

Foundation Honors EIU with Tree Campus Higher Education Recognition

The Arbor Day Foundation has once again honored Eastern Illinois University, marking the fourth consecutive year the Charleston, Illinois-based university has earned the foundation's Tree Campus Higher Education® recognition for its commitment to effective urban forest management.

"Tree Campuses and their students set examples for not only their student bodies but the surrounding communities showcasing how trees cre-

ate a healthier environment," said Dan Lambe, president of the Arbor Day Foundation. "Because of Eastern Illinois University's participation, air will be purer, water cleaner and students and faculty will be surrounded by the shade and beauty trees provide."

The Tree Campus Higher Education program honors colleges and universities for effective campus forest management and for engaging staff and students in conservation goals. EIU achieved

the title by meeting Tree Campus Higher Education's five standards, which include maintaining a tree advisory committee, a campus tree-care plan, dedicated annual expenditures for its campus tree program, an Arbor Day observance and student service-learning project. Currently there are 403 campuses across the United States with this recognition.

"We're delighted that the Arbor Day Foundation continues to recognize

EIU for our commitment to sustainable urban forestry on campus," said Dr. Ryan Hendrickson, dean of the Graduate School and chair of EIU's tree advisory committee. "EIU's efforts, combined with the conservation and sustainability efforts of its local businesses and communities, helps make Coles County an even more inviting place to live, work, and play."

The Arbor Day Foundation has helped campuses

throughout the country plant thousands of trees, and Tree Campus Higher Education colleges and universities invested more than \$51 million in campus forest management last year. This work directly supports the Arbor Day Foundation's Time for Trees initiative — an unprecedented effort to plant 100 million trees in forests and communities and inspire 5 million tree planters by 2022. Last year, Tree Campus Higher Education schools have collective-

ly planted 39,178 trees and engaged 81,535 tree planters — helping the foundation work toward that goal.

More information about the program is available at treecampushigher.org.

For more information about EIU, or to learn more about its growing assortment of programs and services, visit the university's website at www.eiu.edu, or call EIU's public information office at (217) 581-7400.

IFB District 12 Director February Douglas County Agriculture update

By Larry Dallas

February has been a slow month for Douglas County Agriculture with the disagreeable weather. There has been a chance to haul grain on frozen ground. Most analysts think there is not a lot of grain left in farmer's hands. The higher prices have flushed most of it out. We are hanging on to some corn and soybeans just to see how the markets play out.

Demand for our commodities remains strong. After a dry growing season, a lot of South America is experiencing harvest delaying rain. Brazilian soybeans are not available for export as quickly as in most years and the planting of their second crop of corn is slowed too. Ocean freight rates have jumped. US grain loaded in our Pacific Northwest is much closer to Asian markets than Brazil's big port of Santos. It is also readily available because of our incomparable transportation system.

Livestock farmers deserve a tip of our hats in weather like we have experienced the last couple of weeks. I worked on books or tinkered in the shop on those zero temper-

ature days. Livestock producers must tend to their animals no matter what the conditions are. Providing feed and freshwater can be an all-day struggle on a snowy, windy day.

We have been busy, however. The State of Illinois now requires farmers that handle the commonly used nitrogen fertilizer anhydrous ammonia to be certified. I have taken that training online and have passed the test. I will need to do that again in three years. My brother's pesticide applicator license is expiring, and he took online training for the test. The US EPA administers the test, and it is a more serious affair. It has been compared to a proctored online test at the University of Illinois. After experiencing computer problems, David is taking an in-person test at Arthur.

The pesticide applicator license must be renewed every three years as well and is required to purchase restricted use pesticides. The test includes understanding pesticide labels and application rates. Like so many things, there are phone apps to do the figuring we did longhand the first time I took the test. You still do it longhand for

the test.

We are planning our herbicide program for the coming crop year. I know I have talked about this in past columns. Many herbicides specifically kill grasses or broadleaf weeds, but not crop species. Some are non-specific, killing any plant and can only be applied to plants genetically modified to tolerate them. We consider the crop we are planting, the weeds we need to kill and, more than likely, the crop we want to plant next year along with the herbicides used last year. Good records are invaluable.

I have participated in two meetings of a US EPA Pesticide Resistance Management Working Group. My experience on the Illinois Farm Bureau Environmental Advisory Team got me named to that working group. Weeds figure out how to defeat herbicides and insects can develop resistance to insecticides. The working group hopes to come up with methods to lengthen the useful life of the pesticides that help us grow food efficiently. These might involve changing cultural practices or modifying farmer attitudes.

The working group

contains government and university types, pesticide manufacturers, and just one full-time farmer. It is something I am taking seriously. In the past, we could count on new herbicide classes to help in weed control. There are not any of those on the horizon. What the EPA calls plant-incorporated proteins to kill insect pests of corn are expensive to develop. We want those to keep their effectiveness for years to come.

Our largest export market for corn is Mexico. They recently announced they will phase out imports of genetically modified corn. Mexico uses white corn for food and grows most of that domestically. Imported yellow corn is used for animal feed. About 90 percent of the US corn crop is genetically modified and would fall under this phase-out.

One of Mexico's farm organizations plans a lawsuit to stop this. Our markets took this news in stride with no big price drop. A couple of years ago, Mexico threatened to stop imports of US corn. That was short-lived because of the transportation advantage of railing corn out of the US into Mex-

ico. Any other source of corn would require ocean freight. Also, the economic advantages of growing GMO corn make it economically advantageous everywhere, not just in our country. It would be hard for Mexico to find something around 68 million bushels of organic corn.

Mexico is also going to outlaw the importation of glyphosate or Roundup herbicide. Roundup was the first non-selective herbicide plants were engineered to tolerate. The herbicide and the plants that tolerate it have been tested repeatedly for safety to both humans and the environment. When used according to the label, a legal document, no problems are found.

The fact that a herbicide label is a legal document is an important distinction. We are legally bound to use the proper rate of a herbicide and to apply it under the required conditions and crop plant size. Deviation from that could result in the farmer having the previously mentioned applicator's license pulled by the Illinois Department of Agriculture. We do not use our plant pesticides casually.

This winter there have

been many virtual meetings and discussions about carbon sequestration. If carbon dioxide is contributing to climate change, the reasoning is that we should store that carbon out of the atmosphere. Wikipedia says trees are the best way to store carbon, but we think that agriculture is efficient at sequestering carbon in the soil. The biomass from a cornfield is sizable. Several companies are looking into paying farmers for the carbon they put in the soil.

Those payments are hard to find so far. There are some pilot programs that deal with small numbers of producers. Measuring the levels of carbon already present in the soil and at what rate it can be accumulated are still open to discussion. One article I saw said payments should be \$16 an acre. It did not say what the requirements would be. The article also said modern agriculture strips carbon from the soil. That may have been true at one time. Modern methods of leaving plant residue on the soil are good at building soil carbon.

Thank you for reading about Douglas County agriculture this month.

Master Gardeners to host planting potatoes in a bucket workshop

Do you have limited space but would like to grow potatoes? Looking for an easier way to harvest potatoes? Growing potatoes in containers is a great option. Almost any vegetable can be grown successfully in a container, and potatoes are no exception.

Join local Master Gardener Donna Bopp to learn

how to grow potatoes in a 5-gallon bucket. Learn about the different types of soil to use, the best location, and basic information about container gardening.

This workshop will be held on Saturday, March 27, 9:00 a.m. at 4-H Center, Coles County Fairgrounds, 603 W. Madison Ave., Charleston, IL. Participants

will leave with a 5-gallon bucket planted with a seed potato and know how to care for it properly.

Workshop participation is limited to fifteen individuals. To register please go to <https://web.extension.illinois.edu/registration/?RegistrationID=23300>, website extension.illinois.edu/ccdms or call the Mattoon

Extension office 217-345-7034. Cost of this workshop is \$10. Social distancing will be practiced, and masks required. Please bring gardening gloves and drinking water.

If you will need an accommodation in order to participate, please email uieccdms@illinois.edu. Early requests are strongly encour-

aged to allow sufficient time to meet your access needs.

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Lawmakers revisit the Biometric Information Privacy Act of 2008

Current law led to \$650 million Facebook settlement

By Grace Barbic
Capitol News Illinois

State lawmakers are considering changes to an internet privacy law that recently led to a \$650 million settlement between Facebook and more than 1 million of the website's users in Illinois.

A state House judiciary committee advanced House Bill 559 on Tuesday, a measure that would revisit the Biometric Information Privacy Act of 2008, known as BIPA, to include provisions which sponsors say will protect small businesses but detractors say will render the privacy law obsolete.

House Minority Leader Jim Durkin, R-Western Springs, introduced the bill, saying thousands of BIPA related lawsuits have been filed against big businesses and small businesses alike, hitting the "small guys" the hardest.

The bill advanced to the House floor on a 10-5 vote Tuesday, with five Democrats opposed and one voting present. The committee vote in favor was bipartisan, although most of the support came from Republicans.

Durkin said he is concerned that the language of BIPA is outdated and that it has created a "cottage industry for a select group of lawyers to file class action lawsuits against big and small employers and nonprofit

agencies."

BIPA is one of the strictest privacy laws in the nation, and it became law at a time when some of the current day's most ubiquitous technologies, such as the iPhone, were still new. It requires Illinois business owners that collect biometric information, such as fingerprints or face prints for facial recognition, to have certain policies in place for the collection, storage and use of this personal identification.

The business is required to notify the employee or customer and obtain a written release from the individual if biometric information is being collected. BIPA also states that the business is not authorized to disclose this biometric information to a third party without the individual's consent.

If a private entity, which is defined as any individual, partnership, corporation, limited liability company, association or other group, violates any portion of this policy, the individual has a right to take legal action.

One of the major lawsuits, *Rosenbach v. Six Flags*, set a precedent for future BIPA lawsuits because of the Illinois Supreme Court's ruling that a person can seek "liquidated damages" based on a technical violation of BIPA, even if there was no "actual injury," according to

the National Law Review.

Liquidated damages refer to penalties for breaking the BIPA law, which are numbered at \$1,000-\$5,000 in existing law depending on whether the offense was negligent, reckless or intentional.

In that case, a woman purchased a season pass to Six Flags Great America for her son, and his fingerprint was scanned to be used as a means to enter the theme park. At issue is that neither the woman nor her son were given written notice and they did not sign a written release for this biometric information to be collected or used, both of which are required under BIPA.

While there was no actual injury, the Illinois Supreme Court ruled in a unanimous decision that "an individual need not allege some actual injury or adverse effect, beyond violation of his or her rights under the Act, in order to qualify as an 'aggrieved' person and be entitled to seek liquidated damages and injunctive relief pursuant to the Act."

Under HB 559, the "aggrieved party" must provide a 30-day written notice of a violation to the business or employer and the entity in violation must "cure" the violation within 30 days, otherwise they are subject to litigation.

"We think this is fair," Durkin said. "This is what I believe is an appropriate balance between the rights of privacy and the employees, and also what I think is a fair shake for employers."

Facebook is facing the \$650 million class action lawsuit under BIPA because of a feature that utilizes facial recognition technology to suggest other users to tag in photos. It started with three different Illinois residents that filed suit against Facebook in 2015, and now includes nearly 1.6 million Illinois Facebook users that believe Facebook violated their rights under BIPA.

Clark Kaericher, Vice President of the Illinois Chamber of Commerce, said despite the fact that most of the headline-making cases are against big companies, it's mostly small companies in the state facing lawsuits.

"Since that case (*Rosenbach v. Six Flags*), we've seen an explosion," Kaericher said. "As of last month, we were up to 1,076 cases filed, both open and closed, in a two year period here in Illinois alone."

Notably, the Salvation Army, nursing homes, hospitals and other businesses have been targets of BIPA lawsuits as of late because of their timekeeping system that uses a fingerprint scan for clocking in and out

to avoid wage litigation and timekeeping fraud.

According to BIPA, a claimant subject to a negligence violation is entitled to at least \$1,000 in liquidated damages, up to the cost of actual damage, whichever is more. Penalties for intentional or reckless violation amount to the greater of \$5,000 or actual damages. BIPA also provides that an

individual can recover reasonable attorneys' fees and costs, or other relief such as an injunction.

"It's enough to put any small business into insolvency and we think that alone is reason to relocate this law," said Kaericher.

HB 559 contains several changes to the original bill language, including al-

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