

# WESTERN ORGANIZING REVIEW

Volume VII, No. 1

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## Hog Farmers Vote Down Pork Tax

*Groups fight USDA refusal to allow vote on beef checkoff*

**H**og farmer members of the Campaign for Family Farms (CFF), a coalition of state based farm groups which led a three and a half year effort to end the mandatory pork checkoff, celebrated the end of the program in late January. Just before leaving office, Secretary of Agriculture Dan Glickman announced that hog producers voted to end the mandatory pork checkoff by a 53% to 47% margin.

The National Pork Producers Council spent upwards of \$4 million in an attempt to win the referendum. Hog producers say they voted to end the mandatory pork checkoff, a tax on every hog sold in the U.S. which generates roughly a million dollars a week for the NPPC, because it has been used to promote the interests of factory farms and corporate meatpackers and hasn't helped independent producers increase their bottom line.

"This referendum is about much more than ending an unfair tax," said Minnesota hog farmer Jim Joens, a member of the Land Stewardship Project and spokesperson for CFF. "It's about farmers organizing and fighting back against corporate power and money. With the checkoff gone, the Na-  
*See Pork Checkoff, page 21*

### Round One on the Beef Checkoff

*Judge slams use of funds against vote*

A federal judge in South Dakota strongly rebuked the Cattlemen's Beef Board and the National Cattlemen's Beef Association in January for spending producers' hard-earned checkoff dollars in a campaign against holding a referendum on whether to continue the checkoff.

"I have no doubt that this [CBB advertising] is a campaign to defeat the referendum and to preserve the existence of the [Cattlemen's Beef] Board," said Judge Charles Kornmann. The judge issued a preliminary injunction against any further producer communications by the CBB that are persuasive or political in nature, as opposed to factual information describing the CBB's programs.

The Livestock Marketing Association, the Western Organization of Resource Councils, and three South Dakota producers filed a lawsuit on December 29, charging  
*See Beef Checkoff, page 20*

## Wyoming Rancher's Coalbed Methane Warning

*Montana workshop panelists outline threats to water*

**O**n the night before the first public meeting on Montana's coal bed methane environmental impact statement, a farm and ranch conference panel highlighted potential problems for farmers and ranchers caused by coal bed methane development. Presenters said that the millions of gallons of salty water pumped from coal seams to release methane could have serious impacts on water quality and quantity in southeastern Montana.

Jim Bauder, a soil and water quality specialist at Montana State University-Bozeman, said that most methane water is unsuitable for agriculture, and that it is "objectionable" but acceptable for human consumption. "This water has a high salinity hazard and a high sodium hazard," said Bauder. "It can alter the soil and limit long-term soil productivity."

John Wheaton, a hydrologist for the Montana Bureau of Mines, said that unlike coal mining, which has been studied for decades, there are many uncertainties about the ef-  
*More on Methane, page 7*



*Salts from coalbed methane water killed grasses and ruined this once-productive creek bottom in Campbell County, Wyoming.*

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## A Job Well Undone

Linda Rauser

Greetings from the frozen plains of Keene, North Dakota, population 13. Actually, I live in my own suburb, a few miles out of the city. Like many rural people, I would have it no other way. There is a plaque on my wall from my Grandfather's day that reads:

*Sweet clean air from East to West  
And room to go and come.  
I liked my fellow man the best  
When he was scattered some.*

In 1920, there were 213 residents in my township. Today there are less than 50. I wish they could stop scattering now, but our agricultural economy just doesn't allow it.

Rural Americans who looked towards the Clinton Administration for relief from corporate oppression were sadly disappointed. If politicians were graded on how well they do

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*If politicians were graded on how well they do nothing, the outgoing Secretary of Agriculture, Dan Glickman, would be an honor student.*

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nothing, the outgoing Secretary of Agriculture, Dan Glickman, would be an honor student.

He did do his job when he called for a referendum on the pork checkoff, and then declared the vote binding. But it took a tremendous effort by the pork producers, and more than three years, to force him to do it. To all of you hog farmers: Congratulations on your huge victory!

Beyond the pork checkoff case, it seems, Dan Glickman's sense of duty failed him. Just a few days after announcing the results of the pork checkoff vote, he denied beef producers the same right, after a two-year wait and a tremendous effort by beef producers to get a vote.

That was more typical of Secretary Glickman's record in office. For example, despite pressure from 170 organizations across the nation representing hundreds of thousands of Americans, bipartisan Congressional support, and the endorsement of his own advisory committee, Secretary Glickman managed to get through his whole term without making a decision on WORC's petition for rulemaking on captive supply in the beefpacking industry. The Seattle protest that halted the round of WTO, the numerous border protests and the pleas for import relief from farmers fell on deaf ears in the

Clinton Administration. Yet USDA tells me my low prices are due to domestic oversupply.

It is human nature to approach incoming administrations with some degree of hope. Maybe the thought process is that it has to be better than the last one. Or just can't be worse.

If I could speak to Ann Veneman, the new Secretary of Agriculture, I would tell her that I don't envy her for her new job. She has been left a mess. I would also tell her that we will not accept that as an excuse. We can't afford to.

This is certainly an exciting time for the Western Organization of Resource Councils. It is truly an honor to have been elected Chair. I look forward to seeing old friends and meeting new ones at our meetings.

'Till next time, remember to do a friend a favor: invite them to join your local WORC group. If you're not a member of one of the WORC groups, do *yourself* a favor: sign up.

*Linda Rauser is the Chair of the Western Organization of Resource Councils. She farms and ranches with her husband, Jeff, in the suburbs of Keene, North Dakota, and is Vice-Chair of the Dakota Resource Council.*



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## Bits and Pieces

**T**he **Western Organization of Resource Councils** Board of Directors elected its leadership team for 2001 at its meeting in Billings, Montana, on December 9, 2000. *Linda Rauser* is the new Chair. Active in family farm issues with the Dakota Resource Council, Linda and her husband, Jeff, farm and ranch in Keene, North Dakota.

The new Vice-Chair is *Skip Waters* of the Powder River Basin Resource Council. Skip ranches with his wife, Vanna, in Moorcroft, Wyoming. They are active in WORC's Agriculture Issue Team. *Jack Thornborrow* is the Secretary/Treasurer. A farmer from Buhl, Jack and his wife, Darcy, helped develop the first chapter of the Idaho Rural Council in 1994. He now serves as IRC's President.

Two members of the **Dakota Resource Council** recently won elections to be county representatives to the North Dakota Wheat Commission. DRC Vice-Chair (and WORC Chair) *Linda Rauser* overwhelmingly defeated her opponent to become the representative for McKenzie County. DRC member *Louis Kuster* handily defeated an incumbent in Mountrail County.

Linda and Louis will vote for a district representative to the commission. The commission has seven members – one from each of six districts, and one appointed by the governor. Linda and Louis are in the same district.

The election results indicate widespread discontent with the commission's promotional activities, which aren't translating into fair prices for producers. Every North Dakota wheat producer pays a one-cent a bushel fee levied at the grain elevator to finance the commission.

DRC is supporting a bill in the state legislature, HB 1421, that would change the wheat checkoff collection from a volume basis to a value basis. The proposed rate is one-fourth of one percent of the net value of the wheat.

In an historic agreement, the **Western Colorado Congress** gained a commitment from the Louisiana-Pacific Corporation (L-P) to lower emissions at its waferboard plant in Olathe, Colorado. The two parties signed a letter of agreement on November 29, 2000. WCC wants the company to use new technology to the fullest extent and to approach zero emissions. A WCC negotiation team will meet regularly with L-P personnel.

In January, a leader and staff member from the **Northern Plains Resource Council** (NPRC) conducted a training session in Montrose, Colorado, on negotiating with corporations. Last May, NPRC signed a Good Neighbor Agreement with the Stillwater Mining Company after nearly two years of negotiations. WCC is also getting advice from one of its community groups, the **Western Slope Environmental Resource Council**, which has negotiated an agreement with

two coal companies to reduce off-site impacts of mining in Colorado's North Fork Valley.

The **Powder River Basin Resource Council** (PRBRC) helped stop a bill in the Wyoming legislature that would have let small miners dig up all nonmetallic minerals except coal without going through any permitting process. Small miners can already mine sand, gravel, scoria, limestone, dolomite, shale, ballast, and feldspar from areas of less than ten acres without a permit.

The more liberal exemption would have been extended to operations that extract minerals through blasting, including producers of decorative stone, marble, granite, and other minerals. In the past, PRBRC has tried to end the small miner's exemption altogether and to require a streamlined permit process for small mines. The bill passed through the House, but it died in the Senate's Minerals, Business and Economic Development Committee.

**Dakota Rural Action** (DRA) wants the South Dakota legislature to repeal the "gag law," a state law that makes it a felony for state agencies to tell the public if they are investigating a private entity. "This is a law that can really cause people to lose confidence in our government," said Holly Waddell, a DRA leader from Shadehill, South Dakota, "because it could easily be seen as an effort to keep secrets. A basic part of our democracy is that people need to know government is doing the job we have asked it to do."

See *Bits & Pieces*, page 23

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## Interior Department Rejects Gold Mine

**O**n January 17, then-Department of Interior Secretary Bruce Babbitt announced the groundbreaking denial of the Glamis gold mine in California – the first time the federal government has denied a major mining project on lands covered by the 1872 Mining Law.

Until this decision, government officials had interpreted the 1872 Mining Law to mean they had no authority to deny mine proposals. The Interior Department based its new position on laws and legal opinions more recent than the 1872 law, including the California Desert Protection Act and the Federal Land Policy and Management Act.

The proposed mine would have been located in southeastern California, near the Arizona border, in an area of great cultural and religious importance to the nearby Quechan Indian Nation, and threatened several sacred sites.

“Today’s action... says that Indian sacred sites and access to them does matter,” said Courtney Ann Coyle, attorney for the Quechan Indian Nation.

### Summitville lawsuit settled

The State of Colorado and United States Department of Justice have settled with the principal shareholder in the infamous Summitville mine, but the record penalty imposed by the settlement will barely make a dent in the cleanup bill.

Robert Friedland has agreed to pay \$27.5 million over ten years toward cleanup of the mine he walked away from in 1992 after declaring bankruptcy. The mine had leaked toxins into the Alamosa River from 1987 to 1992, killing virtually all aquatic life along a 17-mile stretch of river and contaminating water used for irrigation by farmers in Colorado’s San Luis Valley.

Although the settlement is the largest penalty ever paid by an individual in Colorado’s history, it will not come close to paying the bill for a cleanup that could go on for twenty more years, and already totals more than \$150 million.

### Industry sues for weaker standards

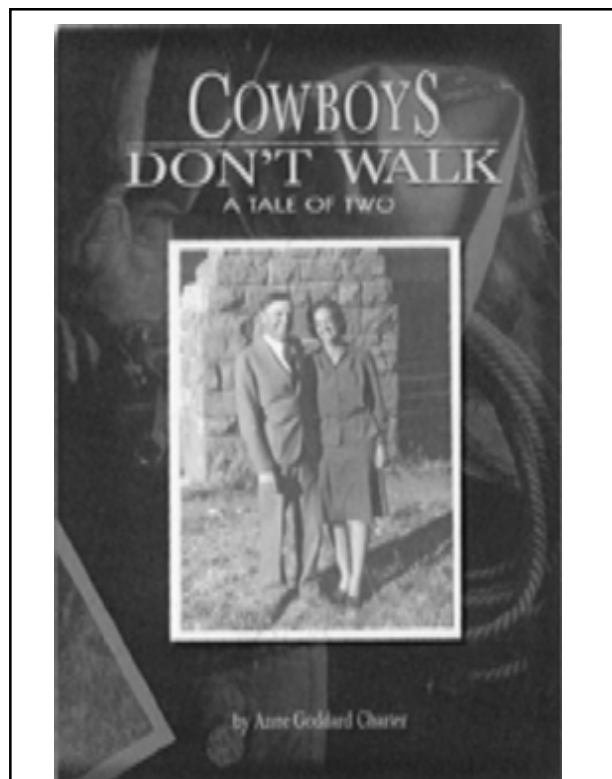
The National Mining Association, Newmont Mining Corporation and the State of Nevada are suing the Bureau of Land Management (BLM) because, they say, new standards for hard rock mining on public lands go too far. A counter-suit filed by the Mineral Policy Center (MPC), Great Basin Mine Watch of Nevada and Guardians of the Environment in Arizona claims the new standards aren’t strong enough.

The mining industry objects to a provision in the new rules allowing BLM to block proposed mines that would cause substantial irreparable harm to natural or cultural resources. Plaintiffs say existing state and federal standards are effective and that BLM is ignoring direction it received from Congress.

MPC’s suit argues that BLM has applied the new standards to some public lands where mines should have to do more than show they won’t cause substantial irreparable harm. Instead of applying to all federal public lands, the new standards should apply only to lands where mining claims have been filed under the 1872 Mining Law, MPC says. If a mine exceeds the 1872 Mining Law’s limits on acreage allowed for mining claims, the group says, it should have to meet the higher standards for unclaimed lands.

Who’s right? A federal court in Washington, DC, will decide. Environmental groups won round one when the court denied the Mining Association’s request to stay the new rules from going into effect on January 20. The lawsuit and inevitable appeal are expected to take several years to resolve.

— Sara Kendall



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# One Rancher's Coalbed Methane Story

*Ed Swartz*

*Ed Swartz presented these remarks at the January Thaw, a farm and ranch conference sponsored by Rocky Mountain College in Billings, Montana. Swartz was on a panel to discuss the impacts of coalbed methane development — Editor.*

**C**oalbed methane is a very mixed blessing. Those with mineral rights may make a lot of money. Those without will get a lot of hassles, damage to their surface, and the potential to have their water table lowered or depleted.

Let's get personal. I own a ranch in Campbell County, Wyoming. The really good feature of our ranch is Wildcat Creek, which meanders about eight miles through the ranch. It only flows during snowmelt or violent storms, and is typically dry nine or more months of the year. I have water rights on alluvial meadows, which provide winter hay supplies and a lot of our winter grazing.

In early October, 1999, coalbed methane water reached our ranch after coming through another neighbor. Redstone Resources was pumping water into Wildcat Creek from an absentee landowner's ranch above my neighbor. This water was in such volume that I was forced to put in two new crossings to move cattle and machinery across the creek. I also replaced a third short culvert to be able to cross machinery. This water ran all winter and stopped in late April, 2000.

When this water evaporated in the dry spring and summer of 2000, I noticed that all the vegetation and grasses, which I usually graze in the winter, were dead. This usually dry streambed's soil could not stand water for such a long period of time, in the wrong season. Alkali was drawn from the clay soils, and salts and sodium were dropped out of the water. This caused the vegetation to die and left white salt and alkali deposits on the soil.

The next natural flood will wash these deposits out on my hay meadows and probably kill my alfalfa and grass hay. This same creek and same meadows have been irrigated in every flood since about 1901 and there has never been a loss of vegetation or as much salt and alkali deposits as we got with just seven months of what the agencies say is drinkable coalbed methane water. Imagine: seven months of water ruined what almost 100 years of natural water did not harm.

## Water rights

Other coalbed methane companies, probably knowing what damage the water could cause, started building reservoirs on the drainages above my water rights to store the water. An employee of the Wyoming State Engineer's office (which is in charge of water rights) told me that there were at

least 30 new, unpermitted reservoirs above my water rights. When I started raising hell about interference with my water rights, the State Engineer allowed the coalbed methane companies to permit these reservoirs as livestock water reservoirs, which may be able to stay in forever, instead of as industrial coalbed methane water storage reservoirs, which could

be removed after the play is over. The employee who told me about these reservoirs apparently got in a lot of trouble for telling me, and was either forced out or fired.

I have demanded that the State Engineer get these reservoirs out of the drainages above my water rights. This has not been done. My suggestion that the water be stored in pits dug in flat areas that would not interfere with natural drainages has been ignored. I have suggested that the water be reinjected into the ground. This has also been ignored.

How much water is pumped out? Industry and government agencies say ten gallons per minute per well. Very conservative projections are for 30,000 coalbed methane wells in the Powder River Basin. One day's production from 30,000 wells, at ten gallons per minute per well, is 423,000,000 gallons. My 350-cow herd requires about 3,400,000 gallons per year.

One day's coalbed methane water would supply my ranch's water needs for 127 years – in dry years with no reservoir water. When the coalbed methane wells are first pumped, water production can easily be 100 gallons per minute or more. Can we afford to lose this much underground water? What damages will be caused to the soils and vegetation from this much water? I understand as coalbed methane drilling moves further west and north, water quality is getting worse. Can you afford the damages from poorer quality water after seeing my damages?

## Land title and abstracting costs

When Redstone Resources started its operations west and south of my ranch, it borrowed \$3.4 million from a Detroit, Michigan, company called MCNIC. The mortgage was recorded in the Campbell County courthouse, and Redstone's



security for the loan was recorded as their interests in four townships. About half of my ranch lies in two of the named townships, and I also have 858 unleased acres of mineral rights in them.

In Wyoming, whenever title passes, the abstract of the land needs to be updated. Just the abstracting and legal costs on Redstone's actions will cost my ranch or my heirs about \$10,000. I wrote a letter to Redstone and MCNIC, asking them to only mortgage what they had a legal right to mortgage. Neither took any action or even answered my letter.

To add insult to injury, Redstone then entered into a gas-gathering agreement with Bitter Creek Pipeline, again pledging their interests in the same four townships. Every 40-acre tract on which I own the surface and/or minerals (about 125 tracts) now has two mortgages recorded against it, and each throws a cloud on my legal title.

### Road damage and access problems

One of my pastures does not join the main part of my ranch, so I have to cross a neighbor's land to get to it. There is a scoria-surfaced, bladed-up road most of the way. The last 1½ miles were a good two-track road; I had put some scoria in the bad places.

In the spring of 1999, Yates Petroleum drilled two coal-bed methane wells on the neighbor's place, which I had to cross. It was a very wet spring, so to get in and out of the drill site, Yates used a dozer to push the mud out of the way. They apparently did this several times, and now the road has a low spot, which holds all moisture. My access (as well as my neighbor's) is limited to dry weather. We have both asked Yates to repair the damages, and they have not done so. In fact, they won't return my phone calls.

What can you in Montana do? Seeing the damages caused to my ranch from supposedly good quality water, BEWARE. Find out all you can, and be very careful before you sign any thing with an energy company.

The only organization that has been willing to help me and keep on helping is the Powder River Basin Resource Council. In Montana you have the Northern Plains Resource Council, a sister organization which has already been working on coalbed methane issues. It can be an excellent source of information, and with about 30 years of experience in helping ranchers and farmers, it will be there for you.

I hope my experiences will help you avoid the problems I have encountered.

*Ed Swartz ranches in Campbell County, Wyoming, and is a member of the Powder River Basin Resource Council.*

### *Methane, from page 1*

fects of methane development on underground aquifers. "We know methane production will take water out of underground aquifers, which can impact water wells," said Wheaton. "The question is, with such widespread dewatering, how long will it take to recharge those underground aquifers?"

Ed Swartz, a rancher from Wyoming who participated in the panel, warned Montana ranchers of the damages that methane development caused on his land. According

*"After 7 months of this coal bed methane water, the creek bed is destroyed, and I'm out the most productive part of my ranch."*

— Wyoming rancher Ed Swartz

to Swartz, Redstone Resources discharged methane water into Wildcat Creek, which runs through his ranch, between October 1999 and April 2000. When the water evaporated, the previously lush and productive stream bottom had been replaced by salt-encrusted, sterile soil.

"My family has been irrigating our meadows with water from Wildcat creek for nearly 100 years, and every year waist-high grasses grow when the creek dries up," said Swartz, a member of the Powder River Basin Resource Council. "After seven months of this coal bed methane water, the creek bed is destroyed, and I'm out the most productive part of my ranch. To rub salt into the wound, when the next natural flood brings water down the creek, it's going to wash the crusted salts onto my meadows. I could be out even more valuable pasture."

Methane, or natural gas, is trapped in coal seams by water pressure. Methane operators dewater coal seams, which lowers water pressure and releases the gas. A typical methane well pumps between 12 and 20 gallons a minute, more than 17,000 gallons a day, for the duration of production, about ten years. In Montana, a moratorium on drilling permits negotiated by the Northern Plains Resource Council limits methane drilling to 525 wells pending completion of an environmental impact statement (EIS), while in Wyoming, more than 10,000 wells have been permitted; more than 30,000 wells are anticipated.

"If my story helps just one rancher not have to go through what I've been through for the last year and a half, and protects just one ranch operation," said Swartz, "then the trip up here was worth my time."

— Amy Frykman

# Do You Know What Your President Is Up To?

*Federal executive branch information on the Web*

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FirstGov is designed to provide the public with easy, one-stop access to all of the federal government's online resources – everything from President Bush's energy plan to U.S. farm income to tracking a NASA mission. The site is intended to help Americans find information and resources they need at a click of a mouse – quickly and easily.

## GPO Access

[http://www.access.gpo.gov/su\\_docs/index.html](http://www.access.gpo.gov/su_docs/index.html)

The U.S. Government Printing Office's GPO Access site gives you free electronic access to federal government publications: all the laws in the U.S. Code, all the regulations in the Code of Federal Regulations, the Federal Register, the budget, and much more. The Federal Register includes all regulations being proposed or finalized by executive branch agencies and all public notices.

## Columbia University Libraries

<http://www.columbia.edu/cu/libraries/indiv/dsc/executive.html>

This page is a selective listing of resources at Columbia University Libraries and on the internet, for conducting research on the federal executive branch and presidency. It's an eclectic collection of links to interesting and potentially useful information – presidential tax returns, nominations and appointments, communications to Congress (including veto threats), executive orders, and much more.

## Project Vote Smart

<http://www.vote-smart.org/executive/>

Project Vote Smart's Executive Office Online Resources page includes biographical and campaign finance data for the President and Vice President, as well as links to sites where you can access presidential speeches, press releases, radio addresses, executive orders, and other statements.

## White House

<http://www.whitehouse.gov/government/>

The White House's Your Government page lists the members of the President's cabinet, and links to the web sites of all executive offices, federal agencies, and federal commissions. From this site, you can link to:



- The Securities and Exchange Commission's EDGAR database, which gives you access to most corporate financial records filed with the SEC.
- The Environmental Protection Agency's policy proposals, and databases of toxic releases, compliance with environmental laws, etc.
- The U.S. Trade Representative's site, with the United States' negotiating position on the Free Trade Area of the Americas and other trade agreements.

## President Bush Watch

<http://www.presidentbushwatch.org/>

This site, sponsored by Friends of the Earth, is committed to monitoring the Bush Administration's actions on environmental issues – nominations, appointments and policy proposals.

# Commission Approves Strong Zoning Plan

## Factory Farm News

**G**rand Forks County's Planning and Zoning Commission unanimously approved a zoning ordinance supported by the Grand Forks County Citizens Coalition, an affiliate of the Dakota Resource Council, in early January. If approved by the County Commission, it will be North Dakota's first comprehensive county factory farm ordinance.

Under the ordinance:

- Hog operations with 1,000 to 10,000 animal-units must be 1.5 miles from all residences and three miles from cities. Operations larger than 10,000 animal-units must be three miles from residences. Less stringent setbacks apply to cattle operations.
- Hog operations from 500 to 1,000 animal-units must post a \$25,000 bond; larger operations must post a \$50,000 bond.
- Licensed engineers must approve lagoon construction. Qualified soils scientists must perform soil tests.
- Manure management plans must include proof of landowner consent for application of manure.
- If a facility has not been in use for three years, or if it has new owners or operators, a new permit is required.

### County to decide on Big Sky hog farm

Idaho's Cassia County Planning and Zoning Commission is reviewing a 50,000-sow hog factory, after the state's Department of Environmental Quality (DEQ) issued a draft permit for the project. When finished, the hog factory could hold up to 595,000 hogs.

Local residents turned out to oppose Big Sky Farms at two Planning Commission hearings in January, predicting an environmental and financial disaster and questioning the company's refusal to disclose the names of financial backers who would own the land.

Large hog farms have "created problems in every state that they've been allowed," said Jerry Jayne, a member of the Idaho Rural Council. "We can't afford to let them into Idaho. They've been a disaster everywhere they've been."

Neighbors of the proposed facility, Mike and Toni Garner, opposed the facility before the state legislature earlier this year. "They're going to let 100,000 tons of waste sit across from my house and let it concentrate, and concentrate, and concentrate, for 25 years," said Toni Garner. "And someone's going to tell me that's not a threat? Hogwash."

The Planning Commission is expected to make a decision on the project before spring. DEQ cannot issue a final permit unless the county approves the project.

### Idaho officials tighten controls

Gooding County, Idaho, has passed the state's second moratorium on factory farms. Twin Falls County has extended the 90-day moratorium it issued late last year while it considers revisions to its Livestock Containment Ordinance.

In Boise, the Idaho Legislature is considering several bills to further restrict the factory farm industry. The Idaho Rural Council is supporting bills to require submission of written contracts for land application of dairy waste with nutrient management plans, require water right permits and local approval before dairies can sell milk, and penalize mega-dairies that violate their water right permits by revoking their milk sale permits.

### Superstar lawyers tackle hog factories

A coalition of environmental and animal welfare organizations is taking on the factory hog industry in court, backed by an all-star team of lawyers. Members of the coalition say factory farms are polluting water and air in violation of federal and state laws, and that the government is not regulating factory farms appropriately. The aim of the lawsuits, according to the coalition, is "reforming the industry, restoring damaged ecosystems and reinvigorating America's family farms."

Fifteen major law firms, whose past opponents include tobacco, asbestos and chemical companies, have put up \$50,000 each to finance researching and filing lawsuits. In addition to the Water Keepers, coalition partners include the Animal Welfare Institute and the Sierra Club.

"We're starting with hogs," said Robert Kennedy, Jr., president of the Water Keeper Alliance. "After hogs, then we are going after [poultry and beef.]" The initial targets are Smithfield Foods and Premium Standard Farms.

"The reason we're going after these guys is because they aren't farmers; they are factories," said Kevin Madonna, director of the National Litigation Project.

### Corporate hogs on the rise

Since 1994, the number of hogs raised in operations owned by corporations has increased from 6.4% to 24%, according to the University of Missouri. Another 44% of hogs are raised under corporate controlled contracts, usually in factory farms. An increase in corporate ownership and control means that fewer hogs are raised in smaller, family farm operations. Since 1988, the percentage of hogs raised on farms with fewer than 1,000 head dropped from 32% to 2%. At the same time, hog factories with more than 50,000 head increased from 7% to 52% of production.

— Sara Kendall

# Deregulation Tremors Shake California

*Aftershocks ripple across the nation*

In 1996, the California legislature deregulated electricity. State and federal regulation had provided the nation with a relatively stable and reliable electric supply since the early 1900s, but proponents of deregulation argued that it was time to break up this system and let the free market work its magic. Today—amid skyrocketing wholesale electric rates, higher energy costs for consumers and businesses, and rolling blackouts—many citizens are wondering whether deregulation is all it's cracked up to be.

Southern California Edison and Pacific Gas and Electric, California's two largest utilities, say they have lost \$12 billion since June because retail rate caps prevent them from charging the full cost of wholesale electricity to their ten million customers. By December 2000, wholesale prices had spiked to more than \$600 per megawatt hour, from \$120 in June and \$12 when deregulation went into effect in March 1998. (A megawatt-hour is 1,000 kilowatt-hours. Household electric bills are usually calculated in kilowatt-hours.)

According to conventional wisdom, California's electricity crisis stems from increasing demand caused by the booming economy, aging and faltering power plants, a hot summer and cold fall, and the fact that deregulation freed wholesale power prices from control, but not retail prices.

Some corporate executives say the real problem is that California didn't take deregulation far enough. "California is not an example of a failure of deregulation because California never deregulated," said Chuck Watson of Dynegy, a power supply company. "They started down a path and botched it."

"The reason that the utility industry was regulated in the first place is because it's a natural monopoly, and experience with monopolies indicates that you have to regulate things," counters Molly Ivins, a columnist for the *Fort-Worth Star-Telegram*. "This is one of those deals, like the Savings & Loan mess, when you want to go back and check who pushed the ill-advised plan and what promises were made. ('More energy! Cheaper rates! Pie in sky!') You would be well advised not to listen to those same players again."

## Whose idea was this, anyway?

California Governor Gray Davis has called deregulation "a colossal and dangerous failure." Davis and state legislative leaders are trying to push through a plan whereby the state will issue bonds to cover the utility companies' debts. Customers would pay back the money over ten years through recently approved rate increases. In exchange, California would be granted long-term options to buy low-priced stock in the utilities. The state could then sell the stock and use the profits to help pay off the bonds.

Ratepayer groups view this plan as an unnecessary bailout. "Edison can bail itself out," said Harvey Rosenfield, president of the Foundation for Taxpayer and Consumer Rights. Rosenfield figures that Edison's assets are worth \$37.9 billion. "They're desperately looking for a way to make it look as if the ratepayers are going to get something in exchange

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*"The reason that the utility industry was regulated in the first place is because it's a natural monopoly, and experience with monopolies indicates that you have to regulate things."*

— Molly Ivins, *Fort-Worth Star-Telegram*

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for giving the utilities \$12 billion to bail them out for the mistakes they've made." Rosenfield said.

The utilities now screaming for help drafted the California deregulation bill and lobbied heavily for it. Writer and consumer advocate Harvey Wasserman says they "walked off with more than \$20 billion in 'stranded cost' bailouts as part of deregulation, but nobody seems to be able to account for where the money went, nor is there a concrete plan for getting that money back." Stranded costs are the difference between what a utility was allowed to charge under regulation and the price it gets for power on the competitive market.

## Maintaining healthy profits

Frank Wolak, a professor of economics at Stanford University, believes generators are holding power off the market to drive up prices. "One of the things we expected with deregulation was incentive to keep plants well maintained," Wolak said. "Instead, it's profitable to keep them out of service because it creates artificial scarcity that pushes up prices."

According to the *Wall Street Journal*, power-plant outages increased dramatically last year in California. In August, for example, 3,391 megawatts of capacity was out of service, a 461% increase from the prior August. "It's not clear exactly why these plants went out of service," admitted an analysis by the Federal Energy Regulatory Commission.

"There is no electric supply shortage threatening California or the nation," said consumer advocate Wasserman, "only a series of complex, cynical manipulations that have ramped prices sky high, yielding enormous profits for a few distributors and generators."

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The utilities that deliver power to retail customers used to own generating plants. With deregulation, legislators in some states required the utilities to sell off some of these plants. Energy traders like Dynegy and Enron bought them up. Dynegy earned \$500.5 million on revenue of \$29.44 billion last year. About 80% of that profit came from the business that includes its electricity generating and trading operations.

Integrated natural gas and electricity companies also have unique opportunities to get the most out of a deregulated market. Vertically integrated companies can sell natural gas, which they bought cheap, at higher spot market prices

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*"There is no electric supply shortage threatening California or the nation, only a series of complex, cynical manipulations that have ramped prices sky high, yielding enormous profits for a few distributors and generators."*  
— Consumer advocate Harvey Wasserman

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and take a profit. Then the generators they own can buy it back at a higher price on the spot market and use that to justify the higher bid price of electricity.

"It's all perfectly legal," says Professor Wolak – although, he says, the results are far from what was intended. "It's not a market anymore. It's ask and you shall receive."

### Oil companies cash in, too

Power generators and traders are not the only companies profiting from the California fiasco. The nation's three biggest oil companies, benefiting from unusually high natural gas prices, reported huge fourth quarter earnings. Exxon Mobil said its fourth-quarter net income of \$5.2 billion is the highest quarterly profit ever posted by a U.S. corporation, breaking a record it claimed in the previous quarter.

Many new electric generating plants constructed in the past few years are powered by natural gas. Surging demand from these new plants, along with lower inventories, tight supplies, and early cold snaps, have made natural gas the real star in oil companies' fourth quarter earnings reports. Chevron's natural gas production rose just 1%, but fourth quarter earnings for its U.S. exploration and production operations shot up 86% to \$614 million. The spike in natural gas prices is a major source of the electricity problems in California.

"The core of the California power crisis is simple: utilities got greedy," says Wasserman. "They thought they were taking the electricity business into a brave and profitable new millennium. Instead, they threw it back to a chaotic old century."

— Kevin Williams

### What's Next?

*As the California crisis spreads across the West and the nation, it will have a large impact on United States energy policy. Here are some of the spin-offs to expect from this crisis:*

**A push for new fossil fuel generating plants.** California imports 20% of its power, so proposals to build power plants in other states to meet California's electricity needs are also likely.

**Delays in new state deregulation plans.** "I cannot and will not support deregulation until I am assured that power supplies are secure," said Nevada Governor Kenny Guinn. Twenty-four states and the District of Columbia have deregulation plans, but only a handful are opening markets to retail competition.

**More wind power.** With the development of bigger, more sophisticated turbines, the cost of wind-generated electricity is becoming competitive with rival power sources. By the end of 2001, the U.S. Department of Energy projects, 2,500 megawatts of wind power generation will be added in the United States.

**A renewed push for energy conservation and efficiency measures.** The Bush administration has talked about federal energy efficiency standards for commercial and office buildings.

**Pressure to increase fossil fuel production in the West.** President George W. Bush said recently that he was "deeply concerned" that the power crisis was "spreading beyond the California borders" and vowed to make it easier to explore for, extract and transport oil and gas to produce more electricity.

**Attacks on health and environmental safeguards.** The Bush Administration wants to issue pollution waivers to allow older power plants to come on stream in California during peak demand periods. A bill will be introduced in Congress to exempt the oil and gas industry from the Safe Drinking Water Act.

**Spillover environmental impacts.** When California needs to import electricity, a coal-fired power plant in Craig, Colorado, may boost its production and belch out more air pollution.

**More schemes to subsidize the power industry and large industrial electricity users.** California may issue state bonds to cover utility debts, paid for by customer rate increases. Three Pacific Northwest aluminum companies have shut down or cut back production and are selling the low-cost federal power they would have used for production back to the government for as much as 20 times what they paid.

**More utility company rhetoric about the benefits of customer choice, and more consumer indifference.** Less than two percent of California residential customers have switched electricity providers. Just one of every 200 Montana Power Company customers have elected to choose an electricity supplier.

— Kevin Williams

# The Genetic Threat to US Wheat Exports

Traders on the Tokyo Grain Exchange began buying and selling contracts for soybeans certified as free of genetic modification last May. Within a month, the new exchange was trading three times as many GM-free contracts as the conventional soybean exchange, and the GM-free soybeans were bringing nine to ten percent higher prices.

Unless state or federal regulators take action, GM wheat will be introduced and grown in the next couple of years, and it will become increasingly difficult (and expensive) to keep GM wheat from contaminating supplies of GM-free wheat.

Eventually, even producers who don't use GM seeds will see export prices for their wheat dragged down to the lower price foreign consumers will pay for GM wheat — if they buy U.S. wheat at all. Overseas customers will buy from states, regions or countries that can supply certifiably GM-free crops.

Overseas markets for U.S. crops grown from genetically modified seeds are shrinking. Supply and demand is setting different prices to U.S. farmers for different crops, but decisions by state legislatures may determine whether U.S. farmers can participate in the more lucrative GM-free market at all.

- The Deutsche Bank, the largest bank in Europe, released a report on the potential development of a two-tiered marketing system, with the premium price going to non-GM crops, in 1999. The report — *Ag Biotech: Thanks, But No Thanks?* — recommended against investment in many agricultural biotechnology companies.
- The Illinois Agriculture Department wants seed companies to refrain from selling any seed in Illinois not approved for use in major markets.
- U.S. wheat marketing officials are begging Monsanto to go slow on the introduction of GM wheat. “With five classes of wheat in the U.S., we already can give the customer what he wants,” U.S. Wheat Associates board member Fred Elling, a Montana wheat grower, told *Reuters* at a recent grain industry conference. “Why should we grow something they don't want?”

## Consumer Acceptance

In Japan and the European Union, strong labeling requirements imposed at the insistence of consumers — not artificial trade barriers set up by the EU and Japan — are the major impediment to selling GM products. On April 1, 2001, Japan will begin requiring GMO labeling on 24 product categories, including soybean tofu and flour, corn flour, snacks, starches and grits, and processed foods where these products are one of the three major ingredients. Polls of Japanese consumers show that 92.5% favor mandatory labeling and 80% have “res-

ervations” about GM food. The Japanese market represents 20% of all U.S. agricultural exports, worth \$11 billion a year.

The story is much the same in Europe. Under EU Regulation 258/97, GMO's have been labeled since May 1987. New labeling requirements will include strict trace-back ability and

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*“We already can give the customer what he wants. Why should we grow something they don't want?”*

— Fred Elling, U.S. Wheat Associates

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strong labeling at the consumer level. The Mad Cow crisis and a lack of confidence in the ability of their governments and scientists to evaluate the safety of the food supply have increased demand for GM food labeling (86% want GM food labeled), which led to the new EU labeling rules.

In Japan and Europe, grocery stores and importers are giving consumers what they want: non-GMO food.

- The Asahi, Kirin and Sapporo Breweries have all pledged to go GM-free.
- Nisshin Flour Milling Co. LTD and soymilk-maker Kibun Food Chemifa no longer use any GM products in their processing.
- In March 1999, six major European supermarkets — Sainsbury and Marks & Spencer of Britain, Carrefour of France, Delhaize of Belgium, Effelunga of Italy, Migros of Switzerland and Superquinn of Ireland — banded together to ensure access to GM-free foods.
- Tesco, the largest food retailer in the UK, has also gone GM-free; it will not purchase crops grown on any land which has ever grown a GM crop.

## Countries Respond

In addition to actions by grain-buying corporations, some countries are responding to consumers and voters with outright or *de facto* bans on GMO's.

- Italian farm and consumer groups are warning exporting nations that they will not accept GM wheat.
- The EU has placed a *de facto* moratorium on the commercial growing of GM crops, except on Novartis' Bt corn, which is grown in Spain.

- Partial or complete bans are in place in Austria, Luxembourg, Italy and Greece. Britain has a formal moratorium on growing GMO crops until 2003.
- France, Italy, Denmark, Greece and Luxembourg have announced they will block any new licenses until new regulations are established.
- Algeria banned imports, sales and consumption of GM plants and products derived from them as of January 5. Algeria is the largest buyer of American durum wheat.

Consumer attitudes toward GM crops have started to affect world grain markets. In Brazil, the second leading soybean grower after the US, a legal ruling in a lawsuit filed by the Consumer Defense Institute and the environmental organization Greenpeace International has blocked efforts to liberalize the planting of genetically modified crops.

Brazilian exports of non-GM soybeans are growing. U.S. soybean exports to Europe declined from \$2.1 billion in 1996 to \$1.1 billion in 1999. "At the current rate at which food manufacturers are withdrawing GM ingredients... from their

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*"We will never be in the market for it." We have to listen to our customers, and they don't want GM wheat."*

— Norwegian importer Kjetil Gran Bergsholm

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products," says the British government's Science and Technology Committee, "there will be no market for GM food in this country."

"We will never be in the market for it," Kjetil Gran Bergsholm, a trader at Norwegian importer Stakorn, told *Reuters*. "We have to listen to our customers, and they don't want GM wheat. If the U.S. goes ahead with this, we'd have to turn to Canada and Kazakhstan to get those supplies," he said.

Keeping GM wheat separate from conventionally grown wheat is the most obvious solution to this problem, but the U.S. grain handling system was developed to handle vast quantities of grain and move it efficiently – not to segregate every kernel of GM grain from GM-free grain.

Todd Leake, Dakota Resource Council member and a wheat farmer from Emerando, North Dakota, argues that segregation of the two types of wheat is virtually impossible. "It's the physics of the grain handling system," he said.

The introduction of GM wheat, without proper biological controls, handling and segregation, will lock this region's wheat out of export markets to our largest customers. A grow-



## Come to WORC's Website House Warming Party!!!

Time: *Anytime Today*

Place: [www.safefoodfight.org](http://www.safefoodfight.org)

Why: *Your food is worth fighting for!*

*Our new website explores food safety issues: genetically modified organisms, country of origin labeling and food inspection.*

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ing number of U.S. and Canadian farmers and agriculture officials argue that a moratorium is needed to keep insure access to all segments of the market place.

— Frank James

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# Food Safety Legislation Moves Forward

*Country of origin labeling advances in Montana, Colorado*

Members of the Northern Plains Resource Council praised a bipartisan vote in the Senate Agriculture Committee in February that sent a country of origin labeling bill to the floor of the Montana Senate.

“This bill provides a key to turning the rural economy around: give consumers the right to know where their food comes from,” said NPRC Ag Task Force Chairman and Grass Range rancher Gilles Stockton. “We strongly believe that, if given the information, consumers will choose high quality Montana agricultural products over those being imported by multinational agribusinesses from who knows where.”

Stockton charged that passage of NAFTA has resulted in a flood of livestock and food products coming from Canada and Mexico. He said that the federal agencies responsible for ensuring that food imports are safe have not kept pace, and therefore the effectiveness of the U.S. food inspection system has been seriously compromised. He pointed to a June 2000 report from the Inspector General of USDA that documented serious problems in the system.

“Detailed control processes and procedures for determining the equivalency or the continuing eligibility of foreign inspection programs to export meat and poultry products to the United States were not adequately developed, were not incorporated in formal agency procedures for distribution to responsible personnel, or were not functioning as required by regulation,” the report said.

“Consumers are asking more questions about where their food comes from,” Stockton said, “and if we can tell them that the food is coming from Montana, that’s a marketing

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*“I know where my shirt comes from. I know where my boots were made. Even my son’s toys are labeled, but I am not allowed to know where the meat in my hamburger was raised or slaughtered.”*

— Gilles Stockton, Montana rancher

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advantage for Montana producers. It also provides smaller, independent packers and retailers an opportunity and an incentive to market Montana products. It gives them a marketing tool to compete with the big packers and large chain stores.”



FRANK JAMES PHOTO

*Birdee Dundee testifies for the Northern Plains Resource Council for a bill to require country of origin labeling on meat and produce before the Montana Senate Agriculture Committee.*

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## Coalition unites behind right to know

Grassroots family farmers and ranchers were joined by agricultural groups, small businesses, churches, labor unions and others in testifying for the bill, which would require country of origin food labeling for fresh produce and meat products, at a hearing in early February.

“The issues involved in this proposed legislation are simple and straightforward,” said Stockton. “I know where my shirt comes from. I know where my boots were made. Even my son’s toys are labeled, but I am not allowed to know where the meat in my hamburger was raised or slaughtered.”

Virtually every agricultural group in the state, including the Rancher-Cattlemen’s Action Legal Fund (R-CALF) and Montana Farmers Union, along with the Montana AFL-CIO, the Montana Association of Churches and rural chambers of commerce, supported the bill.

Noel Keogh, a rancher from Nye, Montana, representing the Beartooth Stockgrowers Association, showed the committee a toothpick holder that had “Alaska” written on it to promote that state’s tourism industry. He then turned it over and showed the label on the bottom reading, “Made in Taiwan.” “If it’s important to know where our toothpick holders come from,” Keogh told the committee, “then it’s just as important to know where our beef comes from.”

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## Farmers ask protection for wheat markets

The Montana Senate Agriculture Committee also held a hearing on a bill to put a moratorium on genetically modified (GM) wheat.

“This is not a radical idea,” said NPRC Chair Dena Hoff, who farms outside of Glendive, Montana. “Canada, a country that exports an average of 26.5 million tons of wheat and durum, recently called for a moratorium on genetically modified crops until one of two things happen: either customers become more willing to accept GM foods, or grain handling systems become adept at segregating natural and modified crop varieties.”

The Dakota Resource Council (DRC) is shepherding a GM wheat moratorium bill through the North Dakota legislature. Before the hearing on this bill on February 8, DRC met

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*“Many major export markets for North Dakota hard red spring wheat are currently restricting the importation of genetically engineered commodities.”*

—Todd Leake, North Dakota wheat farmer

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with members of the legislature and the North Dakota Department of Agriculture. Although Monsanto sent six employees to testify against it, there was little other opposition to the bill at the hearing.

“Many major export markets for North Dakota hard red spring wheat are currently restricting the importation of genetically engineered commodities,” Todd Leake, a DRC member and wheat farmer from Emerando, North Dakota, told a gathering of North Dakota legislators. “Japan, the European Union and several Middle East and Asian countries restrict the importation of genetically engineered crops and products.”

On the same day that North Dakota legislators were considering the GM wheat moratorium, a country of origin bill passed the Colorado Agriculture, Livestock and Natural Resources Committee. The Western Colorado Congress (WCC) is working with Rocky Mountain Farmers Union to pass the bill. The favorable vote came despite stiff opposition from large grocery retailers.

NPRC and DRC are leading efforts in Montana and North Dakota on bills dealing with chemical residues in imported food and commodities. The North Dakota version of this legislation calls for certification that imports don’t exceed U.S. standards for chemical residues and that chemicals not licensed in the U.S. aren’t present on the products. In Montana, the legislature will consider a pilot project to assess the amount of chemical residues present on imported commodities.



Todd Leake.

SUE LEAKE PHOTO.

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## Food Safety Concerns

“The consumer is our customer, and we need to look out for our customers’ welfare because if we don’t, we stand to lose,” NPRC’s Stockton said in his testimony for country of origin labeling.

“I think the whole issue is getting a lot of attention nationwide,” said Senator Terry Wanzek (R-Cleveland) Chairman of the North Dakota State Senate Agriculture Committee. “Agriculture is our major industry. If we jeopardize our reputation with our market, that could have a serious economic impact on us.”

Both Japan and the European Union have adopted strict labeling standards for GM foods. In Europe, 86 percent of consumers said they want GM foods labeled in a recent poll. “We as governments can approve all we want,” said Sir Leon Brittan, Vice President of the European Commission, “but it won’t matter if consumers won’t buy it.”

The European Union is implementing strong country of origin labeling rules. The rules will include strict trace-back regulations to the farm of origin for meat products. “The Europeans will know more about our beef products than our American consumers” when American meat is again exported to the European Union, said Leo McDonnell, Jr., of Columbus, Montana, the President of R-CALF.

— Frank James

# A Lot to Swallow

## *An overview of the food industry*

The U.S. population spends about 15 percent of its disposable income on food, and a substantial portion of that money ends up in the hands of a processed-food industry with half a trillion dollars in annual revenues. U.S. agriculture and food processing yield a remarkable quantity and variety of edible offerings, but this industry increasingly finds itself surrounded by controversy. Here are some of the reasons.

### Concentration of Ownership

The food industry is controlled to an ever greater extent by a small number of mega-corporations that have the power to manipulate markets. Grain trading is dominated by the likes of Cargill, the largest privately held company in the United States. Thousands of brands of packaged food are owned by a handful of companies such as Philip Morris and ConAgra, as well as their European-based rivals Nestle and Unilever. Meatpacking is ruled by companies such as pork producer Smithfield Foods, which owns some 700,000 sows, and Tyson Foods, which leads the poultry business and is now poised to dominate beef through its deal to acquire IBP Inc.

The large food processors have been swallowing their competitors at a rapid rate. The past year alone has seen deals such as the \$20 billion takeover of Bestfoods by Unilever, the \$15 billion acquisition of Nabisco by Philip Morris and the \$13 billion sale of Quaker Oats to PepsiCo.

Concentration of ownership keeps consumer prices artificially high (note the ridiculous cost of brand-name breakfast cereals, for instance), but there is an even more dramatic effect on small farmers and ranchers, whose fate is increasingly determined by large corporations at both ends: Big seed, feed and fertilizer companies dominate the market for agricultural inputs, and other powerful companies dominate the markets in which farmers and ranchers sell their output.

Family farmers end up paying more for their raw materials while the slump in commodity prices has depressed the income they receive for their product. One of the worst problems is in the meat busi-

ness, in which a system of captive livestock marketing perpetuates anti-competitive practices that weaken the bargaining position of small cattle producers.

The position of family farmers is weakened by two other factors: federal policy and new trade practices. The so-called Freedom to Farm Act of 1996 makes farmers more dependent on market forces, and the free trade principles of the World Trade Organization discourage government aid to farmers. All of these factors have led to a precipitous drop in the number of family farms at the same time that the big agribusiness companies grow more powerful.

### Biotechnology and Food Adulteration

Advances in genetic engineering have inspired the food industry to propose a variety of new foodstuffs that will purportedly be healthier, cheaper and better tasting. Companies such as Monsanto have developed patented seeds that produce crops resistant to blights and insect pests—and are promoting them as solutions to world hunger.

The industry's biotech thrust has been met by a movement that questions the safety of such technology and warns that strict corporate control of seeds will turn small farmers into serfs. The movement, which is stronger in Europe but gaining ground in the United States, has generated enough public concern that some large food processors and fast-food chains are refusing to purchase some genetically altered produce. European drug companies Novartis and AstraZeneca merged and spun off their agribusiness operations into a new company called Syngenta, at least in part to diffuse protests over genetically altered foods.

Last September, Kraft Foods recalled millions of taco shells after learning that they contained a genetically engineered corn called StarLink, which was not approved for human consumption. (StarLink is a product of Aventis, a company formed by the merger of two European chemicals giants: France's Rhone-Poulenc and Germany's Hoechst.) It later came out that other foods had been contaminated with StarLink, leading to the recall

### Margin Monitor

<u>Company</u>	<u>Latest quarterly profits</u> (% change from prior year)
IBP	- 19%
ConAgra	+ 61%
Cargill	+ 20%
Smithfield	+ 361%
ADM	+ 22%
Tyson	- 53%

of hundreds of products and substantial disruption of the grain-handling industry.

The purity of many foods that are not genetically engineered has also come into question. Meat quality is threatened by a drive to relax federal inspection, while at the same time there is widespread concern that the mad cow disease afflicting European herds will spread to this side of the Atlantic. There are regular outbreaks of E. coli and other foodborne diseases. Turkey deli meat produced by Cargill was blamed in four food-poisoning deaths tied to listeria in December. Other threats to food quality and human health include the heavy use of antibiotics in animal feed, the drive to expand food irradiation and the perennial use of dangerous pesticides.

### Environmental impacts

Certain kinds of food production also pose a threat to the environment. Water quality is endangered by the spread of confined animal feeding operations. CAFOs, otherwise known as factory farms, produce huge quantities of animal waste, which often makes its way, untreated, into waterways. Filthy conditions in factory farms can also contaminate the meat — a problem that the industry wants to address with the dubious solution of irradiation.

### Labor practices

The meatpacking industry has one of the worst records when it comes to recognizing the collective bargaining rights of its employees. During the 1980s the industry launched an all-out assault on wage levels, resulting in bitter strikes. Companies such as IBP, ConAgra and Smithfield have done everything possible to thwart organizing drives. Earlier this month an administrative law judge at the National Labor Relations Board found Smithfield guilty of “egregious and pervasive” labor law violations in the course of resisting organizing efforts by the United Food and Commercial Workers.

— *Phil Mattera*

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For help researching the food business or any other industry, contact the Corporate Research Project:

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## World's Top 25 Food and Beverage Companies

(ranked by 1999 food and beverage revenues; in millions of U.S. dollars)

1. Nestle	\$41,422
2. Philip Morris	31,139
3. ConAgra Foods Inc	24,594
4. PepsiCo Inc.	20,367
5. Unilever	20,310
6. The Coca-Cola Co.	19,805
7. Cargill Inc.	17,143
8. Diageo	16,419
9. Mars Inc.	14,500
10. Archer Daniels Midland	14,283
11. IBP Inc.	14,075
12. Kirin	12,427
13. Snow Brand	11,870
14. Anheuser-Busch	11,704
15. Sara Lee Corp.	10,818
16. Danone	10,532
17. Suntory	10,022
18. Asahi Breweries	9,704
19. H.J. Heinz Co.	9,410
20. Maruha	8,675
21. Bestfoods	8,637
22. Nabisco	8,268
23. Nippon Meat Packers	8,101
24. Tyson Foods	7,363
25. Kellogg Co.	6,984

Source: Food Engineering magazine, October 2000

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# Glickman Leaves Monopoly ‘Time Bomb’

*Ranchers blast outgoing USDA Secretary for inaction on secret cattle deals*

**O**utgoing Secretary of Agriculture Dan Glickman’s record was all rhetoric and no action on the most critical problem facing family farms and ranches: the disappearance of open competition in agricultural markets, says a group of farmers, ranchers and consumers.

“Secretary Glickman’s oversight of USDA will be remembered as a time when open, competitive markets were monopolized out of existence,” said Shane Kolb, a Meadow, South Dakota, rancher speaking for the Western Organization of Resource Councils (WORC). “While livestock markets have been destroyed by secret deals between multinational packers and the big feedlots, Secretary Glickman has tacitly approved of the way livestock is being procured for slaughter,” Kolb said.

“By not enforcing one of the most far-reaching laws on the books, the Packers and Stockyards Act of 1921, Secretary Glickman has allowed competitive markets to erode to near extinction,” Kolb said. “Instead of action, we have gotten a continuous song and dance of studies, commissions and forums,” Kolb said. “The Small Farm Commission he appointed said it was ‘A Time to Act,’ but Secretary Glickman failed to act on any recommendations suggested to him.”

Kolb cited several instances of such failures:

- Four years after WORC petitioned Secretary Glickman to adopt rules protecting livestock market competition from the effect of secret cattle contracts – a proposal that received overwhelming public support and bipartisan endorsement from members of Congress – Secretary Glickman left office without taking action.
- USDA made no policy changes to deal with rapidly consolidating livestock markets or the replacement of open markets with secret contracts. In April 1998, the agency said it would propose rules to outlaw contracts

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*“Secretary Glickman’s oversight of USDA will be remembered as a time when open, competitive markets were monopolized out of existence.”*

— Shane Kolb, WORC Agriculture Issue Team

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packers use to prevent cattle producers from reporting prices. Secretary Glickman announced the broad outlines of a few proposals last summer, but USDA

has not advanced any of them. (USDA adopted one rule on weighing chicken feed last year. Rules mandated by Congress for livestock price reporting go into effect in April.)

- Testimony by Grain Inspection, Packers & Stockyards chief Jim Baker endorsing a ban on packer ownership of livestock – another proposal with bipartisan Congressional support – was nixed within the Department, and USDA has never taken a position on the issue.
- Secretary Glickman’s National Commission on Small Farms twice gave him failing grades for USDA’s lack of performance on market competition issues.
- USDA’s Office of Inspector General and the Congressional General Accounting Office each issued reports finding that USDA was incapable of effectively enforcing the Packers & Stockyards Act.
- Frustrated by USDA’s failure to protect competition, Congress passed the Packers and Stockyards Enforcement Improvement Act of 2000, requiring specific actions to enforce the Packers & Stockyards Act and annual reports to Congress.

## Independent entrepreneurs or serfs

“Secretary Glickman repeatedly expressed concern about market concentration and the effect of captive supplies on livestock markets,” said WORC’s Kolb, “but he did absolutely nothing to eliminate the problem. He leaves a time bomb for [new Secretary] Ann Veneman to defuse before it explodes,” Kolb said.

Cattle that packers own and feed in their own feedlots are called “captive” because packers control them. Packers also sign contracts with feedlot owners to buy some or all of their cattle, which are also called captive. Packers’ use of captive supplies has doubled since WORC petitioned Secretary Glickman to limit the practice in 1996. The controversial marketing practice costs producers more than \$1 billion per year.

“Secretary Glickman’s ruling on the WORC proposal could have the greatest impact on livestock producers in the history of agriculture,” Iowa State University economist Neil Harl told *Beef* magazine in September. “It will determine whether farmer/feeders will remain as independent entrepreneurs or as serfs. We only get one chance to roll the dice on this question. We have to anticipate conditions in the future that will destroy true competition and avoid the deadly combination of captive supply and concentration.”

— John Smillie

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# Justice Department OK's Tyson-IBP Merger

*Will Tyson chickenize the cattle industry?*

Ignoring opposition from farmers, consumers, workers, and many influential members of Congress, the Justice Department will allow Tyson, the nation's largest chicken producer, to buy IBP, the number one beef producer.

The deal is not finished; it is caught up in a probe by the Securities and Exchange Commission of papers filed by IBP.

The Western Organization of Resource Councils (WORC) had asked the Antitrust Division of the Department of Justice to stop the deal.

"This buyout will lead to unacceptable monopolization in the markets for livestock, wholesale meat and retail meats," said Shane Kolb, a Meadow, South Dakota rancher and Chair of WORC's Agriculture Issue Team, in a letter to the Justice Department opposing the deal. "Inevitably it will bring an end to open and competitive markets for cattle and hogs, and therefore the end of independent livestock producers... Consumers will be harmed as well, if Tyson is allowed to become the Microsoft of meat."

Tyson won a bidding war with Smithfield, the nation's largest pork and hog producer, to buy IBP on January 1. Tyson will have 30% of the U.S. beef market, 30% of the chicken market, and 18% of the pork market if the deal goes through.

## Widespread opposition

In addition to WORC, other opponents of the deal included the National Farmers Union, National Farmers Organization, the Campaign for Family Farms, the Ranchers-Cattlemen Action Legal Fund, and the Organization for Competitive Markets. Several members of Congress opposed the deal, including Senators Charles Grassley (R-Iowa), Senator Mike Enzi (R-Wyoming), South Dakota Senators Johnson and Daschle, and North Dakota Senators Kent Conrad and Byron Dorgan. Senator Pat Roberts (R-Kansas) told farmers in his state that he was not going to "sit around Washington and watch some outfit chickenize the cattle industry."

Tyson has extended the deadline for IBP shareholders to accept its offer to buy their shares several times, first to allow time for the Justice Department review, and then because of the SEC review.

— John Smillie

## What they're saying...

...about Smithfield, Tyson, and IBP

"From the standpoint of investors, the Smithfield offer is a really good deal. It sucks if farming is a way of life for you, but that's kind of the way of the world."

— Christine McCracken, food industry analyst

"Is it really in the best interests of the ultimate end user — the consumer — for only two or three companies to control the source of supply in the meat industry?"

— Dan Murphy, Editor, Meat Marketing and Technology

"I have no intention of sitting around Washington and allowing some outfit to chickenize the cattle industry."

— Senator Pat Roberts (R-Kansas)

"There's enough concentration in the livestock industry already. We don't need to compound it by letting once company have a monopoly on beef, pork and poultry."

— Shane Kolb, Chair, WORC Agriculture Issue Team

"We need to have an immediate time-out on mergers and acquisitions of large agribusinesses."

— Senator Paul Wellstone (D-Minnesota)

"I made the statement 'that we are going to do to the beef industry what we did to the chicken industry'. Unfortunately, that has been translated into 'we are going to be into vertical integration in the beef industry'. That is simply not true."

— John Tyson, CEO, Tyson Foods

"To the public, to the livestock industry, this will be seamless. They'll never know it happened after it's done."

— IBP Chairman Bob Peterson

"You get into the North Dakota, South Dakota, Nebraska, Iowa, Montana, Wyoming... for some reason there's a lot of people up there that just view big as bad, and this is going to be bigger... I don't share the concern that big is necessarily bad. I don't see a conspiracy out there to screw the farmer."

— Paul Hitch, Chair, NCBA Marketing Committee

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***Beef Checkoff, from page 1***

ing the CBB with using checkoff dollars to fund a public relations program intended to shore up support for the beef checkoff. The suit also asks for a referendum on the beef checkoff. The groups say procedures used by the United States Department of Agriculture (USDA) to determine if ten percent of all cattle producers signed petitions demanding a vote on the beef checkoff were fundamentally flawed.

USDA released a study prepared by an accounting firm, PriceWaterhouse Coopers, which threw out more than 40% of the signatures based on the results of a hurried survey of a small sample of petition signers. Out of the 146,000 signatures turned in to USDA in November of 1999, USDA submit-

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*“USDA threw together a contract with an accounting firm and directed it to use a process that was not only designed to fail, but was a proven failure when it was used during the pork checkoff.”*

— WORC Chair Linda Rauser

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ted 127,927 to the accounting firm, which validated only 87,000 plus signatures. USDA said 107,000 were needed to force a referendum.

Producers pay \$80 million annually into the checkoff fund, which was authorized by Congress in 1985 and approved by producers in 1988. There has been no referendum since then, despite significant changes in the beef industry.

“What we have here is taxation without representation,” said WORC Chair Linda Rauser. “We turned in more than 146,000 signatures on petitions demanding a vote on the beef checkoff. After doing nothing for more than a year, USDA threw together a contract with an accounting firm and directed it to use a process that was not only designed to fail, but was a proven failure when it was used during the pork checkoff.”

### Technicalities

The accounting firm threw out 13.2 percent of the petition signatures on technicalities, according to rules set by USDA. The most common reasons were the absence of a printed name and failing to include the year when dating the signature. Neither of these problems are legitimate reasons to reject the signatures, according to WORC and LMA.

PriceWaterhouse Coopers then conducted a mail survey and telephone follow-up calls. The survey was conducted over the Christmas and New Year holidays with less than three weeks for the petition signers to receive the survey,

### Statement of WORC Chair Linda Rauser on USDA Decision Against a Beef Checkoff Vote

Secretary Glickman’s decision to deny cattle producers the right to vote on the mandatory \$1 per head tax is outrageous. He has denied America’s farmers and ranchers, who must pay into this program, their right to vote on whether it should continue.

What we have is taxation without representation, and everyone knows it is wrong. WORC and the Livestock Marketing Association turned in more than 140,000 signatures on petitions demanding a vote. After doing nothing for more than a year, USDA threw together a contract with an accounting firm to verify whether enough of the signatures were valid, using a process that was not only designed to fail, but was a proven failure when it was used in the pork checkoff.

USDA’s task force on checkoff programs said there should be regular votes of producers on all of them, and Secretary Glickman endorsed that recommendation. In announcing the vote on the pork checkoff, he said:

*As a matter of basic fairness, I believe that producers deserve the opportunity to vote on this checkoff program. It is after all, a mandatory assessment, akin to a tax, that all producers must pay even if they disagree with it. The checkoff derives its legitimacy from the support of producers, and pork producers have endured dramatic changes in their industry since 1988, the year the checkoff was established and the last time producers were able to vote on the issue.*

All of these arguments apply to the beef checkoff, except that ten times as many producers signed petitions asking for a vote. Instead of calling for the vote demanded by simple fairness and democratic principles, Secretary Glickman has adopted the results of a flawed validation process that was designed to fail. That process is at issue in our lawsuit against USDA over the beef checkoff referendum, and we expect it to be resolved there.

respond to the survey, to be contacted via phone for confirmation, and to mail in financial information.

Judge Kornmann will hold a hearing on the groups’ challenge to the validation process in early May.

— Amy Frykman and John Smillie

***Pork Checkoff, from page 1***

tional Pork Producers Council won't be able to carry water for the agribusiness corporations while claiming to represent America's hog farmers."

NPPC hasn't given up just yet; it won a temporary injunction blocking USDA from ending the program until a

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*"Family farmers are fighting back against the commodity groups that have sold them out and the corporate agriculture system that is trying to force them off their farms. We took down the NPPC and we're going after their corporate allies next."*

—Dale Leslein, hog farmer  
Iowa Citizens for Community Improvement

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court can hear its challenge to the vote. An NPPC Vice-President called the pork referendum a "terrorist approach" and alleged fraudulent voting. Many of the voting procedures set out by USDA's Agricultural Marketing Service were favorable to NPPC, however, and had been used over the objections of referendum opponents.

"The NPPC spent millions of dollars to try to win this vote," said Paul Sobocinski, a Minnesota hog farmer and member of Land Stewardship Project. "They used their influence to get the referendum rules so bent in their favor that pro-checkoff contractors and hog factory employees were able to qualify themselves to vote; then they got the AMS to alter the rules, midstream, even more in their favor, by allowing the NPPC to directly obtain ballots for their supporters; and hog farmers still voted the NPPC's pork tax down."

The farmers who won the vote say they'll fight off the court challenge, and then move on to bigger targets.

"Family farmers are fighting back against the commodity groups that have sold them out and the corporate agriculture system that is trying to force them off their farms," said Dubuque Iowa hog farmer Dale Leslein, a member of Iowa Citizens for Community Improvement. "We took down the NPPC and we're going after their corporate allies next."

The campaign to end the checkoff that started in 1998 with a national petition drive of hog farmers. The Campaign for Family Farms submitted 19,043 signatures from hog farmers across the country to USDA in May, 1999, forcing a refer-

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*"This referendum is about much more than ending an unfair tax. It's about farmers organizing and fighting back against corporate power and money. With the checkoff gone, the National Pork Producers Council won't be able to carry water for the agribusiness corporations while claiming to represent America's hog farmers."*

— Jim Joens, Minnesota hog farmer  
Land Stewardship Project

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endum to end the mandatory pork checkoff. A year and three months later, hog farmers across the country voted at their county Farm Service Agency offices. The ballots were counted on November 29, 2000, and the results were not released until mid-January, 2001.

"For years the NPPC has been using our money to represent the interests of corporate factory farms and meatpackers," said Missouri hog farmer Rhonda Perry, a member of the Missouri Rural Crisis Center. "We're sick and tired of losing money hand over fist due to consolidation in the pork industry and the ill-conceived policies of the NPPC."

— From Campaign for Family Farms news releases

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# Ending the Checkoff Rip-Off

Greg Tank

I cheered when outgoing Secretary of Agriculture Glickman announced earlier this month that producers had voted down the pork checkoff. It was a small but sweet victory for democracy in the struggle against the path toward the dictatorship of corporate interests we seem to be traveling.

Unfortunately, Secretary Glickman failed to give us beef producers a chance to vote on our checkoff, even though over 140,000 of us signed petitions requesting it. The firm Glickman hired to count the petitions threw out about 40% of them, most of which undoubtedly were signed in good faith.

Using technicalities to disenfranchise ranchers won't go down well in cattle country. I have no doubt that producers would also have voted down the beef checkoff. Both

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*After years of getting nothing from their respective checkoff programs, hog farmers and cattle ranchers had to engage in lengthy and expensive petition campaigns just for the privilege of asking for a vote—not a very democratic process.*

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checkoffs have really been rip-offs, providing free advertising for corporate agribusiness giants, and leaving the producer with dwindling profits. During the 12 years of the pork checkoff, for example, the producer's share of the retail pork dollar declined from 46 to 20 cents, and more than 250,000 hog farmers went out of business.

What went wrong? The idea behind checkoff programs is that producers pay a small fraction of their sale price to support promotion of their product. Producers and processors collaborate to create greater demand, which in turn equals more money for everyone.

The flaw in this reasoning is that the agribusiness cartels and those who produce the raw commodities have conflicting interests. Producers want a fair price for their commodity, but processors like Tyson and IBP benefit from low prices. To make matters worse, packers don't even contribute to the mandatory checkoff. Only producers bear that burden.

Producers recognize the need for marketing our product to increase demand. But if we are going to have checkoff programs that really help the farmer, and not just the agri-

business giants, we need a different kind of checkoff with the following characteristics:

- *Refundability.* The immediate ability to withhold funds would be the best antidote for checkoff programs that don't benefit producers.
- *A sunset clause.* After years of getting nothing from their respective checkoff programs, hog farmers and cattle ranchers had to engage in lengthy and expensive petition campaigns just for the privilege of asking for a vote—not a very democratic process.
- *Based on value, not volume.* Given the overproduction of most commodities, and the federal government's withdrawal from managing supply as a result of "Freedom to Farm," it is imperative that those who manage checkoff programs are rewarded for higher prices, not increased production.
- *Costs shared by processors; decisions shared by producers.* If an industry is really going to "work together" through a checkoff program, all sectors of the industry must have equal responsibility for funding, and equal say in spending. Anything less is taxation without representation.
- *Expanded horizons.* It should be clear by now to all producers that their biggest problem today is not lack of a market but monopolistic procurement and unfair trade practices. Our federal government has shown little appetite for correcting these abuses. Checkoff moneys should be directed toward the creation of a fair marketplace. Without it, no amount of product promotion will stop the wholesale loss of owner-operated farms.



*Greg Tank is a grain and livestock producer from Keene, North Dakota, and a member of the McKenzie County Energies and Taxation Association, an affiliate of the Dakota Resource Council.*

***Bits and Pieces, from page 4***

South Dakota Attorney General Mark Barnett has cited the gag law as the reason why he can not confirm or deny if any enforcement actions are being taken under the state's corporate farming law.

The statute was adopted in 1996 after State Treasurer Dick Butler fought with Citibank over his efforts to identify and return unclaimed property to citizens. The gag law kept Butler from publicizing his efforts. In 1997, the legislature amended the law because it forced state environmental inspectors to violate a federal law requiring full public disclosure of companies that pollute the environment.

**Northern Plains Resource Council (NPRC)** members are pushing the state legislature for safeguards to ensure that Montana taxpayers never have to front the cost or assume liability for metal mine reclamation. HB 69 would require mining companies to post bonds for cleanup more quickly; provide more money for unforeseen pollution; and let the state impose higher bonds for small mines instead of the current \$10,000 cap.

The law would also require state agencies to review, calculate and seek input from mining companies on any bond changes within 90 days; and require a company to post the new bond amount prior to filing any appeals. "What HB 69 does is limit the degree to which Montana will suffer fiscal

damage from future mine failures," said NPRC member Richard Parks in testimony before the House Natural Resource Committee on February 5, 2001.

The **Idaho Rural Council (IRC)** cosponsored a 2000 Sustainable Agriculture Conference December 1-2, 2000. The conference focused on nurturing connections between farmers, non-farmers, and the land. Dakota Resource Council member and organic farmer *Fred Kirschenmann* spoke about the need for a new vision of agriculture.

"The problem we have for today is that we have no vision for agriculture in the 21<sup>st</sup> century," Kirschenmann said. "I'm a great student of history, and the greatest opportunity for change comes when things are bad. If you think the present agriculture is inevitable, think again, Just a few things changing makes the whole system vulnerable and unwieldy. I believe agriculture is on the cusp of change."

Kirschenmann recently accepted a position as the director of the Leopold Center for Sustainable Agriculture at Iowa State University.

As part of the effort to nurture connections, farmers and ranchers are advertising their products on IRC's web site, [www.idahoruralcouncil.org](http://www.idahoruralcouncil.org). Past IRC President Nate Jones has made several sales through posting on this page.

— *Kevin Dowling*

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