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Weekly Update from the Texas Seed Trade Association

Member & Seed Related News

The board of directors of the Texas Seed Trade Association will convene their summer meeting on July 8-10, at the Horseshoe Bay Resort near Marble Falls.

SCOTUS OVERTURNS "CHEVRON" RULING WHICH ALLOWS REGULATORS TO ESTABLISH RULES

by Mark Sherman, AP

Washington -- The Supreme Court on Friday upended a 40-year-old decision that made it easier for the federal government to regulate the environment, public health, workplace safety and consumer protections, delivering a far-reaching and potentially lucrative victory to business interests.

The court's six conservative justices overturned the 1984 decision colloquially known as Chevron, long a target of conservatives. The liberal justices were in dissent.

Billions of dollars are potentially at stake in challenges that could be spawned by the high court's ruling. The Biden administration's top Supreme Court lawyer had warned such a move would be an "unwarranted shock to the legal system."

The heart of the Chevron decision says federal agencies should be allowed to fill in the details when laws aren't crystal clear. Opponents of the decision argued that it gave power that should be wielded by judges to experts who work for the government.

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Roberts wrote that the decision does not call into question prior cases that relied on the Chevron decision.

But in dissent, Justice Elena Kagan wrote that the assurance rings hollow. "The majority is sanguine; I am not so much," she wrote.

The court ruled in cases brought by Atlantic herring fishermen in New Jersey and Rhode Island who challenged a fee requirement. Lower courts used the Chevron decision to uphold a 2020 National Marine Fisheries Service rule that herring fishermen pay for government-mandated observers who track their fish intake.

Conservative and business interests strongly backed the fishermen's appeals, betting that a court that was remade during Republican Donald Trump's presidency would strike another blow at the regulatory state.

The court's conservative majority has previously reined in environmental regulations and stopped the Democratic Biden administration's initiatives on COVID-19 vaccines and student loan forgiveness.

The justices hadn't invoked Chevron since 2016, but lower courts had continued to do so.

Forty years ago, the Supreme Court ruled 6-0, with three justices recused, that judges should play a limited, deferential role when evaluating the actions of agency experts in a case brought by environmental groups to challenge a Reagan administration effort to ease regulation of power plants and factories.

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

Editor's Note: Hopefully this landmark case will curtail what is widely known as "mission creep" whereby regulatory agencies increase their authority and reach generally in relatively small increments over time. "Over time" is a key strategy in mission creep as patience is a virtue. The current state of regulatory over-reach at the US EPA makes the agency virtually unrecognizable from its original charter. This is a welcome decision that "should" make it more difficult for federal agencies to interpret lawmaker intentions more broadly than the legislation intended. We'll see; we're a little skeptical this will make big differences anytime soon.

WHERE THE CROP ACREAGE SHIFTS OCCURRED IN LATEST USDA REPORT

USDA Release

By Tyne Morgan, AgWeb.com

USDA's June Acreage report released Friday sent chills through the corn market. With planted acres for corn above pre-trade estimates at 91.5 million acres, the combination of more acres and growing stocks sent corn prices tumbling.

Here's a quick recap of what USDA had to say in Friday's June Acreage and Grain Stocks reports:

*2024 corn planted acreage at 91.5 million, which is down 3 percent from 2023, but above the 90 million acres in the March Prospective Plantings report.

*Soybean acreage was pegged at 86.1 million acres, up 3 percent from last, but down from the 86.5 million in March.

*HALL wheat is estimated at 47.2 million acres, slightly lower than the 47.5 in March, but down 5 percent from 2023.

*All cotton planted acres for 2024 is estimated at 11.7 million acres, up 14 percent from last year.

*The June Grain Stocks Report estimates on farm stocks are up even more, up 36.5 percent. USDA says there are more than 3 billion bushels of corn currently stored on the farm, which is the highest level since 1988.

*Farmers are also holding on to more soybeans. Soybean stocks are up 22% overall. On farm stocks are even more shocking, up more than 46% since June of last year.

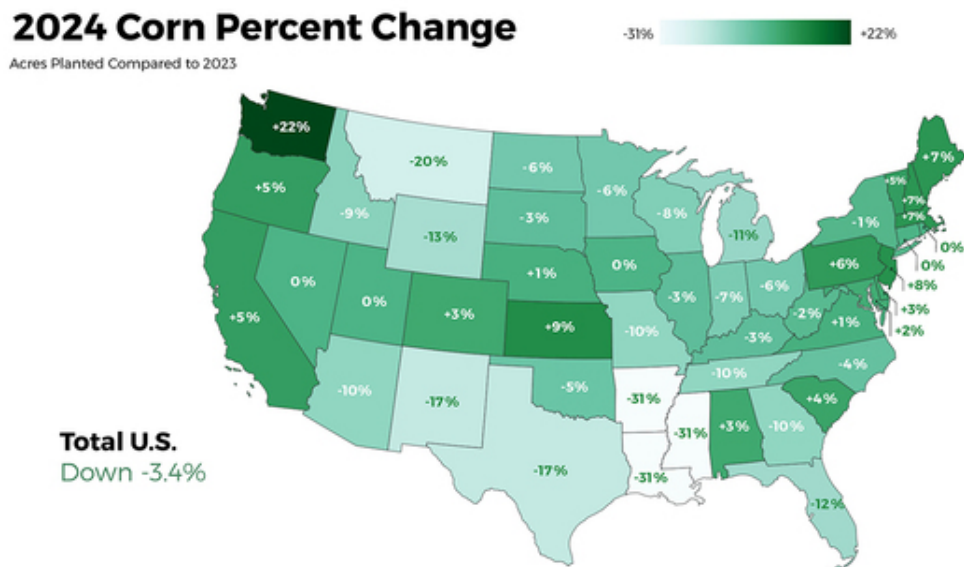
An In-Depth Look at Acreage Shifts

The report did come with a special note. USDA cautions farmers reported not being finished with planting when the survey was conducted between May 30 and June 16. "Nationally, corn left to be planted was 3.36 million acres. Soybeans left to be planted for the United States was 12.8 million acres," USDA noted at the top of the report.

So, where did the planted corn acres shift in 2024 compared to 2023? According to USDA, the biggest shift to more corn acres came in the West, Western Plains and parts of the East Coast. Parts of the Southern growing areas saw a big dip in corn acres this year.

As for soybeans, the shift to more soybeans happened in the Upper Midwest, Louisiana and Kentucky. Key growing acres like Iowa, saw acreage up 1 percent year-over-year. Illinois is up 3 percent.

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

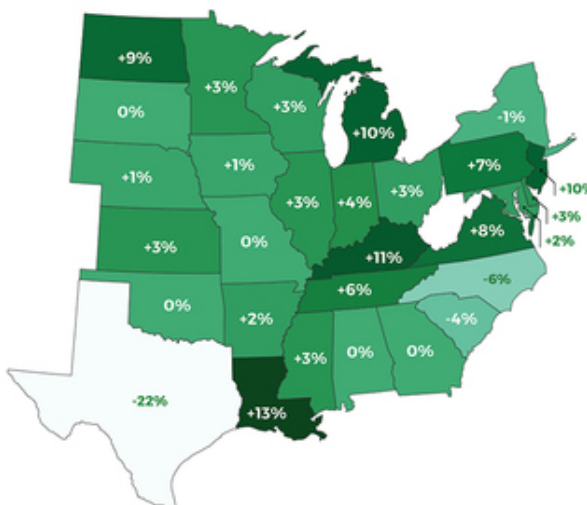


2024 Soybean Percent Change

Acres Planted Compared to 2023



Total U.S.
Up 2.9%



Data Illustration: Farm Journal; Source: USDA, June 28, 2024



News Bits

The U.S. corn condition rating **dipped** over the past week.

That week of weather ranged from flooding in parts of the northwest Corn Belt and hot, dry weather in other portions of the region.

The USDA says 67% of the U.S. corn crop is in good to excellent shape, 2% less than last week, with 11% of the crop silking, compared to the five-year average of 6%.

67% of soybeans are rated good to excellent, unchanged, with 95% emerged, 20% blooming, and 3% at the pod setting stage, all ahead of average.

51% of U.S. winter wheat is called good to excellent, down 1%, with 59% harvested, compared to the normal rate of 39%.

Updates from the OECD Seed Schemes Annual Meeting

Source: ISF newsletter

Khaoula Belhaj-Fragnière, ISF Regulatory Affairs Manager, and Philippe Lesigne, Chair of the ISF CG Market Access & Trade, represented the global seed industry at the annual meeting of the OECD Seed Schemes which took place in Nice, France from 10-14 June 2024. This meeting was held alongside the Ad hoc and Technical Working Group meeting.

Highlights from the meeting include:

- Burkina Faso and Paraguay have been admitted as new members of the OECD Seed Schemes, bringing the total membership to 64 countries. This addition reinforces the harmonization of global seed trade policies and regulations, ensuring consistency and quality across international markets.
- Progress of the digitalization project, which aims to improve efficiency by securely linking seed lot information between member countries. This project is now in the test phase among member countries.
- Update on the funding possibilities for the capacity-building partnership by ISF and OECD Seed Schemes on seed certification in Africa.

72% of the spring wheat crop is good to excellent, up 1%, and 38% has headed, slightly faster than most recent years.

50% of cotton is in good to excellent condition, a drop of 6%, with the crop nearly planted and development topping the respective average paces.

82% of the rice crop is reported as good to excellent, down 1%, with 18% headed, compared to the five-year average of 13%.

58% of sorghum is good to excellent, a decrease of 3%, with planting almost over and development close to the typical rates.

48% of U.S. pastures and rangelands are in good to excellent condition, 1% above a week ago.

The USDA's national weekly crop progress and condition reports run through the end of November.

Ben Potter, Senior Editor, *Farm Futures*

USDA's hotly anticipated June 28 acreage report had analysts holding their breath for a few extra minutes while the agency sorted out some technical difficulties. But when the data finally arrived, it caused some significant commodity price shifts - particularly in corn, with plantings exceeding the entire range of trade guesses.

Soybean plantings were closer to the mark but still came in moderately below analyst expectations. Winter wheat plantings were also below the average trade guess in today's report.

Corn

The members also celebrated Eddie Goldschagg's retirement from SANSOR, honoring his over 40 years of contributions to the seed sector and strong involvement with the OECD Seed Schemes and the ISTA committees. His experience and wisdom will be greatly missed as he enters the next chapter of his life. ISF wishes Eddie all the best.

Clemson University small grains specialist studies new sorghum technology for weed control

Clemson University release



Alex Coleman, Clemson Extension small grains and sorghum specialist, is studying to determine how Double Team technology controls stubborn grass weeds like Texas panicum in grain sorghum.

Weed control is a problem for grain sorghum growers and a Clemson researcher is determining if a new technology can help South Carolina growers knock out weeds.

Alex Coleman, Clemson University Cooperative Extension Service **small grains** and sorghum specialist, is testing a new sorghum, Double Team (DT), from Sorghum Partners.

"I was getting questions from growers about what this new sorghum was and if it worked," Coleman said. "I'm testing it so that I can answer those questions."

Double Team sorghum contains a trait added by conventional breeding practices that works with FirstAct herbicide to control grass weeds. FirstAct contains the active ingredient **Quizalofop**.

"There are other herbicides with the same active ingredient," Coleman said. "But, according to the technology-use agreement, growers can only use FirstAct."

Non-GMO crops and weed control

USDA pegs 2024 corn plantings at 91.5 million acres, which is more than a million acres above the agency's prior estimate in March but more than 3 million acres below final 2023 tallies. Grain markets took bigger notice of today's number versus analyst estimates. The average estimate was for 90.353 million acres, with trade guesses ranging between 89.0 million and 91.3 million acres. As a result, corn futures stumbled 5% lower in the minutes immediately following the report's release.

Soybeans

Soybean acres are projected to move 3% higher from 2023 to 2024, with 86.1 million acres. That was a bit below the average trade guess of 86.753 million acres. It was also below USDA's prior projection of 86.510 million acres that the agency made in late March.

Wheat

Wheat acres are also expected to decline this season, with all-wheat plantings now projected at 47.2 million acres. That's a 5% decline from 2023/24. Analysts were expecting to see a slightly larger footprint after offering an average trade guess of 47.657 million acres.

Of the total, USDA reports winter wheat plantings at 33.8 million acres, spring wheat plantings at 11.3 million acres and durum plantings at 2.17 million acres.

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

BetterSeeds announces USDA approval for PeaMAX, the world's first gene-edited cowpea

Sorghum is a water-efficient, non-GMO, gluten-free crop commonly used as livestock feed in the United States. Coleman is looking at how DT technology controls stubborn grass weeds like **Texas panicum**. Other objectives of Coleman's study include determining yield potentials of varieties containing the DT trait and how these varieties handle southeastern United States disease pressures.

"Weed control is a main problem that farmers contend with in non-GMO crops," said Coleman, who graduated from Clemson with a master's degree in **plant and environmental sciences** and a bachelor's degree in **agricultural mechanization and business**. "With sorghum being a grass, it can be difficult to use herbicides to control grass weeds without injuring the sorghum crop."

According to the FirstAct label, growers can make two applications during the growing season in South Carolina. So far, the herbicide appears to be doing its job.

"We've just had to apply the herbicide one time to the crop," Coleman said. "We're waiting to see if we will need a second application."

Yield drag, or yield reduction, is another factor Coleman is looking at.

"My concern with yield drag is often when a new trait is introduced, it is at the cost of another trait, which is sometimes yield or disease tolerance," Coleman said. "This year, I'm able to compare a Double Team variety to a traditional variety, side by side in the same growing conditions."

Most of the United States grain sorghum is grown in Kansas, Texas and Colorado. Current varieties are targeted for environments in these states. Southeastern states have higher moisture and humidity, as well as higher disease pressure.

Coleman's study will help determine if sorghum containing the Double Team trait can be profitably grown in the southeastern region. He estimates 15,000 to 20,000 acres of grain sorghum are grown in South Carolina.

"What we're looking for in this study is to make a challenging crop easier to grow and give South Carolina farmers a new crop for their portfolios," Coleman said.

This is the first year of the study, which is taking place at several South Carolina locations.

BetterSeeds announces that PeaMAX, the company's innovative gene-edited cowpea, has been granted approval for commercialization in the United States by the USDA. This marks a historic moment, as PeaMAX is not only a game-changer for American agriculture but also the world's first-ever gene-edited cowpea.

Cowpea, a high-protein legume lauded for its drought and heat tolerance, has traditionally faced limitations for large-scale production. Its long growing season and unsuitability for mechanized harvesting have hindered its widespread adoption. PeaMAX addresses these challenges head-on.

Through targeted gene editing, BetterSeeds has optimized PeaMAX for mechanized harvesting using existing soybean growing machinery. Additionally, the improved variety boasts a shortened growing season, making it ideal for summer cultivation by soybean growers in the USA, Brazil, and Argentina.

This USDA approval marks a significant milestone for PeaMAX and paves the way for its introduction to the American market. BetterSeeds believes PeaMAX represents the next generation of cowpea, empowering soybean growers with a high-profit legume option for seasons where traditional soybean cultivation faces challenges due to climate change.

Key benefits of PeaMAX:

- Suitable for mechanized harvesting: Integrates seamlessly with existing soybean harvesting equipment.
- Shorter growing season: Ideal for summer

Information about this study will be posted at https://bit.ly/CU_GSVT.

Effects on livestock

Sorghum is a major **feed grain** for livestock. Herbicides must receive approval by the Environmental Protection Agency before they can be registered for use by the public.

All pesticides used on feed grains and forage crops must go through a strict approval process.

"The FirstAct product label has a 45-day harvest and a 45-day grazing restriction," said **Brian Beer**, a Clemson Extension Livestock and Forages agent. "This means the required testing and screening to establish a harvest restriction interval was conducted, and interval was approved by the Environmental Protection Agency."

Commercial animal feed products manufactured or distributed in South Carolina are vetted by the South Carolina Department of Agriculture's **Feed Safety** Program.

Factoids

HOUSE FARM BILL PROVISION COULD BLOCK ROUNDUP HERBICIDE LAWSUITS

By Ryan Hanrahan, University of Illinois' FarmDoc project

The Washington Post's Tony Romm reported late last week that "the approximately 1,000-page House version of the (Farm Bill) contains a single section -- drafted with the aid of Bayer -- that could halt some lawsuits against Roundup, according to documents viewed by The Washington Post and seven people familiar with the matter, who spoke on the condition of anonymity to discuss private conversations."

The measure "would limit state and local governments from issuing their own rules about pesticide safety warnings," Romm reported. "Instead, they would be required to follow the lead of the federal government on what to label and when. ... That measure could effectively shut down some of the lawsuits against Bayer, legal experts said."

"The legislation aims to prevent local governments and courts from being able to 'penalize or hold liable any entity for failing to comply' with rules for pesticide warnings that differ substantially from

- planting in key soybean growing regions.
- High protein content: Provides a valuable source of plant-based protein.
 - Drought and heat tolerant: Thrives in challenging climates.

what the federal government already mandates," Romm reported. "At the moment, the Environmental Protection Agency does not treat the underlying chemical in Roundup as a carcinogen. While the agency plans to reevaluate its stance on glyphosate in 2026, its views are at odds with some global health experts, including the World Health Organization's International Agency for Research on Cancer, which identified glyphosate as 'probably carcinogenic' in 2015. The European Union, for its part, has not found the herbicide to be carcinogenic."

"The provision builds on an earlier proposal introduced by Reps. Dusty Johnson (R-S.D.) and Jim Costa (D-Calif.), two members of the House Agriculture Committee," Romm reported. "Bayer helped craft that measure, then circulated it among lawmakers to rally support before later pushing the House to add it to the farm bill, the people familiar with the effort said. The House doesn't yet have a vote scheduled on that package, which expires Sept. 30."

What Victim Advocacy Groups Are Saying

FERN's Ag Insider reported Monday that an avowed guardian of victim's rights said that the measure "amounts to a 'Get out of jail free' card for pesticide companies."

"When American farmers develop cancer from dangerous and deadly chemicals, they should be able to hold the mega-corporations who sold those chemicals responsible,' said the American Association for Justice, which says it protects victims' rights, when the House committee approved the bill," FERN's reported. "The farm bill would override state and local health protections, it said."

"If [Bayer] were successful in preempting state laws that require warnings, they would be successful in cutting off access to justice for the landscape workers and others who have been harmed by glyphosate,' said Scott Faber, who leads government affairs efforts for the Environmental Working Group, a climate advocacy organization that has opposed Bayer," according to Romm.

What Industry Groups Are Saying

"Recent state actions on labeling have directly and unjustifiably contradicted EPA's scientific findings on certain pesticides' safety,' Alexandra Dunn, the president of CropLife America, said in a statement, adding that these 'actions create an unworkable,

inconsistent patchwork of state pesticide labels," Romm reported.

Current State of Roundup Lawsuits

According to a June 11 update from the Lawsuit Information Center, "Monsanto has reached settlement agreements in nearly 100,000 Roundup lawsuits. Monsanto paid approximately \$11 billion. Bayer has accomplished this by negotiating block settlement arrangements with plaintiffs' lawyers who have significant cases in the litigation... and by settling with plaintiffs before trial."

"Although these settlements account for nearly two-thirds of all Roundup claims, Monsanto estimates 54,000 active Roundup lawsuits remain," the Lawsuit Information Center said. "Most lawsuits have been filed in state court. But over 4,000 claims in the MDL Roundup class action lawsuit are still pending in California."

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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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