PROPOSED SETTLEMENT OF CLAIMS AGAINST SYNGENTA: WHAT DOES IT MEAN FOR DELMARVA PRODUCERS?

December 12, 2017 Paul Goeringer

On September 26, 2017, Syngenta agreed to settle claims brought by U.S. farmers for bringing Viptera and Duracade corn varieties to market before approval in China. While terms of the settlement are still unknown, news reports have estimated the settlement at around $1.5 billion. Corn growers do not need to sign up with attorneys at this time, unless they opted out of the nationwide class by April 1, 2017. News of the settlement came after weeks of a trial involving about 22,000 Minnesota corn growers seeking $400 million in damages, following a settlement in June where a jury awarded over 7,000 Kansas corn growers $217.7 million in damages. These class action lawsuits currently involve corn growers who priced corn after November 18, 2013, and who did not purchase Viptera or Duracade corn varieties.

Corn growers who did not opt out will be a part of any settlement, regardless of whether they hired an attorney to represent them). Although any discussion of the settlement is pure speculation, we can infer the amount of the settlement based on media leaks and expert testimony at the first trial as to the size of recovery for the average corn grower.

Detailed terms will remain undisclosed till the settlement is presented to Judge Lungstrum later this year. Limitations on the current class are currently unknown; for example, would Kansas corn growers be excluded from the settlement due to the verdict earlier in 2017? At this point, any discussion on the settlement is pure speculation.

One thing is known. Nearly all corn growers who did not purchase Viptera or Duracade corn varieties and priced corn after November 18, 2013, are included in the settlement, whether represented by an attorney or not. A corn grower is included automatically by being a member of the class, unless that grower elected out of the class by April 1, 2017.

Although the size of the settlement is pure speculation, we can look at the expert testimony in the Kansas trial to determine what a potential payout could look like. The corn growers in Kansas used two expert witnesses to establish the total market loss of the corn growers. The experts calculated cents per bushel market losses for 2013/14, 2014/15, 2015/16, 2016/17, and 2017/18 crop years. One expert calculated total class losses for the national class at $3.95 billion; the other expert’s estimate was $4.679 billion. If the settlement is around $1.5 billion as suspected, we would see the recovery of damages at 37.97 percent of one expert’s estimates and 32.06 percent of the other expert’s estimates. While this is speculative, these estimates provide us with an idea of what potential recovery by corn growers will look like.

Until the settlement is announced and approved, corn growers will play the waiting game. Once the settlement is announced and approved by the court, corn growers will be notified about how to present their claims in writing to receive settlement funds. Until then, we are all in a wait and see mode.
**JANUARY 2018**

**01 - New Year’s Day**

**02 - Timely Ag Issues/Grain Marketing**, 7:30 a.m., QA Extension Office, Centreville, MD, coffee, donuts.

**08-12 - Delaware Ag Week**, [http://sites.udel.edu/delawareagweek](http://sites.udel.edu/delawareagweek).

**09 - Forest Management Responses to Invasive Species Workshop**, 12:00 p.m.-1:00 p.m. & 7:00 p.m.-8:00 p.m. [Click Here](http://extension.umd.edu/womening/webinars).

**09-12 - 29th USDA Interagency Research Forum on Invasive Species**, 8:00 a.m.-3:00 p.m., Annapolis MD. [More Info here](http://extension.umd.edu/womening/webinars). [Register here](http://extension.umd.edu/womening/webinars).

**10 - On-Farm Food Safety & Recall Readiness Training for CSA Operators**, 8:00 a.m.-3:00 p.m., Priapi Gardens, Cecil, MD. To register visit [https://csa-foodsafety-workshop.eventbrite.com/](https://csa-foodsafety-workshop.eventbrite.com/). For more information contact Sara Everhart, SEverhart@law.umaryland.edu, 410-458-2475.

**10 - Soil Health at Delaware Ag Week**, 6:00 p.m.-9:00 p.m., Harrington, DE. Details P6

**10 - WIA Wednesday Webinar— Farm Financial Statements.** For information and to register visit [http://www.extension.umd.edu/womening/webinars](http://www.extension.umd.edu/womening/webinars).


**14 - Martin Luther King Day**

**16 - Farm and Forestry Succession Workshop**, 8:30 a.m.-2:00 p.m., Chestertown, MD. Details P3

**16 - Farmer Training and Certification, Learn How to Write Your Own Nutrient Management Plan**, 9:30 a.m.-4:30 p.m., Wye Research & Education Center. For information, call 410-841-5959.

**16 - Poultry Mortality Composting Short Course and Demonstration, 9:00 a.m.-3:00 p.m., UMES, Princess Anne, MD.** For information, call 301-405-1198, tscties@umd.edu.

**17 - Farm Succession Workshop—Northern Maryland, 9:00 a.m.-2:00 p.m., Street, MD.** For more information and to register, call 410-638-3255.

**18 - Grain Marketing Update, 8:00 a.m.-11:30 a.m., Chesapeake College.** For information, sdill@umd.edu, 410-822-1244.

**19 - On-Farm Food Safety and Recall Readiness Training for an On-Farm Market, 8:00 a.m.-3:00 p.m., Germantown, MD.** For more information and to register, visit [https://onfarmmarket-foodsafety-workshop.eventbrite.com](https://onfarmmarket-foodsafety-workshop.eventbrite.com). Details P6

**20 - Beef Producer’s Short Course, Western Maryland REC, Keedysville, MD.** Details P3

**20 - Local Forests, Global Needs: Carroll County Forestry Board Winter Workshop, 8:00 a.m.-3:00 p.m., Westminster MD.** More info [Register here](http://extension.umd.edu/womening/webinars).

**23 - Poultry Farm Management for New & Existing Growers, 8:00 a.m.-3:00 p.m., Cambridge, MD.** For more information and to register, visit [https://new-existing-growers](https://new-existing-growers).

**24 - Cecil County Winter Agronomy Day, 8:30 a.m.-3:30 p.m., Calvert Grange Hall, Rising Sun, MD.** To register, call 410-996-5280 or visit [https://extension.umd.edu/cecil-county/agriculture/agronomy-day](https://extension.umd.edu/cecil-county/agriculture/agronomy-day). Details P4

**24 - WIA Wednesday Webinar— What is Urban Agriculture.** For information and to register visit [http://www.extension.umd.edu/womening/webinars](http://www.extension.umd.edu/womening/webinars).

**25 - On-Farm Food Safety and Recall Readiness Training for Agritourism Operators, 8:00 a.m.-3:00 p.m., Mechanicsville, MD.** For more information and to register, visit [https://agritourism-foodsafety-workshop.eventbrite.com](https://agritourism-foodsafety-workshop.eventbrite.com).

**FEBRUARY 2018**

**06 - Timely Ag Issues/Grain Marketing, 7:30 a.m., QA Extension Office, Centreville, MD, coffee, donuts.**

**08-09 - 2018 MidAtlantic Women in Ag Conference, Dover Downs, DE.** Registration information available at [http://extension.umd.edu/womening/annual-conference](http://extension.umd.edu/womening/annual-conference). Details P3

**10 - Mid-Atlantic Small Flock Expo, 9:00 a.m.-3:00 p.m., Westminster, MD.** For information and to register, visit [https://mid-Atlantic-small-flock-expo.eventbrite.com](https://mid-Atlantic-small-flock-expo.eventbrite.com), or call 410-742-1178.

**13 - Eastern Shore Vegetable Meeting. Cambridge, MD.** Register at: [https://www.eventbrite.com/e/2018-eastern-shore-vegetable-growers-meeting-tickets-38584279619](https://www.eventbrite.com/e/2018-eastern-shore-vegetable-growers-meeting-tickets-38584279619) or by calling 410-228-8800 to register.

**14 - WIA Wednesday Webinar— Divorce and Farming.** For information and to register visit [http://www.extension.umd.edu/womening/webinars](http://www.extension.umd.edu/womening/webinars).

**14 - Valentine’s Day**

**19 - President’s Day**

**21 - Soil Health Workshop: Economics & Soil Health.** Details P6

**21 - Bay Area Fruit Meeting 2018, 9:00 a.m.-3:30 p.m., Wye REC, Queenstown, MD.** To register, call 410-827-8056.

**21 - Annie’s Project—Mid-Shore Maryland, 6:00 p.m.-9:00 p.m., Denton, MD.** For more information and to register, visit [http://extension.umd.edu/annies-project/class-information](http://extension.umd.edu/annies-project/class-information), or call 410-822-1244. Details P4

**28 - WIA Wednesday Webinar— Smart Use Health Insurance-Smart Actions.** For information and to register visit [http://www.extension.umd.edu/womening/webinars](http://www.extension.umd.edu/womening/webinars).

**SAVE THE DATE!! - FRIDAY, MARCH 2, 2018**

**QUEEN ANNE’S COUNTY AGRONOMY DAY**

Register by Calling the QA UME Office, 410-758-0166.
February 8, 2018 - Preconference — 1 pm - 5 pm
Participants choose between two topics for an interactive hands on workshop:
   Social Agriculture: Cultivate Your Message, Audience, and Influence
   Specialty Crops: Go from Day-Dreaming to Diversifying Your Farm Business

February 8, 2018 - Harness Racing Reception — 6 pm - 8 pm
Included in the price of the Preconference Ticket OR the Main Conference Ticket you are invited to join us for our Harness Racing Reception. Appetizers will be provided, with a cash bar available. The event is free, but please RSVP by purchasing a "free" ticket below so that we have enough food for everyone!

February 9, 2018 - Main Conference 8:30 am — 4:30 pm — Breakout Session Topics
Social Media    Mobile Apps    Is the Price Right?    Effective Pricing Strategies for Your Farm's Products
Soils Health    Farm Transition Tools & Legal Considerations    Health Insurance    Pesticide Drift
Debt Management    Business Development and Marketing    Marketing your Farm    Health and Wellness
Top Tips for Managing Pastures Successfully    Repurpose - Renovate - Reimagine
Understanding the Food Safety Modernization Act

Room Reservations must be made by January 7, 2018 to receive the discounted rate. To receive the discounted rate contact Dover Down’s Reservation Department: 866-473-7378 and provide the Code “GWAG18”. WIA Special Guest Room Rate is $139.

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Farm and Forestry Succession Workshop
Preparing the farm for the next generation

Join University of Maryland, MDA, Nationwide, and Alliance for the Bay for an intensive one-day workshop focused on assisting you communicate your objectives to your family and plan for a smooth and secure transition of the farm or forestry lands to future generations.

Mark your calendar:
January 16 – 8:30a.m. to 2 p.m.
Kent County UME Office
709 Morgncro Road, Suite 202
Chesterstown, MD 21620

To register: Please call the Kent County Extension Office
(410) 778-1681
Workshop is Free

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Beef Producer’s SHORT-COURSE
UNIVERSITY OF MARYLAND EXTENSION

January 19-20, 2018
University of Maryland, Western MD Research & Education Center
18330 Kedwsville Road, Kedwsville, MD 21756

Cost: $75 which will include all educational materials, meals and breaks.

Cost: $75 which will include all educational materials, meals and breaks.

Registration applications can be downloaded at:
https://ansc.umd.edu/extension/beef-extension/
maryland-beef-producers-short-course

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Volume 8, Issue 1

Cecil County Winter Agronomy Meeting
January 24, 2018 8:30 a.m.-3:30 p.m.
Calvert Grange Hall, 2357 Telegraph Road
Rising Sun, MD 21911

Earn CEUs for Private Pesticide License and/or Nutrient Management Voucher. If your license/voucher is due to expire by the end of 2017, plan to attend this meeting.

There is a registration fee of $5 per person which covers morning refreshments, lunch and materials.

Please pre-register by Friday, January 19, 2018—online by visiting https://extension.umd.edu/cecil-county/agriculture/agronomy-day-registration-form or calling the Cecil Extension Office at 410-996-5280.

Contact your local Extension office
Or visit us online:
https://extension.umd.edu/

INTERNSHIPS

WHO: Undergraduate and Graduate Students in good academic standing who are interested in applying classroom knowledge in applied research and outreach environments. Junior and Senior standing preferred.

WHAT: 250-400 hours of paid, on-the-job training and experience with Extension Professionals in various outreach education and research environments.

WHERE: 24 County Extension Offices & 4 Research and Education Centers across the State of Maryland. Contact your local Extension office or visit us online at: https://extension.umd.edu/locations.

WHEN: For best consideration, applications for summer internships should be submitted by March 23, 2018. Semester selection based upon availability. Interested students should submit (1) a letter detailing their interest in an internship (How will your experience with University of MD Extension help you to achieve your career goals?) and their preferred work location among our 29 office locations, along with an unofficial college transcript, to tsitty@umd.edu

University of Maryland Extension (UME) is a statewide, non-formal education system provided by the University of Maryland and the University of Maryland Eastern Shore.

UME educational programs and problem-solving assistance are available to citizens and are based on the research and experience of land grant universities.

The University of Maryland is an Equal Opportunity Employer. Minorities and women are encouraged to apply.

Topics Include:
- Maryland Department of Agriculture Pesticide Updates
- Soil Health
- How to Handle a Claim for Damages from Pesticide Drift
- Marestail Management/Herbicide Resistance
- Right of Way, Easements & Maintenance Rights & Responsibilities
- What Produce Growers Need to Know About the Food Safety Modernization Act (FSMA)
- Seed Saving Laws

***REMINDER TO PRIVATE PESTICIDE APPLICATORS – MDA’S NEW POLICY***
BRING YOUR CERTIFICATION CARD TO ALL MEETINGS!

MDA will no longer provide credits to those who do not write their certification number on meeting attendance sheets.

Register online at: https://2018annieproject.eventbrite.com

Annie’s Project is approved for FSA Borrower Training which includes an additional workbook requirement. Please contact Shannon Dill at 410-822-1244 for more information.

For more information call Shannon Dill at 410-822-1244 (sdill@umd.edu) or Jenny Rhodes at 410-758-0166 (rhodes@umd.edu) or visit the website at www.extension.umd.edu/annie-project.
Maryland Winter Application Restrictions

December 15, 2017

The Maryland Department of Agriculture (MDA) is reminding operators that the application of nutrient sources is restricted statewide during the winter application period starting December 16 thru February 28. All stackable organic sources including on-farm generated and imported sources (i.e. poultry litter, spent mushroom soil, compost, imported manure etc.) must be stored in available storage structures on site followed by temporary field stockpiling. The stockpiling of these materials must follow the stockpiling guidance contained in the Maryland Nutrient Management Manual (NM Manual) under the modified 2016 Nutrient Application Requirements.

Liquid manure sources generated on the farm must be stored in available storage structures through the winter period. An emergency provision in the modified regulations allows MDA to work with farmers to prevent overflow from storage structures during the winter period. Under these circumstances, farmers will need to consult with their regional MDA nutrient management specialist for liquid manure application guidance. A 100-foot setback from surface waters is required for any emergency application during the winter. Field conditions for winter application must consider vegetative cover, small grain crops, and established hay fields and pastures along with restrictions concerning soil saturation, when snow is greater than one inch, or hard frozen ground is greater than 2 inches.

The prohibition against making a winter application does not apply to a liquid nutrient source that originates from a dairy or livestock operation with less than 50 animal units until February 28, 2020. However, the emergency provision for winter application of a liquid nutrient source generated on the farm also applies currently to these operations with 50 animal units or less. Farmers in this category will need to consult with their regional MDA nutrient management specialist, adhere to a 100-foot setback from surface waters, and consider the crop cover and ground conditions prior to making application.

Farmers will need to contact their nutrient management consultant to have their current plan amended for winter fertility application rates and deductions from their spring fertility application rates for the crops applied on. Farmers challenged with the inability to avoid liquid manure applications during the winter are required to enter into agreement of intent with the Soil Conservation District and evaluate winter storage management options for implementation to their operation. Farmers may begin applications for all organic sources beginning March 1 provided that the field conditions are suitable (i.e. soil saturation, snow, and hard-frozen ground limitations).

Inorganic fertilizer sources are also restricted during the winter application restriction period with the exception of certain situations. For small grains and perennial forage crops, nitrogen may be applied at green-up when tillering begins as recommended in the NM Manual. Certain nutrients may be applied for greenhouse production and for other vegetable and small fruit crops as listed in the NM Manual. The restriction on the application of chemical fertilizers during the winter also does not apply to potash or liming materials. Farmers may begin applications for all inorganic sources beginning March 1 provided that the field conditions are suitable (i.e. soil saturation, snow, and hard-frozen ground limitations).

For more information, contact your regional MDA nutrient management specialist or MDA’s Nutrient Management Program at 410-841-5959.

2017 Annual Implementation Reporting Forms in the Mail & Available Online

ANNAPOLIS, MD (Dec. 20, 2017) – The Maryland Department of Agriculture has announced that 2017 Annual Implementation Reporting Forms and instructions will be mailed in early January to about 5,500 Maryland farmers who are regulated under the Nutrient Management Program. These farmers are required to follow nutrient management plans when fertilizing crops and managing animal manure and submit annual reporting forms to the department by March 1 describing nutrient applications made during the previous calendar year. The 2017 reporting forms are available for download on the department’s website.

Confined Animal Feeding Operations (CAFOs) operating under a permit from the Maryland Department of the Environment should submit one combined Reporting Form along with a manure analysis to the Nutrient Management Program.

Farmers should follow these guidelines when completing their Annual Implementation Reporting Forms:

- Use the pre-filled reporting form that arrives in the mail. Additional reporting forms and instructions can be downloaded from the website.
- Do not leave spaces blank. If nutrients were not applied, place a zero in the box.
- If the information requested does not apply, write N/A in the box.
- Use the pre-printed envelope to mail the report by the March 1 deadline. Affix appropriate postage.
- Failure to submit a reporting form may result in fines and/or loss of eligibility to receive cost-share funds.

“Now is a good time for Maryland farmers to begin gathering records needed to complete your Annual Implementation Reports,” said Maryland Agriculture Secretary Joe Bartenfelder. “The forms are due March 1, 2018, and will be used to help us fully account for everything that you are doing to protect water quality in the Chesapeake Bay watershed.”

Farmers should check their mailboxes for this year’s nutrient management reporting forms beginning January 8, 2018. For more information, contact your regional nutrient management office.
On Farm Food Safety and Recall Readiness

On-farm Food Safety and Recall Readiness Training for CSA operators

When: January 10, 2018 @ 8:00 am - 3:00 pm
Where: Prizzi Gardens
5966 Augustine Herman Hwy.
Cecilton, Maryland 21913 United States
https://csa-foodsafety-workshop.eventbrite.com

*Snow date is 1/17/2018.

On-farm Food Safety and Recall Readiness Training for an On-farm market

When: January 19, 2018 @ 8:00 am - 3:00 pm
Where: Butler’s Orchard
22222 Davis Mill Rd
Germantown, MD 20876 United States
https://farmertomarketsafety-workshop.eventbrite.com

*Snow date is 1/26/18.

On-farm Food Safety and Recall Readiness Training for Agritourism Operators

When: January 25, 2018 @ 8:00 am - 3:00 pm
Where: Forrest Hall Farm
99136 Arla Ln
Mechanicsville, MD 20659 United States
https://agritourism-foodsafety-workshop.eventbrite.com

*Snow date is 2/1/2018.

Contact your local UME Agriculture Educator:

Cecil County ~ Doris Behnke at 410-996-5280 or dbehnke@umd.edu

Kent County ~ Nate Richards at 410-778-1661 or nrichard@umd.edu

Queen Anne’s County ~ Jennifer Rhodes at 410-758-0166 or jrhodes@umd.edu