



## Weekly Update from the Texas Seed Trade Association

### Member News

We sincerely wish you all a very blessed Easter as we celebrate the holiest week in the Christian church calendar.



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**Ken Paxton agrees to community service, paying restitution to avoid trial in securities fraud case**

The Texas Tribune

by [Jasper Scherer](#)

**Prosecutors on Tuesday agreed to drop the securities fraud charges facing Attorney General [Ken Paxton](#) if he performs 100 hours of community service and fulfills other conditions of a pretrial agreement, bringing an abrupt end to the nearly nine-year-old felony case that has loomed over the embattled Republican since his early days in office.**

The deal, which landed three weeks before Paxton is set to face trial, also requires him to take 15 hours of legal ethics courses and pay restitution to those he is accused of defrauding more than a decade ago when he allegedly solicited investors in a McKinney technology company without disclosing that the firm was paying him to promote its stock. The amount of restitution totals about \$271,000, prosecutor Brian Wice said.

Paxton, who will not have to enter a plea under the terms of the agreement, faced the prospect of decades in prison if he had been convicted of fraud. His status as a felon, based in part on [an opinion he issued himself](#), would have likely barred him from

## **U.S. FARMERS TO PLANT 90 MILLION ACRES OF CORN, DOWN 5%, 86.5 MILLION ACRES OF SOYBEANS**

Source: USDA news release

WASHINGTON - Producers surveyed across the United States intend to plant 90.0 million acres of corn in 2024, down 5% from last year, according to the Prospective Plantings report released today by USDA's National Agricultural Statistics Service (NASS).

Planted acreage intentions for corn are down or unchanged in 38 of the 48 estimating states. Acreage decreases of 300,000 acres or more from last year are expected in Illinois, Indiana, Iowa, Minnesota, Missouri, Ohio, South Dakota, and Texas. If realized, the planted area of corn in Arizona and Oregon will be the largest on record.

Soybean growers intend to plant 86.5 million acres in 2024, up 3% from last year. Acreage increases from last year of 100,000 or more are expected in Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, North Dakota, Ohio, and South Dakota. Record high acreage is expected in Kentucky and New York.

The Prospective Plantings report provides the first official, survey-based estimates of U.S. farmers' 2024 planting intentions. NASS's acreage estimates are based on surveys conducted during the first two weeks of March from a sample of nearly 72,000 farm operators across the nation.

Other key findings in the report are:

- All wheat planted area for 2024 is estimated at 47.5 million acres, down 4% for comparable states from 2023.
- Winter wheat planted area, at 34.1 million acres, is down 1% from the previous estimate and down 7% from last year for comparable states.
- Area planted to other spring wheat for 2024 is expected to total 11.3 million acres, up 1% from 2023.
- Durum wheat planted is expected to total 2.03 million acres for 2024, up 22% from last year for comparable states.
- All cotton planted area for 2024 is expected to total 10.7 million acres, 4% above last year.

Today, NASS also released the quarterly Grain Stocks report to provide estimates of on-farm and off-farm stocks as of March 1. Key findings in that report include:

- Corn stocks totaled 8.35 billion bushels, up 13% from the same time last year. On-farm corn stocks were up 24% from a year ago, while off-farm stocks were down 1%.
- Soybeans stored totaled 1.85 billion bushels, up 9% from March 1, 2023. On-farm soybean stocks were up 24% from a year ago, while off-farm stocks were down 3%.
- All wheat stored totaled 1.09 billion bushels, up 16% from a year ago. On-farm all wheat stocks were up 20% from last year, while off-farm stocks were up 14%.
- Durum wheat stored totaled 36.6 million bushels, up 2% from March 1, 2023. On-farm Durum stocks were up 10% from a year ago, while off-farm stocks of Durum wheat were down 5%.

The Prospective Plantings, Grain Stocks, and all other NASS reports are available online [here](#).

NASS will hold its biannual Data Users' Meeting on April 16, 2024. The event will be at the University of Chicago Gleacher Center in Chicago, IL. A virtual attendance option will also be available. The meeting is free and open to the public. Anyone interested in attending the Data Users' Meeting can find registration information, agenda items and details from previous meetings on the NASS website.

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WASHINGTON - The U.S. Department of Agriculture (USDA), Food and Drug Administration (FDA) and Centers for Disease Control and Prevention (CDC), as well as state veterinary and public health officials, are investigating an illness among primarily older dairy cows in Texas, Kansas, and New Mexico that is causing decreased lactation, low appetite, and other symptoms.

As of Monday, March 25, unpasteurized, clinical samples of milk from sick cattle collected from two dairy farms in Kansas and one in Texas, as well as an oropharyngeal swab from another dairy in Texas, have tested positive for highly pathogenic avian influenza (HPAI). Additional testing was initiated on Friday, March 22, and over the weekend because farms have also reported finding deceased wild birds on their properties.

Based on findings from Texas, the detections appear to have been introduced by wild birds. Initial testing by the National Veterinary Services Laboratories has not found changes to the virus that would make it more transmissible to humans, which would indicate that the current risk to the public remains low.

Federal and state agencies are moving quickly to conduct additional testing for HPAI, as well as viral genome sequencing, so that we can better understand the situation, including characterization of the HPAI strain or strains associated with these detections.

At this stage, there is no concern about the safety of the commercial milk supply or that this circumstance poses a risk to consumer health. Dairies are required to send only milk from healthy animals into processing for human consumption; milk from impacted animals is being diverted or destroyed so that it does not enter the food supply. In addition, pasteurization has continually proven to inactivate bacteria and viruses, like influenza, in milk. Pasteurization is required for any milk entering interstate commerce.

Federal agencies are also working with state and industry partners to encourage farmers and veterinarians to report cattle illnesses quickly so that we can monitor potential additional cases and minimize the impact to farmers, consumers and other animals. For the dairies whose herds are exhibiting symptoms, on average about ten percent of each affected herd appears to be impacted, with little to no associated mortality reported among the animals. Milk loss resulting from symptomatic cattle to date is too limited to have a major impact on supply and there should be no impact on the price of milk or other dairy products.

This is a rapidly evolving situation, and USDA and federal and state partners will continue to share additional updates as soon as information becomes available. More information on biosecurity measures can be found [here](#).



#### News Bits

#### MEAT COALITION REPORTS NEW EPA REGS WOULD CLOSE 74 PROCESSING FACILITIES

[Agri-Pulse](#) reports:

The meat industry and environmental groups have

#### Did you hear the story about the GMO that nearly destroyed the world?

[Andrew Porterfield](#) in the Genetic Literacy Project

Once upon a time, way back in 1990, a German company modified the genetics of a bacterium so it could efficiently ferment plant waste, turning the material into ethanol. There was, the story goes, just one problem: the bacteria, *Klebsiella planticola*, “almost killed the world with booze,” according to an [article on Cracked](#).

[Earth Island Journal](#) took a less sarcastic tack, quoting retired genetics professor and now environmental activist David Suzuki:

Geneticist David Suzuki understands

submitted opposing comments on EPA's proposed discharge limits for slaughterhouses and processing plants. The industry says EPA has underestimated the impacts of its proposal, while the green groups pressed the agency to adopt a more stringent alternative.

To read their comments [click here](#).

The Meat and Poultry Products Industry Coalition, which includes the Meat Institute, the American Farm Bureau Federation and the North American Renderers Association, says the agency's preferred alternative would close 74 facilities, not the 16 estimated by EPA. In addition, the coalition says, "The projected number of near-term job losses associated with these facility closures would increase from nearly 17,000 estimated in the proposed rule to nearly 80,000 direct job losses from plant closures."

A coalition of 45 animal welfare, community and environmental groups, however, calls EPA's preferred option the weakest of three presented, and "is inconsistent with federal law -- not least because it is motivated by a desire to avoid disruptions to the country's meat supply, even though claims of past disruptions have been resoundingly debunked."

To read their comments [click here](#).

**John Deere will be** laying off more than 300 employees in Waterloo in late April, according to the Iowa Workforce Development WARN website.

John Deere issued a statement to KWWL saying, "John Deere informed members of the workforce at its Waterloo Operations in Waterloo, Iowa, on Tuesday, March 26, that 317 production employees will be placed on indefinite layoff effective April 29. Employees were told of the layoffs by

that what took place was truly ominous. "The genetically engineered Klebsiella," he says, "could have ended all plant life on this continent. The implications of this single case are nothing short of terrifying."

This story has become an occasionally arising myth, with articles that appear every few years bolstering anti-GMO activists' views that anything transgenic or otherwise modified is at least bad for your health, bad for the environment, or perhaps fatal.

Now, in the wake of a new federal law mandating labeling food containing GMOs, the myth has returned.

According to an Op-Ed in [Truth-Out.com](#), which expressed disappointment in the new law as well as shock at the discovery of unapproved GM wheat in a Washington field, these two events illustrated the hazards of genetic modification. According to the Truth-Out writers, these events:

Should set off some alarm bells, because we've dodged a similar bullet before with *Klebsiella planticola*, a soil bacteria that aggressively grows on plants' roots.

In the early 1990s, a European genetic engineering company was preparing to field test its genetically modified version of *Klebsiella planticola*, which it had tested in the lab and presumed to be safe. But if it weren't for the work of a team of independent scientists led by Dr. Elaine Ingham, that company could have literally killed every terrestrial plant on the planet.

### A turn of events

So, what did happen? Scientists and engineers have been spending decades looking at new ways to handle plant waste, which can become rich material for soil amendments, or can be fermented into other chemicals, including ethanol, and turned into biofuels. In fact, the *Klebsiella planticola* bacterium (which is now called *Raoultella planticola* after scientists re-examined the members of *Klebsiella*), has been studied [for its ability](#) to create ethanol from decaying plant material.

As the story goes, a German company received U.S. Environmental Protection Agency permission to conduct field trials on the amended bacterium, called SDF20, which [had a plasmid](#) (a short loop of DNA) inserted into its genome. This plasmid contained a gene for an enzyme, pyruvate decarboxylase that allowed SDF20 to ferment plant waste to ethanol.

factory leadership in meetings today."

The statement continued, "Each John Deere factory balances the size of its production workforce with the needs of the individual factory to optimize the workforce at each facility. John Deere Waterloo Operations currently have about 5,500 total employees with about 3,600 of them working in production and maintenance jobs."

**GDM, a global plant genetics company, today announced** the strategic acquisition of KWS' corn and sorghum business in South America.

This transaction represents a significant milestone in the consolidation of GDM's extensive crop business in South America. The transaction agreements will be submitted for approval to the Argentine and Brazilian regulatory bodies, as applicable.

GDM, a global plant genetics company, is expanding its reach and advancing its growth strategy through diversification into field crops by acquiring the corn business of KWS in Brazil and Argentina. The transaction announced today includes all of KWS' South American corn and sorghum breeding and sales activities (Brazil, Argentina, Paraguay and Uruguay), as well as all corn and sorghum production sites in Brazil and corn production sites in Argentina, involving approximately 700 employees. The strength of the business that KWS has built in Argentina and Brazil makes this transaction a key acquisition for GDM.

This trial caught the attention of Elaine Ingham, a Green Party member who was then a scientist on the faculty of Oregon State University. In testimony to the New Zealand Royal Commission on Genetic Engineering, Ingham said her graduate student, Michael Holmes, "discovered that the engineered bacterium, *Klebsiella planticola*, with an additional alcohol gene, killed all the wheat plants in microcosms into which the engineered organisms were added."

The engineered bacterium produces far beyond the required amount of alcohol per gram soil than required to kill any terrestrial plant. This could have been the single most devastating impact on human beings since we should likely have lost corn, wheat, barley, vegetable crops, trees, bushes, etc., conceivably all terrestrial plants.

To back this up, she cited a paper co-written with Holmes, published in 1999 in *Applied Soil Ecology*. The news of this was picked up the Green Party members of the European Parliament, and a number of other activists who touted how the discovery underscored the grave planetary danger of GMOs.

### **The Greens rescue world from GMOs?**

According to a very recent article in *Organics.org*, the Green Party activists and scientists saved us all in the nick of time:

This new miracle GMO had all the necessary approvals to be commercialized and it was going to be. However, a team of independent scientists led by Dr. Elaine Ingham remained skeptical and luckily so. They discovered after some testing what the bacteria is actually capable of doing and after exposing the results the gene-altered bacteria was never commercialized. If not for their efforts, there is no doubt that this would have ended the world.

### **Scientists call shenanigans on GMO doomsday plant**

But problems with her and Holmes' story began. [In a rebuttal](#) to Ingham's testimony, Christian Walter, with Forest Research Institute in Rotorua, New Zealand, Michael Berridge, of the Malaghan Institute of Medical Research in Wellington, and David Tribe, of the University of Melbourne, Australia, wrote that:

- The paper she and Holmes wrote with their

results actually doesn't exist (the volume and page numbers were false, and no other citation can be found).

- Another paper, also by Holmes, Ingham and other colleagues, was cited later (after the rebuttal was published), but this paper reviewed the growth of spring wheat in poor, sandy soil that had been inoculated with the SDF20 strain of *K. planticola*. Not anything resembling grounds for worldwide plant Armageddon.
- There was no evidence from the EPA or the US Department of Agriculture that any field trials for SDF20 **were ever approved**.
- The SDF20 produced about 20 micrograms per milliliter of alcohol in the soil. "This concentration is several hundred times lower than that required to affect plant growth (10 milligrams per milliliter)," they wrote.
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The scientists **concluded then**, that:

Dr Ingham's assertions have been published widely on the Internet and elsewhere. However, we have been unable to find any evidence that Dr Ingham has submitted her assertions about threats to terrestrial plant life to scientific publication in a peer-reviewed journal.

Our own literature search and resulting evidence further demonstrates that natural alcohol producing varieties of *Klebsiella planticola* already exist, and are routinely found in nature; however, no adverse consequences of this alcohol production on any organisms including plants have been observed.

In fact, the studies on *K. planticola* (*R. planticola* today), showed that the new strain could not survive in poor soil, which probably wrote a death sentence not for the world, but for the commercial viability of a modified form of *R. planticola*.

As for Dr. Ingham, who went from Oregon State to the **Rodale Institute** and now runs a soil management consulting company called SoilFoodWeb, she and the Green Party **apologized to the** New Zealand Royal Commission:

The Green Party incorrectly cited a paper that is has since discovered... does not exist.

There are no records indicating that field testing approval was ever given.

The Green Party would like to request that the commission disregard the final sentence in paragraph 30, recognize that this statement goes beyond the

published literature. (This was Ingham's assertion that SDF20 would kill all plant life on earth).

In her apology, Ingham **said**:

I was incorrect in stating that the specifically genetically engineered *Klebsiella planticola* I was talking about had been approved for field trials and was going to be released.

I would like to make clear that the possibility of destruction of terrestrial plants that I referred to as an outcome of releasing this organism is an extrapolation from the laboratory evidence. It is one possible scenario. There are other possible scenarios which could occur; we need more data to be able to make a clear judgement on the most likely outcome.

Any data would have been nice. And today, we still have plants. And GMOs. And alcohol.

*Editor's Note: In today's climate of politically charged "science" we should adopt an attitude of questioning everything. The truth doesn't mind being challenged, lies don't like to be questioned.*

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## **Bill Proposing Legal Immunity for Pesticide**

### **Manufacturers Advances**

By [Iowa Capital Dispatch](#)

The Senate Appropriations Committee approved a bill Tuesday adding legal protections for pesticide manufacturers over failure to adequately warn consumers about the potential health risks associated with use of their products, reports Robin Opsahl at the [Iowa Capital Dispatch](#).

[Senate Study Bill 3188](#) would provide civil liability defense to pesticide manufacturers in lawsuits over adverse health impacts of products that meet U.S. Environmental Protection Agency labeling requirements. These liability protections do not apply to Chinese state-owned companies — a move targeting Syngenta, an agriculture science and chemical company owned by the state-owned ChemChina.

The legislation is supported by Bayer, the manufacturer of RoundUp, a pesticide linked with development of non-Hodgkin's lymphoma. In 2020, Bayer agreed to [pay \\$10 billion to settle cancer lawsuits](#).

In a subcommittee meeting on the bill Monday, Brad Epperly, speaking on behalf of Bayer, said the company is not able to make additional warnings outside of EPA regulations and current law. He said

the bill would prevent lawsuits made on unproven bases, securing farmers' use of certain chemical tools.

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## Factoids

### **FRAUDULENT GRASS SEED CONVICTIONS RESULT IN FINES, PRISON**

**Agri-Pulse** reports:

An Idaho man received a year in prison and was ordered to pay nearly \$350,000 for his involvement in multiple schemes to defraud J.R. Simplot and its subsidiary, Jacklin Seed Company, by selling mislabeled seed, the U.S. Attorney's Office in Portland, Oregon, announced.

To read the U.S. Attorney's statement [click here](#). Richard Dunham, a former Jacklin employee, is the second person from the company to be sentenced in the case. Jacklin general manager Christopher Claypool received a three-year sentence in 2021. In two other cases, Ground Zero Seeds International and ProSeeds Marketing Inc. pleaded guilty to "knowingly concealing schemes to defraud Jacklin," a news release said. Ground Zero was ordered to pay Simplot \$516,000 in restitution, and ProSeeds was ordered to pay Simplot more than \$78,000.

To read the U.S. Attorney's statement [click here](#). In a third case, CanKiwi Ventures Ltd., manager of the Canadian grower Moore Seed, pleaded guilty on March 7 to smuggling mislabeled seed into the United States using false documents and was sentenced to pay a criminal fine of \$100,000. USDA's Office of Inspector General aided in the investigation.

Source: **Agribusiness Association of Iowa**

**EPA recently agreed with the recommendations of the atrazine Scientific Advisory Panel (SAP)**, removing several poor-quality studies that played a role in the agency's recommendation for an ultra-low aquatic level of concern for atrazine. The SAP was held in August 2023 at the request of agriculture groups active in the Triazine Network.

The panel considered EPA's white paper and stakeholder comments to exclude or rescore several questionable studies used to set the aquatic concentration equivalent level of concern (CELOC).

Scientists on the panel expressed appreciation to the farmers and agriculture representatives who testified on the real-world benefits and necessities of atrazine as well as the real-world consequences of EPA's proposed decisions. According to Triazine Network Co-Chair Mike Aerts, who also serves as



vice president of Science and Regulatory Affairs for the Florida Fruit and Vegetable Association, hearing directly from the people using the product was a key component of the SAP.

Following the SAP, the Triazine Network requested EPA review two additional low-quality studies not included in the SAP's charge questions. The Network has received reassurances the agency is reviewing those studies.

The Triazine Network's request for the atrazine SAP followed EPA's 2022 proposed revision to the Atrazine Registration Review decision. The proposal altered the atrazine CELOC from 15 ppb to 3.4 ppb using low-quality scientific studies and a flawed modeling system. If implemented, the proposed rule would have severely impacted atrazine use for 72 percent of U.S. corn acres, with similar effects for other crops.

The Triazine Network is a coalition of agriculture organizations and producers that has advocated for science-based decisions on the Triazine herbicides, including atrazine, since the mid-1990s.

*Editor's Note: This is good, and surprising, news!*

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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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