers do not get a fair share of the family food dollar because they don't have access to an open public market. To fix that, we need this rule. Then we need to continue to show USDA that long-term solutions are necessary to revitalize our American economy. Agriculture holds the wealth of this nation. The value of our goods and products drives our Gross National Product, drives new job creation.

We need to stop the chickenization of the American livestock industry. The only benefactors are the multi-national corporations that have no loyalty to America. So they don't care that my family can no longer afford to graze cattle on the hard grass prairie homestead. Show us you care, Secretary Vilsack. Adopt this rule and let's take the next steps toward the solution.



HOLLY WADDELL

Link Reinhiller, Hazen, North Dakota

I have been a cow-calf producer since 1964... In recent years I have worked with other cattle producers to market cull cows directly to slaughter plants. A major obstacle to our marketing efforts is that a competitive market for cull cows in our region does not exist.

There are only five slaughter facilities for cull cows that are located within a reasonable shipping distance. One company, American Food Groups, owns all five. The same company is also the only bidder for cull cows brought to auction sale barns in North Dakota. In other words, there is no competition.

In addition, this company has contracted with a South Dakota feedlot to feed Canadian cull cows for them. This expands captive supply into a new area of beef production, and further depresses the market for my cull cows.

What is happening in our region with cull cows is symptomatic of the rampant monopoly buyer power in U.S. cattle markets today. Cow-calf operators like myself, and rural communities as a whole, desperately need the federal regulatory enforcement of the Packers and Stockyards Act to return competition, and a fair return on investment and labor, to this nation's cattle industry.



LINK REINHILLER

Concentration

Broken cattle market

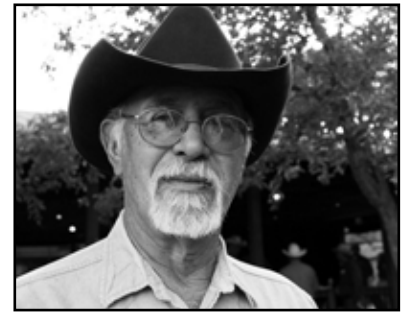
Gilles Stockton, Grass Range, Montana

I got concerned about livestock markets in the late 1980s, when a poultry producer, in a meeting, explained what happened to the poultry industry. During the livestock workshop, we heard from a number of former hog producers who told us that whole counties in the Midwest that used to have hundreds of independent hog farmers now have none. Apparently only 5% of the hogs are currently being sold on the spot market.

I don't see how anyone can look at what happened to the poultry producers and independent hog producers and not wonder how long independent cattle ranchers can last. I, for one, value my independence and don't want some packer executive telling me what I can or can't do on my land. If the cattle I raise are not right, I want those signals to be coming down to me through a competitive market.

If I can sell forward contracts on calves on a video internet market, the packers can too. All we're asking is that deals that are happening under the table should happen in the sunlight through a truly competitive market place, the way it should in a free enterprise system.

In 1996, WORC submitted petition for rulemaking that simply calls for the packers to purchase their supplies in an open and competitive manner. The Secretary of Agriculture never made a ruling on our petition. Again, all we're asking is that the deals of the packers come into the sunlight.



Jamie Folsom/Daily Yonder

GILLES STOCKTON

Skip & Vanna Waters, Moorcroft, Wyoming

We had a good year weather-wise. We had rain and grass and we had about 10 years of drought and that almost broke us there between that and the market structure.

We can't do anything about the weather, but the market structure and the manipulation that's going on in the market today by the consolidated packing segment... we can't compete against that. And it's illegal — it has been illegal since the PSA of 1921 — but (because of) politics, government and big money... it hasn't been enforced.

People in this country don't realize where their food supply comes from and how fragile that structure is and the domestic producers are run out of business here. And people are going to see much higher prices and probably a lot less consistent quality in their food. It's been in the news this last week all of this recall of eggs, salmonella. That's from corporate farming.

We're just trying to make a living. We always used to be able to make a living until the packing/processing companies got so big and so manipulative.

—Articles used with permission from Jamie Folsom/Daily Yonder



Jamie Folsom/Daily Yonder

SKIP & VANNA WATERS

Pavillion residents – don't drink the water or strike a match

On August 31, the U.S. Environmental Protection Agency (EPA) and its sister agency, the Agency for Toxic Substances and Disease Registry (ATSDR), released water well test results and health and safety recommendations based on the second phase of testing in the Pavillion, WY, drinking water investigation. The federal agencies recommended that residents not drink their water or use it for cooking. Additionally, residents were told to take specific precautions to avoid explosions due to methane contamination of drinking water, including ventilation when taking showers and avoidance of ignitions in closed rooms where water is running.

Chemist and community justice advocate Wilma Subra said the agency's recommendations fall short. She maintains that residents should not shower with the water and need an alternative source for not only drinking and cooking, but for all household use as well. "It's really important that people don't shower in toxics. Inhalation or skin absorption of methane and chemicals is harmful to health," Subra said.

EPA's Martin Hestmark told the crowd that Encana would provide drinking water to impacted residents, and, although no specific household water alternatives were offered, drinking water deliveries started on September 17.

"We are depending on EPA to ensure that Encana stands by their word," said Louis Meeks, a Pavillion landowner. "We've been bullied and jerked around enough by industry. We need a reliable source of clean, safe water."

ATSDR said this round of sampling reflects a single snapshot in time and does not provide a picture of well water quality over the long term. Dr. Michelle Waters and Chris Poulet of ASTDR urged residents to be cautious as the contamination may change and methane can build up to explosive levels.

"One of the most important things EPA confirmed last night was that the methane is coming from the natural gas formation," said John Fenton, President of Pavillion Area Citizens. Methane detected in seven drinking water wells was found to have originated in the gas reservoir. EPA confirmed 2-Butoxyethanol Phosphate, a chemical often referred to as a plasticizer or flame retardant and sometimes used in hydraulic fracturing fluids, was in 11

wells. A year ago EPA identified the chemical in only two wells.

Encana has since denied that contamination is related to oil and gas operations. Encana spokesman Doug Hock said EPA tests showed low levels of petroleum hydrocarbons, and inorganic substances that naturally occur.

"We need full disclosure of all hydrocarbons and chemicals in Pavillion water wells, soils and air," said Deb Thomas, of Powder River Basin Resource Council, "While a safe source of drinking water for the Pavillion community is

paramount, it's only one piece of the solution. People who live in the Pavillion/Muddy Ridge gas field are sick and they fear the oil and gas development they live with is causing their health problems. The contamination source must be identified and the impact to water, air and public health must be addressed."

Pavillion landowners requested EPA involvement over two years ago after years of failed attempts to engage state regulators.

—Deb Thomas

"We are depending on EPA to ensure that EnCana stands by their word. We've been bullied and jerked around enough by industry. We need a reliable source of clean, safe water."

—Louis Meeks, Pavillion landowner

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Senate Energy Bill fate uncertain as election nears and year ends

Senate Majority Leader Harry Reid (D-NV) has acknowledged that there is little chance that the Senate will pass a comprehensive energy bill and no chance it will pass a climate change bill before the unofficial end of the session in a few weeks when Congress heads home to campaign for re-election. In contrast, the House of Representatives passed its cap and trade bill, the American Clean Energy and Security Act, last summer and, ever since, all eyes have been on the Senate to pass comparable legislation. Despite several proposals by senators of both parties, none have gained the support needed to move climate change or energy legislation forward. There is talk of a scaled-down version of an energy bill that may include a Renewable Energy Standard in a possible “lame duck” session of Congress in the few weeks remaining after the election and before the end of the year.

However, in lieu of such a bill, the Senate is considering measures to delay the Environmental Protection Agency (EPA) climate rules that would regulate greenhouse gases as hazardous to the public health under the Clean Air Act. In 2007, a U.S. Supreme Court ruling confirmed that, in passing the Clean Air Act, Congress created a tool to protect the public health and welfare from global warming pollution. While EPA has taken steps to begin to enforce regulations to curtail greenhouse gas emissions, various bills in Congress would prevent the EPA from doing its job as mandated by the Supreme Court.

Earlier this year, a measure to strip EPA of its regulatory authority offered by Senator Lisa Murkowski (R-AK) was brought to a vote and defeated, but several moderate Democrats who voted against her measure said they favored a similar proposal, S. 3072, authored by West Virginia Democrat Senator Jay Rockefeller. His bill would essentially handcuff the EPA’s ability to regulate greenhouse gases for two years. This bill could be up for a vote before the

mid-term elections or during a lame duck session.

Senator Rockefeller has six Democratic cosponsors to his bill, including North Dakota Senators Kent Conrad and Byron Dorgan, as well as South Dakota Senator Tim Johnson. There are near-identical bills offered in the House of Representatives, but none have yet come up for a vote. Another similar bill by Senators Tom Carper (D-DE) and Bob Casey (D-PA) would exempt small polluting sources from EPA climate rules but regulate larger sources such as power plants.

Even if one of these measures passes both chambers, President Obama said he would veto any attempt to take away EPA authority to regulate greenhouse gases.

To receive email updates on Senator Rockefeller’s bill and the energy bill, go to worc.org/registry.

—Anna Lucas

Senators favor livestock rules

Twenty-one Senators sent a letter to the U.S. Department of Agriculture (USDA) supporting the proposed livestock and poultry rules that were released in late June. The proposed rules would restore a balance between cattle and hog producers and the meatpackers and prohibit some of the most egregious practices common in the contract poultry industry.

“Independent livestock producers welcome the support for the rules by these Senators,” said Mabel Dobbs with WORC. “These rules are the first step toward leveling the playing field between producers and the packers.”

The Senate letter comes on the heels of increasingly vehement opposition to the proposed rules by the meatpacking and processing companies.

“The letter from Senators demonstrates the popular support for these sensible rules from poultry producers everywhere,” said Mike Weaver, President of the Contract Poultry Growers Association of the Virginias. “These proposed rules must be swiftly implemented to protect contract poultry growers from unfair contracts that are all too common today.”

Senators signing the letter are: Tom Harkin, Iowa; Tim Johnson, South Dakota; Roland W. Burris, Illinois; Russ Feingold, Wisconsin; Patrick Leahy, Vermont; Chuck Grassley, Iowa; Kent Conrad, North Dakota; Mary Landrieu, Louisiana; Ron Wyden, Oregon; Byron L. Dorgan, North Dakota; Jon Tester, Montana; Ted Kaufman, Delaware; Claire McCaskill, Missouri; Herb Kohl, Wisconsin; Max Baucus, Montana; Al Franken, Minnesota; Jay Rockefeller, West Virginia; Sherrod Brown, Ohio; Mark Udall, Colorado; Michael F. Bennet, Colorado; and Bernard Sanders, Vermont.

Child Nutrition Act is key to healthy school food

This year Congress should reauthorize the Child Nutrition Act and bills are wending their way through the pipeline. In July the Senate passed a good bill, The Healthy, Hunger-Free Kids Act (S. 3307), that not only authorized \$40 million to support Farm to School food grants, but also added provisions ensuring that these funds would actually be budgeted. In addition, both bills will raise the reimbursement rate for student meals, increasing schools' capacities to budget for local meats and produce.

Now the focal point shifts to the House of Representatives, which has a narrow window to pass H.R. 5504, its version of Child Nutrition reauthorization. The House Education and Labor Committee passed an even stronger bill than the Senate-passed version before its August recess that allocates \$50 million (over a five-year period) for one-time only grants to schools to make the transition to purchase more healthy local produce, meats, dairy, and other ingredients, as well as to establish school gardens.

This legislation couldn't come at a better time in light of the dismal nutritional health of many American children and youth. Even the Department of Defense has spoken in support of more focus on nutritional health as it addresses the readiness of young men and women for military service.

An astonishing one out of three children in the United States is obese or overweight. Other diseases showing an alarming increase among children are Type 2 diabetes, high blood pressure, and high blood lipids. These conditions are enormously expensive to health care and disease management, so investments made in helping young children learn to eat and enjoy fresh, healthy, wholesome foods represent good fiscal management and reinvigorate

“WORC asks” continued from cover

and our member groups brought this issue to the forefront in 1988. We joined with other farm organizations like Farmers Union and National Farmers Organization to discuss how we could get enforcement of the existing laws like the Packers and Stockyards Act.

“We went back to our local communities to share this information with farm and livestock organizations to make known the rolling stone of concentration and monopolies,” Reinhiller said. “Over the course of time we ran into the indifference of enforcement agencies, but we did not give up. Now we have their attention and it's time to finish the work we've started.”

The commitment of farmers and ranchers was clear in another event in Ft. Collins. Held the night before the workshops, the “Save Rural America and Family Ranching Rally” was sponsored by WORC, R-CALF USA, Food & Water Watch and Rocky Mountain Farmers Union. The crowd of nearly 600 heard from ranchers, farmers, hog producers, dairy producers, poultry growers, food advocates, local foods producers, consumers and union members who shared their stories and solutions.

“These were positive events!” Reinhiller said.

More information is available at www.worc.org.

—Jeri Lynn Bakken

local economies with important and reliable new markets for new local businesses.

Opening institutional markets to local producers can return significant value to local economies. The school food market is estimated at more than \$10 billion per year. In the larger food system, farmers and ranchers receive only 20 cents of every food dollar that consumers spend on food. In Farm to School programs, the farmer return may be 60 to 75 cents of each procurement dollar.

Full funding would enable up to 100-500 projects per year up to \$100,000 to cover start-up costs. Funds could be used to develop vendor relationships with nearby farmers, plan seasonal menus and promotional materials, start a school garden, or develop hands-on nutritional education to demonstrate the relationship of nutrition to agriculture.

The three types of grants would be for (a) implementation, (b) training and technical assistance (either of which could up to \$100,000) or (c) planning grants (up to \$25,000 allowed).

—Margie MacDonald

TAKE ACTION

Help move this important step forward in local food systems and healthy school nutrition by calling your Representative, 202-224-3121, and urging him or her to vote for H.R. 5504 when it comes before the full House of Representatives this fall. For a fact sheet with helpful talking points on Farm to School, go to <http://tinyurl.com/CNRAfsheet>.

More weeds from Monsanto

Member Commentary by Gene Wirtz, Dakota Resource Council

I wasn't really surprised to read that University of Arkansas researchers found volunteer Roundup Ready canola growing "wild" in roadside ditches across North Dakota, according to an August 16 *Grand Forks Herald* article.

I already knew that the world of weeds was developing resistance to Roundup. After all, weeds are more nimble than we are in terms of genetic change, with a new generation every year.

So Roundup Ready canola was kind of a resistant weed in the first place—resistant to Roundup and ready and able to invade all kinds of fields.

I used to raise canola myself, but the Roundup Ready stuff put an end to that.

Why?

I use Roundup to control weeds such as Canada thistle and quack grass that affect many of my crops, including flax, peas and lentils.

If I plant Roundup Ready canola, I would get canola volunteers in my other crops, which I can't kill with Roundup. Controlling them would mean more herbicides and more expense.

Roundup Ready canola in a lentil field is just a Roundup Ready weed. So why not use conventional canola seed that isn't genetically modified?

First, it's very difficult to find. The advent of Roundup Ready and other genetically modified seeds has driven many smaller seed companies out of business and greatly concentrated the seed industry.

Second, if I raised non-GM canola, I could still get Roundup Ready canola volunteers in my field, and Roundup wouldn't kill them either.

Besides, technically those Roundup Ready canola plants might be on my land, but their genes would belong to Monsanto.

So there I would sit with Monsanto's canola invading my fields and facing legal action for pirating Monsanto's seed. It may seem ridiculous, but it's exactly what happened to canola farmer Percy Schmeiser in Canada and many others.

Come to think of it, it doesn't matter if I raise any kind of canola, Roundup Ready canola could take root in my field and I might still face prosecution.

So what happens when Monsanto's canola takes over the public right-of-way? Is there any reason the state or county should be immune from infringing on the Roundup Ready patent? Can we expect Monsanto to have our Governor or County Commissioners brought up on charges?

When Roundup Ready canola weeds spread freely over North Dakota and



overtake even leafy spurge, will Monsanto be able to drain the state treasury through patent fees and penalties?

If so, maybe some public officials would wake up about the damages GM crops have done to markets and competition—and maybe nature.

"Oil spills" continued from Page 7

the pipeline should be re-examined and a new draft issued for public comments.

Then, the State Department said it will give the EPA and other federal agencies 90 days after the final EIS is finished to comment on whether the Keystone XL Pipeline is in the national interest. Those two developments could delay a final decision on the pipeline from three to six months, or longer.

Then, a report by Plains Justice showed defective steel might have been used in TransCanada's Keystone I, which runs through the eastern Dakotas.

WORC joined landowners and Plains Justice to ask DOT to prepare a public report on how defective steel was used in U.S. pipelines, order special tests to determine if the pipe was used in the Keystone I system, reduce Keystone I's operating pressure until it can be fully tested, and replace any defective pipe found.

The Keystone I pipeline has already had three leaks, in its first weeks of operation, raising even more questions about assurances by TransCanada about the safety of the proposed XL pipeline and the rarity of spills and leaks.

—John Smillie

Beyond Business as Usual

Investigating a Future without Coal and Nuclear Power in the U.S.

In May, 2010, *Beyond Business as Usual*, prepared by Synapse Energy Economics, Inc., was released by WORC and its partners in the Civil Society Institute. The study lines out an affordable and viable transition to a clean energy scenario by 2050. Among its findings:

- Aggressive investments in more efficient technology can reduce electricity use by 10% from today's use, or nearly 40% from the "business as usual" scenario by 2050 if we follow a "transition scenario."
- The U.S. could retire its entire current coal fleet (power plants) by 2050, rather than increasing coal-fired generation by 40% ("business as usual" scenario).
- In this transition-to-renewable energy scenario, U.S. emissions of carbon dioxide would fall 82%, rather than growing by over 30%.
- Renewable energy, including wind, solar, and biomass, provides 48% of U.S. electrical needs by 2050 in the "transition scenario."
- The cost of launching this transformation amounts to about 1% of 2008 electrical system annual revenues between now and 2020, and would be more than "business as usual" will cost us in 2030. But in 2040 the costs of the transition scenario go down below "business as usual," and go lower still by 2050.

Study assumptions

The study uses as its reference point the energy use and cost projections in the U.S. Department of Energy 2010 Annual Energy Outlook. The reference case—"business as usual"—would have the U.S. consuming nearly 50% more electricity in 2050 than it does today. "Business as usual" will require a significant increase in coal mining and coal power plants, as well as gas, nuclear and other generators.

The transition scenario relies on actual, available renewable energy technologies and does not factor into its calculations the possibility of technological breakthroughs, although it takes into account the greater efficiencies of scale as photovoltaics (PV) capacity grows and the industry matures. It also accounts for the cost of integrating wind generation into regional power systems.

Energy efficiency is the bridge to clean energy

According to the report, a concerted nation-wide efficiency effort could boost energy savings nationwide to the level that the most aggressive states are achieving now. Innovations spurred by such investments would allow the nation to trim wasteful energy uses well into the future, flattening and even reducing our total demand. Through 2030, in the transition scenario, total demand stays flat while renewable energy penetration picks up as older coal plant retirements leave off.

In the transition scenario, power system operators are able to manage large amounts of variable generation (like wind and solar), because regional

power systems become much more flexible. Today's most inflexible generators—coal and nuclear units—are gone, while gas-fired plants, robust demand response programs and larger utility balancing areas aid in managing variable generation.

Although natural gas is used to generate electricity for balancing and flexibility in load management in the transition scenario, the 2050 share of natural gas in the electric mix is significantly below its projected use in the Department of Energy ("business as usual") reference case.

Energy efficiency keeps the cost of transition down

In the transition scenario, the combination of 2% annual savings from energy efficiency and the effects of strengthening building codes and standards provide significant savings, at a cost of just 4.5 cents/kWh. Getting more work out of the electric energy we produce helps make the transition to clean and renewable technologies affordable. Assumptions on energy efficiency savings are based on that currently achieved by the best utility programs, 2.0% per year.

Cost

- The report does not attempt to account for the "externalized" costs of fossil fuels, such as the health effects of pollution from power generation or the environmental impacts of coal mining. Factoring such costs would add significantly to the price tag in the "business as usual" case.



Renewable energy, including wind, solar, and biomass, could supply nearly half of U.S. electrical needs by 2050, according to *Beyond Business as Usual*.

- The costs of tax incentives and public subsidies are included in comparing different generating energy alternatives.
- The report does put a value on reduction in CO2 emissions, which could dramatically change the net cost estimates. If society sets some system-wide costs on carbon emissions, which seems likely, energy efficiency transitioning to an increasing share of renewable generation would look even better from a cost perspective.

Renewables in 2050

- On-shore wind accounts for 26% of the national mix of electrical generation in the “transition scenario.”
- Biomass produces 9% of the nation’s electricity, based on conservative assumptions of sustainability and feedstock.
- Solar PV would produce 3.3% of the total electricity and solar thermal would add 1.5%.
- Combined heat and power (CHP) accounts for 9% of the national total, providing significant savings from process and space heating demands.

Key aspects of the “transition scenario”

- All coal-fired plants are retired. In the “business as usual” case, 22,000 megawatts (MW) of new coal capacity are added and coal-

fired generation increases by 37% over the study period.

- Nearly 30,000 MW of nuclear capacity is retired, and nuclear generation falls by 30%.
- Gas-fired generation at central-station plants falls, and production at gas-fired combined heat and power plants rises. In 2050, overall gas-fired generation is up 26% relative to 2010, but it is 18% below “business as usual.”
- The nation taps its massive wind energy resource with 220,000 MW of onshore wind capacity in 2050 (26% of the mix, nationally) and 27,000 MW of off-shore capacity off the nation’s east coast.
- The country’s biomass resource is used conservatively with 34,000 MW of biomass capacity added, roughly a quarter of the capacity added in the “business as usual” case, producing 9% of the nation’s electricity by 2050.
- New Combined Heat and Power (CHP) plants (both gas- and biomass-fired) save combustion of 3.6 quadrillion Btu for process and space heating. The cost savings of this doubly efficient technology in 2050 would total nearly \$50 billion.

To view the full report, go to: *Beyond Business as Usual*, Synapse Energy Economics, Inc., May, 2010. www.worc.org/BeyondBusiness.

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CALENDAR

WESTERN COLORADO CONGRESS ANNUAL MEETING
Montrose, Colorado *October 2*

OREGON RURAL ACTION ANNUAL MEETING
La Grande, Oregon *October 9*

DAKOTA RESOURCE COUNCIL ANNUAL MEETING
Jamestown, North Dakota, *October 23*

POWDER RIVER BASIN RESOURCE COUNCIL ANNUAL MEETING
Sheridan, Wyoming *November 6*

NORTHERN PLAINS RESOURCE COUNCIL ANNUAL MEETING
Billings, Montana, *November 12-13*

WORC BOARD AND STAFF MEETING
Billings, Montana *December 3-4*