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## **SORGHUM E-Notes**

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NATIONAL SORGHUM PRODUCERS:

*the voice of the sorghum industry*

### **ACRE Calculator Available to Producers**

The Ag and Food Policy Center at Texas A&M University (TAMU) has released its calculator for determining benefits under the Average Crop Revenue Election program, a new farm payment program established in the 2008 farm bill. The calculator, which was developed by a team of ag economists at TAMU, examines the complex interactions of different cropping mixes and farm programs to help a producer determine the most effective federal farm program options. You can access the calculator at [www.afpc.tamu.edu](http://www.afpc.tamu.edu) or by clicking [here](#). The latest issue of *Sorghum Grower* magazine, which will reach mailboxes this week, also includes an in-depth examination of ACRE.

### **Justice Department Refuses Appeal in Pesticide Application Case**

The U.S. Justice Department announced last week that it will not appeal a court ruling that could require farmers to gain permits from the Environmental Protection Agency (EPA) for pesticide applications. A host of agricultural groups, including the National Sorghum Producers, have asked the Sixth Circuit court of appeals to review the ruling.

"The impact of this case is staggering," says Gary Baise, a former EPA official who is now an attorney with Olsson, Frank and Weeda. "Twice before Courts in the U.S. have issued rulings which would require a producer of crops to obtain a Clean Water Act permit if spray drift or residual material was found in a water of the state or the United States. On both of these occasions, Congress recognized the danger and folly of allowing EPA to control the runoff of chemical pesticides and fertilizers from farmland caused by rainfall. In both cases, Congress had the good sense to exempt agricultural practices by enacting the irrigation return flow exemption and the agricultural storm water exemption. I would hope common sense would prevail on this third occasion; however, I am not hopeful given the composition of this Congress. The new administration in Washington is now in control of many of our banks and the auto companies. This case gives EPA the right to control our farms."

In January of 2009, a federal appeals court overturned an EPA rule governing the spraying of pesticides on waterways and nearby fields. NSP joined other agricultural groups in a legal process to protect producers in January of 2009.

An article in the Spring issue of *Sorghum Grower* magazine delves further into the issue. Watch for the magazine to arrive in your mailbox this week. NSP will continue to monitor the case and keep members up to date.

### **Proposed California Regulation Concerns Biofuels Industry**

The California Air Resources Board (CARB) has recommended a Low Carbon Fuel Standard (LCFS) that would attempt to reduce greenhouse gas emissions and decrease reliance on fossil fuels in the State of California by assigning every fuel a lifecycle carbon intensity. However, the recommended standard raises major concerns for producers of biofuels and especially for the future of starch and cellulosic-based biofuels made from agricultural materials in that state because this particular regulation does not use sufficient analytical boundaries to classify fossil fuels against ag-based biofuels.

According to the regulation, biofuels from any feedstock grown on land are penalized for an unproven effect known as indirect land use change, while petroleum and other fuel types are assumed not to cause any indirect carbon effects or

market-mediated impacts. Further, the regulation examined the direct land impacts only of oil produced in California, while biofuels were analyzed on their global scope including indirect carbon effects.

## **EPA Seeks Comments on E15 Request**

EPA is seeking public comments on a waiver application to increase the amount of ethanol that can be blended into a gallon of gasoline to up to 15 volume percent (E15). Since 1978, the limit has been at ten volume percent ethanol (E10) for conventional (non flex-fuel) vehicles. The comment period will be open for 30 days after the notice is published in the Federal Register.

Growth Energy and 54 ethanol manufacturers submitted the E15 application to EPA on March 6, 2009. Current statute calls for EPA to make a decision within 270 days of receipt, which is December 1, 2009.

More information on E15 request: <http://www.epa.gov/otaq/additive.htm>

## **About Sorghum Notes**

SORGHUM Notes is a publication of the National Sorghum Producers. NSP represents U.S. sorghum producers. The organization serves as the voice of the sorghum industry from coast to coast through education and legislative and regulatory representation. To learn more about NSP visit our website at [www.sorghumgrowers.com](http://www.sorghumgrowers.com). Write to us at National Sorghum Producers, 4201 N Interstate 27, Lubbock, TX 79403. *To unsubscribe to Sorghum Notes, please reply to [hannah@sorghumgrowers.com](mailto:hannah@sorghumgrowers.com).* If you have questions about the sorghum industry or the National Sorghum Producers, please do not hesitate to call NSP at (800) 658-9808.

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## **Quote of the Week:**

I hate quotations. Tell me what you know.

*-- Ralph Waldo Emerson*

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