



Weekly Update from the Texas Seed Trade Association

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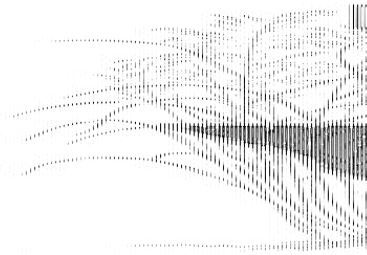


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**The Texas Seed Trade Association Annual Membership & Policy Meeting Scheduled for February 11-13, 2024. Registration and Hotel Reservations are Live.**

**The room block is full.** That does not necessarily mean we can't get you a room but you'll have to call Denise at 512-944-5052 and she'll do her best to accommodate you at our room rate. This is actually a good problem to have!

**Senator Pete Flores** will be with us on Monday as our special guest and speaker. Senator Flores has been a strong supporter of the Texas seed trade and will share his thoughts with us concerning Texas' future.

**Dr. Paul De Laune**, Texas AgriLife, will share his thoughts and research findings on applicability of cover crops in Texas agriculture. Cover crops are, finally, beginning to grab attention in Texas and may represent an opportunity for additional seed sales. How do

they work in relatively dry agro-ecosystems? Come and listen to Dr. De Laune and bring your questions.

**Katrina Horn** will provide an overview of the Texas A&M AgriLife Research Crop Testing Program and its fit with seed companies.

**Jeff Claxton** from the Texas Department of Agriculture will lead a discussion on "variety not stated" small grain sales in Texas. TDA is a critical partner in combating VNS seed sales and we've got to find a way to all work together on this issue. Please come prepared to share your thoughts on this important topic.

**Dr. Rick Vierling**, Texas AgriLife Research, will provide an update on the Texas Foundation Seed Service facilities and programs. Rick plays a key role in our battle against VNS seed sales in Texas as well as administrate Foundation Seeds.

**Jeb Owen**, Texas Department of Agriculture, will provide an update on the certified seed winter growouts by location and share his thoughts on their future.

**Pat Miller**, American Seed Trade Association. will be with us to provide an update on ASTA activities, what's going on in other states that may find its way to Texas and the ongoing regulatory struggles with treated seed.

Monday morning will begin with our brief annual association business meeting chaired by TSTA President Chad Kriegshauser. We need to elect Board Members and Officers, we'll have a snapshot of how the state of the association is doing, priorities for this year and beyond. Our new President of the association will outline his/her vision for the upcoming year and how you can help make it happen.

Senator Flores will address us as his schedule allows. We have tentatively scheduled the Senator for just before lunch and are planning on him having lunch with us. We may have a technical/informational presentation before lunch but it's likely most of our invited speakers will present following lunch.

Registration is open and [can be completed using this link](#).

The TSTA Board of Directors will meet on Tuesday February 13, in the morning.

Don't forget to **bring an auction item** for the scholarship fundraiser at the President's Reception & Dinner Monday evening.

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## **PIONEER TO HOLD WEBINAR "BIOLOGICALS 101"**

Source: Pioneer

Biologicals 101: What You Need to Know

Friday, February 02, 2024  
07:30 - 08:30 A.M. CT

Biologicals aren't exactly a new category in farming, but the advances in products (and duds along the way) have people asking - what's the big deal? The fact is that biologicals can add a lot to your operation.

Hear from Pioneer & Corteva Agriscience experts on product categories, what to look for and how to get the most out of these natural helpers. Attendees will see real data on effectiveness and be able to ask questions directly to the experts.

This webinar will dive into:

- Why use biologicals? What biological product types are best for certain problems?

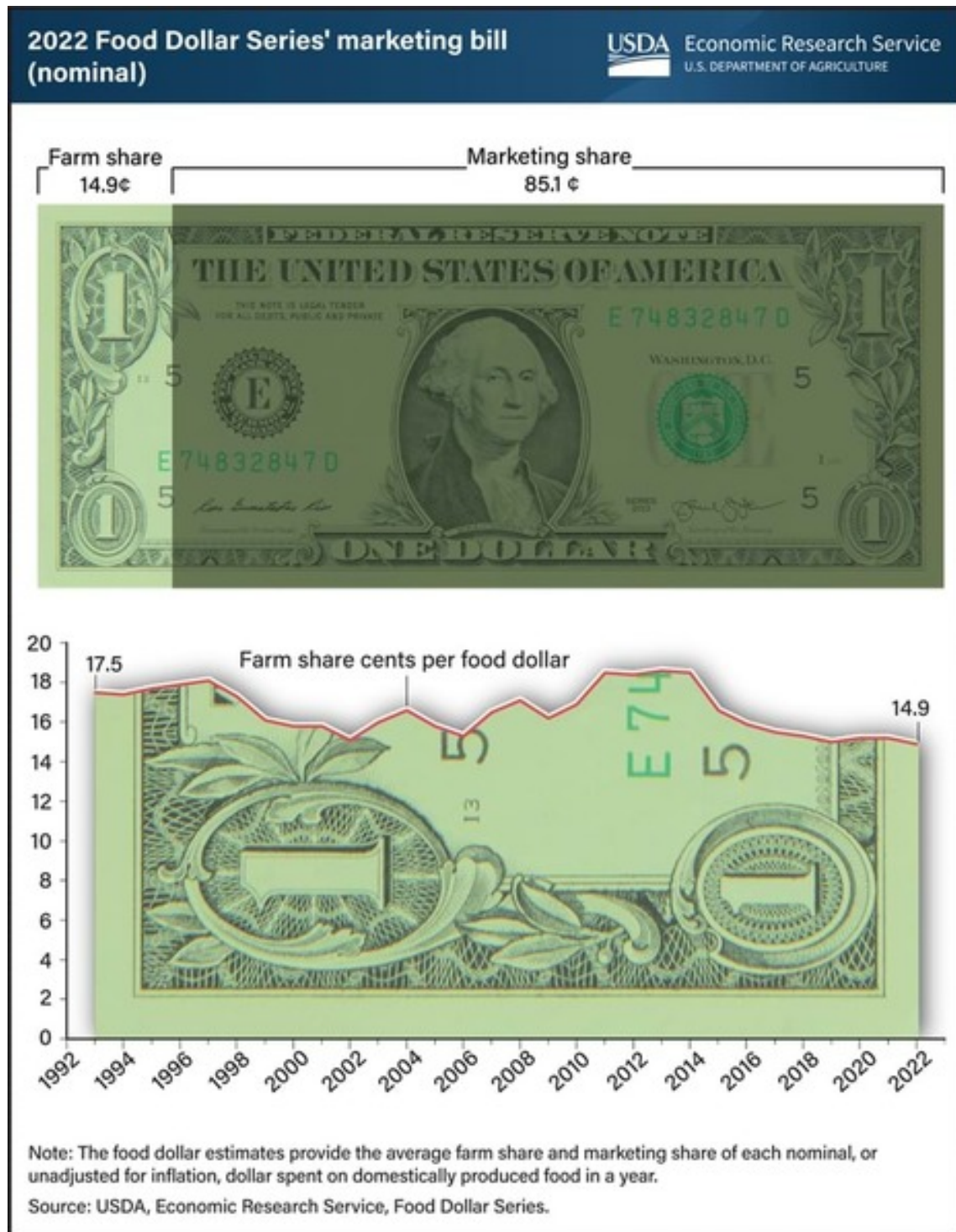
- \*How-to-use: get the most from your biologicals

Speaker:

•Dr. Mary Gumz, Pioneer Agronomy Manager

To register [click here](#).

## USDA REPORTS FARMS' SHARE OF U.S. FOOD DOLLAR DIPPED BELOW 15 CENTS IN 2022



U.S. farm establishments received 14.9 cents per dollar spent on domestically produced food in 2022 as compensation for farm commodity production. This portion, called the farm share, is a decrease of 0.3 cents from a revised 15.2 cents in 2021.

The farm share covers operating expenses as well as input costs from nonfarm establishments. The remaining portion of the food dollar, known as the marketing share, covers the costs of getting domestically produced food from farms to points of purchase,

including costs related to transporting, processing, and selling to consumers.

One of the factors behind the long-term downward trend in the farm share is an increasing proportion of food-away-from-home spending. Farm establishments receive a lower portion of dollars spent on food away from home because of the added costs of preparing and serving meals. The USDA, Economic Research Service (ERS) uses input-output analysis to calculate the farm and marketing shares of a food dollar, which is an average of all domestic expenditures on U.S. food.

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### **CRISPR takes on a witchy weed**

From Nature by Heidi Ledford

Sorghum is a hardy crop that is used widely in Africa for food, building materials and feedstock. But more than 60% of African farmland is contaminated with species of *Striga*, a parasitic plant that attaches itself to sorghum roots and siphons away nutrients and water. A witchweed infestation can wipe out an entire crop.

Some wild varieties of sorghum are resistant to *Striga* because they carry mutations that alter the crop's production of compounds called strigolactones, which promote germination of *Striga* seeds. Runo and his collaborators have used CRISPR-Cas9 to mimic these mutations.



*Witchweed, which infests a large proportion of farmland in Africa, can devastate a crop. Credit: weisschr/Getty*

Under Kenya's 2022 regulations governing gene-edited crops, such plants are treated like conventionally bred crops because they do not contain DNA from another species. This means that these gene-edited plants can bypass some of the heavy testing and requirements imposed on genetically modified crops that contain foreign DNA. Nigeria and Malawi have similar policies, and other African countries, including Ethiopia and Uganda, are expected to follow suit, Runo says.

Last year, Kenyan authorities gave Runo and his collaborators permission to grow the gene-edited seeds under those regulations, and he plans to launch field studies later this year. It is a significant step, Runo said at the conference, because *Striga* is not a problem in wealthier regions — meaning that large, multinational corporations have little incentive to develop solutions for it.





## News Bits

Source: AP

**PARIS -- France's two major farmers unions** announced Thursday their decision to suspend protests and lift road blockades across the country, in a dramatic development shortly after the French prime minister unveiled a new set of measures they see as "tangible progress."

Farmers have been protesting for days across the country to denounce low wages, heavy regulation and unfair competition from abroad.

The President of Young Farmers union, Arnaud Gaillot, spoke alongside the head of France's biggest farmers union FNSEA on Thursday and said: "We call on our members to suspend the blockades."

"We have been heard on a number of points, with tangible progress," including emergency measures to financially support struggling farmers and wine producers, said Arnaud Rousseau, president of FNSEA.

Earlier Thursday, Prime Minister Gabriel Attal announced a new set of measures, coming on top of other promises made in recent days.

His speech came as convoys with hundreds of angry farmers driving heavy-duty tractors created chaos outside the European Union's headquarters, demanding leaders at an EU summit provide relief from rising prices and bureaucracy.

"The question is currently being asked throughout Europe: is there a future for our agriculture? Of course, the

## AG ECONOMISTS FORECAST DOWNTURN IN FARM JOURNAL'S LATEST POLLING

By Tyne Morgan, Farm Journal

Agricultural economists' views on the ag economy took a dive in the first "Ag Economists' Monthly Monitor" of 2024. Lower commodity prices, along with the outlook for higher costs, continue to weigh on the agriculture industry.

However, ag economists think relatively strong balance sheets and working capital could provide a cushion for 2024 with no major concerns about immediate farm solvency issues.

"We certainly saw the results in the January numbers suggesting a downturn, probably the largest downturn since we've started the survey," says Scott Brown, an agricultural economist with the University of Missouri who also helps author the Ag Economists' Monthly Monitor.

Brown says from December to the latest survey in January, projections for corn prices fell 25 cents, just one sign that economists are growing more pessimistic at the start of the year.

"I don't want to make a trend out of just one survey, but if we continue down the path that we started with the January estimates, perhaps we're telling 2024 to be a less positive story than we would have just a few months ago," Brown says.

The January survey asked economists to pinpoint the two most important factors driving agriculture's economic health today, and in the next 12 months. Economists said:

\*Declining commodity prices and complicated production costs, including stubbornly high interest rates juxtaposing reduced expenses in certain inputs.

\*Commodity production and demand traveling in opposite directions.

\*Macroeconomic factors domestically and abroad, as well as geopolitical factors.

In contrast, economists say the most negative aspect regarding the outlook of U.S. agriculture includes:

Competition and expanded production in the global market paint an interesting export picture. Political stagnation, which could impact biofuel and trade policy. Compressing margins due to lower prices and higher expenses (including interest rates).

To read the entire report [click here](#).

answer is yes," Attal said.

To read the entire article [click here](#).

## USDA news release

WASHINGTON, - There were 87.2 million head of cattle and calves on U.S. farms as of Jan. 1, 2024, according to the Cattle report published today by the U.S. Department of Agriculture's National Agricultural Statistics Service (NASS).

### Other key findings in the report were:

- Of the 87.2 million head inventory, all cows and heifers that have calved totaled 37.6 million.
- There are 28.2 million beef cows in the United States as of Jan. 1, 2024, down 2% from last year.
- The number of milk cows in the United States decreased slightly to 9.36 million.
- U.S. calf crop was estimated at 33.6 million head, down 2% from 2022.
- All cattle on feed were at 14.4 million head, up 2% from 2023.

To obtain an accurate measurement of the current state of the U.S. cattle industry, NASS surveyed approximately 36,300 operators across the nation during the first half of January.

## Federal Trade Commission (FTC) news release

**Washington, DC -- Tractor maker Kubota North America Corporation will pay a \$2 million civil penalty** as a result of a Federal Trade Commission action against the company for falsely labeling some of its replacement parts as being "Made in USA."

Under a stipulated court order filed by the Department of Justice on the FTC's behalf and agreed to by the company, Kubota will be prohibited from making deceptive claims in addition to requiring them to pay



## New Regulations Rooted In Evidence: Looking Back On How EPA And USDA Updated Engineered Plant Regulations And Labeling In 2023

[MoFo Life Sciences](#) Morrison Forester

Alongside rapid advances in biotechnology that are improving fine-tuned genetic engineering in plants, regulation for such plants is also rapidly evolving, including several important updates in the past year.

The year 2023 witnessed dramatic shifts in this regulation around the world. Within the U.S., the USDA and EPA each issued final rules that will affect a wide variety of gene-edited plants. We detail two of these final rules below. For further international context of the growing momentum around genetically engineered plants, see the following: [Considerations on NGTs in the EU, Comparing the EU's Proposal to U.S. Regulation, Industry Specialists Considering CRISPR's Future](#).

### I. After a long wait, EPA finally overhauled its regulation of PIPs in 2023 with a controversial update

On May 31, 2023, the EPA published a [final rule](#) (88 FR 34756) regarding [Plant-Incorporated Protectants \(PIPs\)](#), following both an initial proposal on October 9, 2020, and a period of public comments that ended on December 8, 2020. This final rule came into effect July 31, 2023, and has already been met with some controversy in the industry.

This regulation follows on the heels of massive revisions between 2020 and 2021 to USDA APHIS's SECURE rule, [redesigning APHIS's assessment \(and exemption therefrom\) of various genetically engineered plants](#).

#### i. PIP relevance to the EPA

The EPA [regulates pesticides broadly](#) under the Federal Insecticide, Fungicide, and Rodenticide Act ([FIFRA](#)) and the Federal Food, Drug, and Cosmetic Act ([FFDCA](#)). PIPs refer to pesticides produced by plants as well as the genetic material necessary for

the penalty, which is the largest ever in a Made in USA case.

"Today's settlement includes the largest civil penalty assessed for violating the Made in USA Labeling Rule," said Samuel Levine, Director of the Bureau of Consumer Protection. "The FTC will continue cracking down on deceptive Made in USA claims that cheat consumers and honest businesses."

The complaint filed in the case charges that since at least 2021, Kubota has labeled thousands of replacement parts for its tractors and other agricultural equipment as Made In USA, even though they were made entirely overseas. In addition, after the company moved manufacturing for some parts to other countries, it failed to update the products' labeling to reflect that change, leaving them labeled as "Made in USA," according to the complaint.

Kubota was previously sued by the FTC in 1999 for falsely claiming that a line of lawn tractors it manufactured was Made in USA, and was subject to an FTC order in that case that expired in 2019.

the plants to produce those pesticides. EPA is authorized to regulate PIPs produced through genetic engineering (rather than native production by a plant).

While the EPA regulates the PIPs and their genes in plants, the edited plants themselves are not regulated by the EPA. Rather, branches of the [USDA](#) and [FDA](#) likely regulate the actual plants.

ii. Which PIPs receive which regulation?

The EPA's previous regulations, 40 CFR 174.71 (66 FR 37772; July 19, 2001), exempted PIPs that were transferred solely through conventional breeding methods, and the [2020 proposed rule](#) (85 FR 64308) offered that PIPs may be exempt from FIFRA registration and FFDCa tolerance requirements in cases where, in addition to meeting EPA safety requirements, the PIPs could have been transferred through conventional breeding methods: *i.e.*, in cases where the PIPs are equivalent to pesticides (or genes) from sexually compatible plants.

The [final rule](#) largely incorporated the proposed exemptions and further delineated *which* PIPs remain exempt or will be newly exempt. (Note, however, that these are only exemptions from *FIFRA*; other regulations may still apply.

Developers of exempt PIPs must still comply with [recordkeeping and eligibility determinations requirements](#) to maintain the exemption.) The [final rule](#) exempts PIPs that fall into the following two categories:

1) "PIPs created through genetic engineering from a sexually compatible plant" (*i.e.*, by insertion of genetic material from a sexual compatible species or through modifying existing genetic material) (quote from final rule summarizing [40 CFR 174.26\(a\)\(1\)-\(2\)](#)); and

2) PIPs that are characterized as "loss-of-function" (quote from final rule summarizing [40 CFR 174.27](#)).

From a scientific perspective, changes from the 2020 proposed rule focused on clarifying the boundaries of the exempted PIPs. For example, the first category was revised to account for "regulatory regions inserted as part of the native gene," in addition to the coding sequence. Further, as proposed, the first category would have only exempted pesticides with the same sequence found in a native compatible plant; the final rule also exempts some instances of PIPs having identified polymorphisms.

In the final rule, the first category exempts modified genetic material and the insertion of genetic material into a recipient plant, so long as the genetic material is native to a plant that is sexually compatible with the recipient plant. Additionally, any



inserted regulatory regions of genes must be identical to the native plant's corresponding regulatory regions.

The second category, "**loss-of-function**" PIPs, which was elevated from a sub-category in the proposed rule to its own category in the final rule, exempts protectants that are derived from the **reduction or elimination** of a gene's activity, regardless of the genetic modification method or the particular modification used to accomplish the reduction or elimination. According to a list of "**hypothetical examples**" from the EPA, this category does not apply to PIPs in which, for example, the editing downregulates a first inhibiting gene, which then allows *increased* expression of another, "secondary" gene that possesses the actual pesticidal activity.

PIP developers may decide for themselves whether exemption applies to their PIP(s) under the second category (loss-of-function), but instances of the first category still require **EPA confirmation of exemption**. Further, edits to multiple genes may be exempt as long as each individually meets an exemption criterion.

**Additional information about the final rule,** including background, clarification, and submission support, is available from the EPA.

## **II. USDA-AMS continued expanding the list of available plant products on the market**

On November 29, 2023, the AMS published a **final rule** (88 FR 83305) that expanded the USDA's List of Bioengineered (BE) Foods ("the List") associated with the labeling requirements of the National Bioengineered Food Disclosure Standard (NBFDS). **The List** originated from the **2016 Public Law 114-216**, which amended the **Agricultural Marketing Act** of 1946. The Nov. 29 final rule that updated the List came into effect on December 29, 2023; regulated entities must be in compliance by June 23, 2025.

The List identifies, albeit non-exclusively, "crops or foods that are available in a bioengineered form throughout the world and for which regulated entities must maintain records" under the NBFDS. A "**BE**" food is considered to be a food containing genetic material modified through *in vitro* recombinant DNA techniques that could not have been modified as such by nature or conventional breeding alone.

This final rule follows a June 2022 proposed rule, altering the List as follows:

- Adding "sugarcane (Bt insect-resistant varieties)" to the List; and
- Amending the previously listed "squash (summer)" line to "squash (summer, coat protein-mediated virus-resistant varieties)."

This effort helps establish and disseminate reasonable presumptions of what foods are considered “BE.” However, as reiterated in the [final rule](#), even if foods are not on the List, if a regulated entity has actual knowledge that a food or food ingredient is “BE” as defined by the NBFDS, the entity is required to comply with the regulations.

In 2024, we may see further changes to the U.S. and international GE plant regulatory landscape; please follow our blog for future updates on this and related topics.

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## Factoids

### **USDA REPORTS 99% OF FOOD IS WITHIN EPA'S PESTICIDE ALLOWANCES**

Source: Alliance for Food & Farming news release

Today, the U.S. Department of Agriculture (USDA) [released its Pesticide Data Program \(PDP\) report](#) focused on 2022 sampling results and it's more good news for consumers about the safety of fruits and vegetables. The PDP report shows that over 99% of all foods sampled had residues well below Environmental Protection Agency safety standards, if residues were present at all.

These findings are consistent with previous years and confirms the outstanding level of compliance among farmers with pesticide use laws and regulations to protect farm workers, the environment and consumers as well as how safe our fruits and vegetables are. According to USDA: "Based on the PDP data, consumers can feel confident about eating a diet that is rich in fresh fruits and vegetables."

More from the USDA about the PDP:

"USDA uses the data to better understand the relationship of pesticide residues to agricultural practices and to implement USDA's Integrated Pest Management objectives. USDA also works with U.S. growers to improve agricultural practices and to facilitate the adoption of integrated pest management techniques, including judicious use of pesticides, throughout the food supply chain.

"The PDP provides high-quality, nationally representative pesticide residue data that contribute to the information available to help ensure consumer confidence in the foods they provide to their families."

As we celebrate this very positive report, we also continually lament the lack of media and public attention on these results over the years, which is concerning since this is a comprehensive program with an emphasis on ensuring the safety of foods consumed by infants and children.

Over the coming weeks, the Alliance for Food and Farming (AFF) will do our best to share the USDA PDP results in our efforts to support consumer choice when purchasing produce. Because consumers need this information. [AFF research](#) showed that almost 80% of consumers surveyed found the USDA PDP report results made them

confident about the safety of produce. Seventy eight percent of consumers also agreed "that government regulations and other food safety efforts are working well to protect public health."

Why is reassuring consumers about produce safety so important? Because only one in 10 of us eat enough of these nutrient-dense foods every day, according to the Centers for Disease Control. And, peer reviewed research has shown that safety fears perpetuated by certain groups are among the barriers to increased consumption.

Consumers should have access to truthful and credible information about produce safety so they can make the right shopping choices for themselves and their families. The lack of attention to the USDA PDP report increases our vulnerability to disinformation from groups who benefit from promoting safety inaccuracies about the more accessible and affordable fruits and vegetables.

Learn more about the safety of all produce at [safefruitsandveggies.com](http://safefruitsandveggies.com) and @safeproduce.

## **BAYER'S SHARE PRICE FALLS IN WAKE OF PENNSYLVANIA JURY'S RULING IN ROUNDUP LAWSUIT**

By Louis Goss, Dow Jones

Shares in Bayer fell 5% on Monday after a Philadelphia jury told the German pharmaceutical company to pay \$2.25 billion to a man who says he developed cancer due to using its Roundup branded weedkiller.

A jury at Philadelphia Court of Common Pleas awarded John McKivision \$2 billion in punitive damages and an additional \$250 million in compensatory damages in ruling the claimant developed non-Hodgkin's lymphoma as a result of exposure to Bayer's glyphosate-based weedkiller.

Shares in Bayer (DE:BAYA) fell 5% on Monday having lost 46% of their value over the past 12 months.

Bayer has faced around 165,000 lawsuits from Roundup customers who claim they developed cancer due to using the glyphosate-based weedkiller, which was first developed by Monsanto in the 1970s, prior to the U.S. company's acquisition by Bayer for \$66 billion in 2018.

"The jury's punitive damages award sends a clear message that this multi-national corporation needs top to bottom change," McKivision's attorneys Tom Kline and Jason Itkin told Reuters. Lawyers acting for McKivision were contacted by MarketWatch for comment.

To read the entire article [click here](#).

*Editor's Note: Bayer is not a current member of the Texas Seed Trade Association. Nevertheless we can't help but wonder where and how all this litigation ends. No credible health authority in the*

*wide world lists glyphosate as a cancer-causer; certainly none in the U.S. Two and a quarter billion dollars? This is beyond ridiculous.*

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Texas Seed Trade Association |  
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The articles, views, and opinions expressed in the Weekly Update do not necessarily reflect the policies of the Texas Seed Trade Association or the opinions of its members.

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