

Agriculture by Marcia Merry

Iowa to sue FmHA over poisoned corn

The Federal Land Bank and Farmers Home Administration created worst case of aflatoxin in the world.

As of April 23, the Iowa Attorney General was preparing to sue the Farmers Home Administration for negligence in causing a 12,755 bushel pile of aflatoxin-poisoned corn to appear in Iowa, and then failing to dispose of it. The FmHA had until April 20 to deal with the corn pile, now sitting in eastern Iowa, but no action was taken. The corn was grown in Oklahoma in 1989, and found its way to Iowa after a series of actions by the Federal Land Bank, the FmHA, and court officials in Oklahoma.

The corn may be the worst case on record of contamination by aflatoxin—a substance produced by a mold that tends to thrive on drought-stressed corn and other crops.

The history of the hazardous corn pile dramatically shows the role that many federal agencies related to the U.S. Department of Agriculture are playing in endangering crops, livestock, and people.

State laboratory officials estimate that the corn has 1,600 times the maximum allowable limit of aflatoxin for human consumption, although the crop is field corn for livestock use. Some of the corn that found its way into livestock feed last winter resulted in three dead hogs and other animals being sick.

There is a reading of 32,300 parts per billion of aflatoxin in the corn; 20 parts per billion is the upper safety limit set by the Environmental Protection Agency. During the killer drought of 1988, Iowa farmers worried when there were only 5 parts per billion present.

The corn was grown in Rogers County, Oklahoma. In early 1989,

George Gentry, an experienced farmer and political leader in the state, planted the corn on a 400-acre tract that he rented on a cash lease basis (i.e., not crop sharing) from a local farmer.

As the Gentry corn was growing—and promised to be a good, \$40,000-plus harvest—the Federal Land Bank, asserting possession of the farmer's tract, put the acreage up for sale and *illegally* offered the prospective buyer the rights to the Gentry crop growing on the land!

In this grasping action, the Federal Land Bank was following the practice of many other branches of the Farm Credit System, which has been foreclosing on farms and wreaking havoc on the agricultural sector for years.

Gentry got a lawyer and impounded the Federal Land Bank officials to back off. They refused. As the crop season progressed, they continued to advertise the property for sale, including in it the rights to the Gentry crop.

Finally, in August, to protect his claim, Gentry cut his crop early, under duress. The corn plants at that time had a 30% moisture content, when 18% is considered maximum.

Gentry then spent a month carefully storing and handling the corn, using natural gas and air dryers and all means he could, to dry out the grain and preserve it in the best condition possible.

While doing this, he continued to appeal to the Federal Land Bank officials to abandon their false claim and give him clear title to his own crop. Gentry needed the proceeds of this harvest in particular, to pay the costs

of fighting against the Farmers Home Administration (a USDA agency that was founded to function as a lender of last resort in order to help farmers stay in operation). The FmHA had been moving against Gentry for months to take his land and possessions, and shut him down.

Finally, in the fall, Gentry got an agreement from the Federal Land Bank to allow him to gain title to most of his corn crop. But in November, he had to declare Chapter 11 bankruptcy due to the disruption in his farming operations.

The FmHA, unsatisfied, then forced Gentry into Chapter 7 (involuntary) bankruptcy, and laid claim to everything he owned, including the corn.

Over the winter, FmHA officials repeatedly bullied Gentry saying he dare not dispose of so much as a kernel of his possessions without clearance from them first.

All the while, as if by an act of Divine Justice, mold was growing in the newly acquired FmHA corn crop on a scale never before seen. A September heat wave had spurred the mold, and by winter—when the FmHA seized all the Gentry possessions—there was massive aflatoxin contamination.

Acting as if unaware, the FmHA sold the corn to a scavenger-broker for eventual re-sale to the grain trade to be “blended” up to acceptable levels with clean corn. The corn was then transshipped to eastern Iowa, where officials discovered the massive contamination. The local sheriff is now patrolling the site to keep out the public.

The FmHA's attorney Robert Bird, in Stillwater, Oklahoma, lamely told the *Des Moines Register*, “Hell, I don't know 20 parts per billion from 5,000 parts per billion. All we're asking is for everybody to understand it was checked out with the FDA.”