



North American Export Grain Association




Outreach October 10, 2018

Image of the Week

The US, Canada and Mexico reached an agreement to replace NAFTA

The Agreement, called the US-Mexico-Canada Agreement (USMCA), will be sent to Congress sometime after December 1

Key elements of the USMCA (1/2)






Topic	Under NAFTA	USMCA
 Auto rules of origin: <ul style="list-style-type: none"> Percent of specific vehicle components needed to be produced in North America to qualify for zero tariffs 	64.5%	75%
 Wages for auto-workers: <ul style="list-style-type: none"> Percent of auto parts made in factories paying workers at least \$16/hour to qualify for zero tariffs 	N/A	30% starting in 2020, 40% by 2023
 Dairy: <ul style="list-style-type: none"> The status of Canada's milk and dairy tariffs 	Canadian government restricts the production of dairy, and limits imports	Canada eliminates pricing scheme
 Special dispute process: <ul style="list-style-type: none"> Creates a channel for resolving certain trade disputes over dumping or countervailing duties 	The U.S. side wanted it removed; Canada and Mexico are routed for its inclusion	Chapter 19 stays intact
 Auto and steel tariffs: <ul style="list-style-type: none"> The status of American Sec. 232 auto and steel tariffs on other countries 	25 percent steel tariff on Canada, and the threat of auto tariffs on Canada and Mexico	Canadian steel tariff stays intact; Trump administration pledges not to impose auto tariffs

Source: Heather Long, "U.S., Canada and Mexico just reached a sweeping new NAFTA deal. Here's what's in it." The Washington Post, October 1, 2018

The USMCA Includes Key Updates and Changes to NAFTA

Importantly, the agreement provides for a more accommodative Rapid Response Mechanism (RRM) than the TPP or NAFTA agreement

Key elements of the USMCA (2/2)

Topic	Under NAFTA	USMCA
 SPS Rapid Response Mechanism (RRM)	N/A	USMCA requires that import officials provide information on adverse import checks within 5 days
 Labor and environmental rights: <ul style="list-style-type: none"> Upgrades to existing provisions 	N/A	Mexican trucks that cross the border must have higher safety regulations; Mexican workers must be able to organize unions
 Intellectual property protections: <ul style="list-style-type: none"> The status of IP protections in NAFTA 	N/A	IP chapter is now 63 pages long and has stronger protections for patents and trademarks
 Chapter 11: <ul style="list-style-type: none"> Gives investors a way to fight government decisions 	Gave companies and investors a process to resolve disputes with a NAFTA signatory government	Chapter 11 eliminated entirely for Canada and mostly for Mexico
 Sunset clause: <ul style="list-style-type: none"> Date at which the agreement would automatically expire unless renewed 	N/A	16 years, new talks in 6 years

Source: Heather Long, "U.S., Canada and Mexico just reached a sweeping new NAFTA deal. Here's what's in it." The Washington Post, October 1, 2018

Action Reports

Recent Actions:

- U.S. Food & Agriculture Dialogue for Trade
- DBTG Operational and Technical Seminar
- Contracts and Best Practices Seminar
- NAEGA-NGFA Joint Statement on USMCA
- Brazil Working Visit and GLI

- IGTC Newsletter
- Presence of *Cirsium arvense* in Vietnam Shipments

Upcoming Actions

- **MEMBER FEEDBACK NEEDED: U.S. FGIS soybean, corn and canola standards**
- IGTC Working Visit – Pretoria, South Africa – October 9-12
- IGTC Meetings with ISF – Berlin, Germany – October 19-20
- USAEDC Conference – Baltimore, MD – November 14-16
- COPMOP – Sharm El Sheikh – November 17-26
- IGC MCC Meetings – Paris, France – December 3-5

Pending Actions

- Codex SPS Standard-Setting Activities
- Licensing of U.S. Agricultural Shipments to Cuba
- U.S. National Trade Estimate Report

Member Opportunities

- Upcoming Contracts and Best Practices Seminar – October 15 in Portland, OR
- U.S. APHIS' BRS Annual Stakeholder Meeting – November 7
- Annual Hwy H₂O Conference – Toronto, Canada – November 13-15
- Board of Directors Meeting - Miami, FL – January 29, 2019
- U.S. Barge Trade Digitization Project
- NAFTA and Asia-Pacific Policy Teams
- Internship Open with NAEGA

News

- U.S., Canada, Mexico announce USMCA trade deal

NAEGA Calendar and Member Notices

- Upcoming events and notices to members

Action Reports

Recent Actions:

U.S. Food & Agriculture Dialogue for Trade

On Friday, October 5 Gary Martin chaired an informal meeting of the U.S. Food and Agriculture Dialogue for Trade at the American Farm Bureau Federation. Dialogue guest Ambassador Gregg Doud, Chief Agricultural Negotiator in the Office of the U.S. Trade Representative and Sharon Bomer-Lauritsen, Assistant U.S. Trade Representative for Agricultural Affairs and Commodity Policy provided an overview of the United States-Mexico-Canada Agreement (USMCA) and insight into several technical aspects of the agreement.

The Dialogue plans to meet next on October 18.

DBTG Operational and Technical Seminar

On October 4-5, Ryan participated in the Dry Bulk Terminals Group's (DBTG) Operational and Technical Seminar in Baltimore, MD. The seminar covered safety, health, and environmental issues for dry bulk terminals. A trip report on this event will follow in the coming weeks. During the seminar Ryan presented on *The Bulk Grain Trade in a Complex Policy Environment: Experiences from NAEGA and the IGTC*. Ryan, who also serves as a member of the Executive Committee of the DBTG, also participated in an Executive Committee meeting on October 3 to discuss organizational operations, finances, and planning for the next seminar.

Contracts and Best Practices Seminar – New Orleans

Thank you to all who joined us in Destrehan, LA for a NAEGA Contracts and Best Practices Seminar on Tuesday, October 9 in Destrehan, LA. A special thank you to Bunge North America for donating space to host the seminar. During the seminar, 12 participants received an in-depth review of the global contracting environment, including an update on the new NAEGA 2 Model Contract from NAEGA Senior Advisors Andrew Marting and Sam Bonilla. The seminar also featured interactive activities including a mock arbitration.

NAEGA-NGFA Joint Statement on USMCA

On Monday, October 1, 2018 NAEGA and the National Grain and Feed Association (NGFA) released a joint statement regarding announcement of the U.S.-Mexico-Canada Agreement. As part of the statement, NAEGA President and CEO Gary Martin and NGFA President Randy Gordon commented that: "Given the integrated nature of the North American economy, including within the food and agricultural sector, it was extremely important to reach a trade agreement that included all three countries. The announcement of a new U.S.-Mexico-Canada Agreement (USMCA) represents a significant, positive step in modernizing and further enhancing North American food and agricultural commerce that has and will continue to benefit economic growth and consumers in this hemisphere, and further enhance investment and food security."

A copy of the joint statement can be found [here](#).

Brazil Working Visit and GLI

On September 16-26 Katy Lee, IGTC Secretariat, traveled to Sao Paulo and Natal in Brazil to conduct a working visit with IGTC member association Associação Nacional dos Exportadores de Cereais (ANEC) and to participate in the 2018 Global Low Level Presence meeting on September 27 and 28.

Working Visit

To begin this mission, the IGTC Secretariat was welcomed by the Associação Nacional dos Exportadores de Cereais (ANEC - www.anec.com.br) during the week of September 18. This working visit provided the IGTC with an opportunity to coordinate with ANEC on IGTC policy files and programs.

GLI

This year's GLI meeting took place September 27-28 in Natal, Brazil. During the general session Tyler Bjornson and Krista Thomas of Canada Grains Council (CGC), an IGTC member association, took the floor on behalf of the IGTC to present evidence to an audience of government representatives about the need for science and risk-based LLP policies for grain trade facilitation.

An important element of the industry participation at this event was the revised policy document of the Global Alliance on Ag Biotech Trade (GAABT - www.gaabt.org), which addresses the potential for trade disruptive situations owing to the asynchronous approval of products of plant biotechnology.

In Brazil, governments worked to establish actions to be completed in the intercessional GLI period; to further regulatory cooperation; and to improve understanding about opportunities and challenges related to adopting the practical approaches to LLP outlined in the GLI statement.

IGTC Newsletter

The latest IGTC newsletter is now available! Highlights include an update on the IGTC's activities in Brazil for a working visit with ANEC and the 2018 GLI meeting, information regarding ongoing WTO reform proposals and an update on fall IGTC meetings and events.

Read the full newsletter [here](#).

Presence of *Cirsium arvense* in Vietnam Shipments

NAEGA is continuing to follow ongoing market access issues regarding weed seed presence in U.S. shipments to Vietnam. On August 21, 2018 USDA's Animal and Plant Health Inspection Service (APHIS) sent a letter to Hoang Trung, Director General of Vietnam's Plant Protection Department (PPD) regarding the presence of *Cirsium arvense* (Canadian thistle) seed in U.S. grain shipments. According to the letter, APHIS is investigating the incidence of *Cirsium arvense* in U.S. export grain, both through evaluation of available scientific literature on and the grain pathway, and by review of export grain samples over a six year period.

APHIS has been working on the *Cirsium arvense* issue with Vietnam since June 2018. Currently, there is a November 1 deadline in place which states that, if *Cirsium arvense* is detected after this date, consignments will be re-exported, and there will be a risk of suspension of U.S. grain imports.

Currently, APHIS is engaged on a technical basis, and has proposed a bilateral meeting in the U.S. in early December 2018 to address the issue. In the meantime, APHIS has provided a pathway risk analysis in which it was argued that there is a low risk not only of Canada thistle seed being present in the grain pathway and consequently low risk of entry into Vietnam, but that with Vietnam's tropical climate, the fragility and low germination of the seed, and the intended use of processing are taken into consideration, there is a very low risk of establishment. Additionally, APHIS provided an identification key for thistle, noting that there are a number of other thistle seeds sharing much of the same morphology with *Cirsium arvense*, and inviting a technical exchange.

In response to these claims, Vietnam has stated that there is a high probability of introduction and according to international practice the appropriate level of protection for *Cirsium arvense* is zero at arrival of all consignments.

NAEGA continues to monitor this situation and is pressing for a global and across U.S. Government coordinated response. NAEGA believes that Ukraine and Australia have already secured an accommodation.

As this situation continues to develop, NAEGA is seeking member input and recommendations for appropriate paths forward. Additional background information can be found below:

1. [APHIS letter to Vietnam PPD – August 21, 2018](#)
2. [Vietnam PPD letter to APHIS – September 5, 2018](#)
3. [PPD Exporter Announcement of November 1 Deadline](#)

Upcoming Actions:

U.S. FGIS soybean, corn and canola standards

The NAEGA Grades and Inspections Committee is coordinating with the National Grain and Feed Association's Grades and Weights Committee to respond to U.S. Agricultural Marketing Service (AMS) request for public comment on current Federal Grain Inspection Service (FGIS) standards for canola, corn and soybeans as follows:

- [Request for comments on canola standards can be found here.](#)
- [Request for comments on corn standards can be found here.](#)
- [Request for comments on soybean standards can be found here.](#)

Responses to all three requests are due December 3, 2018.

The Agency reports that the purpose of these requests for comments is to ensure that standards and official grading practices remain relevant and effective. While the standards and grading practices for all three commodities are relevant to NAEGA interests the soybean standards likely will need and attract the most attention given the ongoing issues with China, and in particular the Animal and Plant Health Inspection Service's inappropriate use of FM (a grain quality factor) on phytosanitary certificates (reserved for plant disease or plant pest matters). We anticipate that soybean producer and marketing organizations will focus heavily on the definition and measurement of foreign material in the U.S. soybean standards. There also may be consideration given to changing soybean FM to differentiate and account for soybean pieces and hulls, thereby more closely mirroring the BCFM factor in the corn standards.

Please let us know your views.

IGTC Working Visit – Pretoria, South Africa – October 9-12

On October 9-12 Katy Lee, IGTC Secretariat, will travel to Pretoria, South Africa for a working visit with IGTC member association South Africa Cereals and Oilseeds Trade Association

(SACOTA). During this visit to South Africa, Ms. Lee will advance NAEGA's UES objectives focused on support and engagement with the IGTC through her attendance at several meetings and events, including:

- The South African Cereals and Oilseeds Trade Association's (SACOTA) annual general meeting on October 10.
- A presentation to SACOTA on the work of the IGTC, the potential for further collaboration and the potential for funding to implement the projects being driven by the IGTC.
- Attending a meeting with the South African Department of Agriculture and selected government officials on October 11. During this meeting, Ms. Lee will present the IGTC's work on a number of issues, such as the implementation of electronic phytosanitary certificates and the Cartagena Biosafety Protocol.

A copy of the notice to post for this travel can be found [here](#).

IGTC Meetings with ISF – Berlin, Germany – October 19-20

On October 19-20 Katy Lee, IGTC Secretariat and Randy Gordon, NGFA President and NAEGA volunteer, will travel to Berlin, Germany to participate in a meeting with the International Seed Federation (ISF). The central theme of the IGTC's meeting with the ISF will be information sharing on plant breeding innovation for the benefit of the entire agri-food value chain, including consumers. The IGTC will be presenting evidence at this meeting to demonstrate the importance of advance consultation, open dialogue and exchange of information between entities engaged in developing and implementing gene edited traits in grain production, including grain producers, handlers, exporters and importers, and the food and feed and processing sectors.

A copy of the notice to post for this travel can be found [here](#).

USAEDC Conference – Baltimore, MD – November 14-16

On November 14-16 Ryan Olson, NAEGA Director of Operations, will travel to Baltimore, MD to participate in the U.S. Agricultural Export Development Council's (USAEDC) annual conference. A copy of the agenda for this conference will be shared when it is available. While in Baltimore, Ryan will also represent NAEGA and participate in the USAEDC's biannual Board of Directors meeting.

COP-MOP – Sharm El Sheikh – November 17-26

On November 17-26 Katy Lee, IGTC Secretariat, will travel to Sharm El Sheikh, Egypt to join and IGTC delegation participating in the ninth meeting of the Conference of the Parties serving as the meeting of the Parties to the Biosafety Protocol (COP-MOP). While in Egypt, Katy will represent and communicate IGTC policy files on production technology before member governments and participating organizations.

IGC MCC Meetings – Paris, France – December 3-5

On December 3-5 Katy Lee, IGTC Secretariat and Gary Martin, NAEGA President and CEO and President of the IGTC, will travel to Paris, France to participate in the International Grains Council's 48th Session. In Paris, relevant industry bodies such as IGTC, observers and the IGC's

55 government representatives will be in attendance. IGTC will give a presentation on current trade policy and practices during the general session. Along with the general session, Ms. Lee and Mr. Martin will also attend the IGC's Market Conditions Committee (MCC) meeting.

Pending Actions:

Codex SPS Standard-Setting Activities

The USDA's Office of Trade and Foreign Agriculture Affairs (TFAA) is requesting public comments on the sanitary and phytosanitary (SPS) standard-setting activities of the Codex Alimentarius Commission (Codex). TFAA seeks comments on SPS standards under consideration and recommendations for new standards.

The official notice in the Federal Register can be found [here](#) and additional information [here](#).

Licensing of U.S. Agricultural Shipments to Cuba

The U.S. Commerce Department's Bureau of Industry and Security (BIS) is requesting public comments on the effectiveness of its licensing procedures for exports of agricultural commodities to Cuba. BIS will include a description of these comments in the biennial report it is required to submit to Congress under the Trade Sanctions Reform and Export Enhancement Act of 2000.

In particular, BIS is seeking comments on the following areas:

- A. The number and types of licenses applied for and approved.
- B. The average amount of time from the date of filing an application until the date of its approval.
- C. The extent to which the licensing procedures were effectively implemented.

For more information, see the [Federal Register notice](#). Comments are due by **October 17, 2018**.

U.S. National Trade Estimate Report

NAEGA members are invited to participate in comments to the Office of the U.S. Trade Representative (USTR) regarding the publication of the annual National Trade Estimate Report on Foreign Trade Barriers (NTE Report). USTR is requesting written comments to assist them in identifying significant barriers to U.S. exports of goods and services, U.S. foreign direct investment, and the protection and enforcement of intellectual property rights for inclusion in the NTE Report. USTR will also consider responses to this notice as part of the annual review of the operation and effectiveness of all U.S. trade agreements regarding telecommunications products and services that are in force with respect to the United States.

The official notice in the Federal Register can be found [here](#) and additional information [here](#).

Comments should be submitted through [regulations.gov](#). The deadline to submit comments is **October 30, 2018**.

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Upcoming Contracts and Best Practices Seminars

With the release of the revised NAEGA 2 contract on March 30, NAEGA has conducted several educational seminars to communicate these revisions and educate on the contract and industry best practices. Our next seminar is:

- October 15 in Portland, OR. – [REGISTER NOW](#)

NAEGA seminars are an intensive and informative review of commercial and official practices taught in an interactive environment. The goal of each seminar is to improve predictability, reduce risks, resolve trade barriers and facilitate profitable trade. A general agenda includes:

- Open dialogue on current contracting practices as they relate to trade risks
- A “Road Map” of the NAEGA II Model Contract
- Review of the 2018 revisions to the NAEGA II Model Contract
- Perspectives on the global contracting environment in GAFTA, FOSFA and other contract models and practices
- Case study exercises on:
 - Calculating laytime, dispatch and demurrage.
 - Contract terms.
- Arbitration and other alternatives for dispute resolution.

In addition to the public seminars listed above, NAEGA also conducts company specific private seminars. Please contact Ryan if you are interested in hosting a private, tailored seminar at your office. Click [here](#) for more information on the in-depth, interactive programs NAEGA conducts!

U.S. APHIS’ BRS Annual Stakeholder Meeting – November 7

The U.S. Department of Agriculture’s Animal and Plant Health Inspection Service’s (APHIS) Biotechnology Regulatory Services (BRS) will hold its annual stakeholder meeting on Wednesday, November 7, 2018 at the USDA Center in Riverdale, MD. This meeting can be attended in-person or virtually. To ensure BRS identifies the full range of interests, BRS is seeking input on topics to be discussed at the meeting. Please submit comments or suggestions on potential topics of interest by October 9, 2018, to BRS.Stakeholders@aphis.usda.gov.

HWY H₂O Conference – Toronto, Canada – November 13-15

NAEGA members are invited to attend the St. Lawrence Seaway Development Authority’s HWY H₂O Conference in Toronto, Canada. HWY H₂O is a convergence of industry thought leaders and experienced marine specialists in maritime commerce and shipping focused on the Great Lakes and St. Lawrence Seaway. This year’s conference will focus on technology and innovation as a key component in developing new opportunities, streamlining costs and remaining a competitive logistic system.

Register or find more information about the conference [here](#).

Board of Directors Meeting – Miami, FL – January 29, 2019

The next meeting of the NAEGA Board of Directors will be held from 12:00pm-4:00pm on Tuesday, January 29, 2019 at the Miami Beach Edition Hotel in Miami, FL. The meeting will occur alongside the Commodity Markets Council's (CMC) State of the Industry conference, which will take place on January 27-29 at the same hotel. All board members are invited to attend the CMC conference, and NAEGA is currently negotiating a discounted group rate.

Those looking to make early travel arrangements can book their hotel room under the CMC group rate by following this [link](#).

More details and the meeting agendas will follow in the coming weeks.

U.S. Barge Trade Digitization Project

A task force of member company representatives involved in Mississippi River barge trade is examining approaches to undertake for a new digital data exchange system. The task force is seeking input from other industry participants on the core requirements of a new system and any other feedback they should consider. Broad adoption by the industry is critical to achieving the maximum potential cost savings associated with the new system.

All inquiries and feedback are welcome. Please contact Julie Detlefsen (Julie_Detlefsen@cargill.com) or Charlie Delacruz (cdelacruz@ngfa.org) with any questions or comments.

NAFTA and Asia-Pacific Policy Teams

With NAFTA negotiations underway and the evolving U.S.-China trade relationship, we expect many more fast paced and dramatic developments that could greatly change the terms of trade for NAEGA members. Your involvement is needed!

NAEGA ad hoc policy teams of member personnel working largely through conference calls are helping to guide our multifaceted effort to address the evolving trade environment. Teams focused on the North American Free Trade Agreement and the Asia-Pacific Market are already established. The **NAFTA Policy Team** will be heavily engaged over the next three months to support NAEGA work with the U.S. Food and Ag. Dialogue for Trade, The Pacific Northwest Economic Region, the Canada U.S. Grain and Seed Trade Task Group and the NAEGA committees and Board of Directors to address NAFTA. A similar effort will soon start with an **Asia-Pacific Policy Team** that will be focused on U.S. trade relations with China, Japan, Korea and the Trans Pacific environment more generally.

Internships

We have an open intern position starting in the fall of 2018 to work at the NAEGA office at 1400 Crystal Drive, Arlington, VA 22202. Information on working for NAEGA as an intern can be found [here](#).

Full Details on Upcoming Events can be found in the Meetings & Events Section of the [NAEGA Member's Only Page](#).

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News

U.S., Canada, Mexico announce USMCA trade deal

On Sunday, September 30 the United States, Canada, and Mexico announced that they have reached a deal to update NAFTA after over one year of negotiations. The revised NAFTA will now be called the United States-Mexico-Canada Agreement (USMCA).

Several highlights of the USMCA include increased access for U.S. dairy, poultry and eggs into Canada, improved labor and environmental rights, and increased intellectual property provisions. Canada agreed to non-discriminatory wheat grading. The USMCA also included a robust biotechnology section within which a working group for cooperation on agricultural biotechnology was created. For now, the United States' 25 percent tariffs on steel and 10 percent tariffs on aluminum from Canada and Mexico remain in place.

The release of the text by the Office of the U.S. Trade Representative triggers a 60-day review period before President Trump can sign the agreement. The review period ends on November 30, allowing the USMCA to be signed by the current Mexican administration before the new administration takes office on December 1. Find the full text of the agreement [here](#).

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Calendar & Member Notices

Click [here](#) for a copy of the IGTC Calendar

2018

October

15 – NAEGA Contracts and Best Practices Seminar – Portland, OR

16-19 – NAPPO Annual Meeting – Merida, Mexico

17 – U.S. BIS Comments on Licensing of Agricultural Shipments to Cuba due

19-20 – IGTC Meetings with International Seed Federation – Berlin, Germany

30 - USTR Comments for National Trade Estimate Report on Foreign Trade Barriers

due

31-November 1 – WTO SPS Committee – Geneva, Switzerland

November

5-8 – USDA Trade Mission to South Korea

7 – APHIS' BRS Annual Stakeholder Meeting

12-18 – APEC Leaders Summit

13-15 – HWY H₂O Conference – Toronto, Canada

14-16 – U.S. Agricultural Export Development Council Conference – Baltimore, MD

17-26 – COP-MOP Meeting – Sharm El Sheikh, Egypt

19-23 – IPPC Standards Committee – Rome, Italy

21-22 – WTO Agriculture Committee – Geneva, Switzerland

27-29 – IGTC General Assembly 2018 – Beijing, China

December

- 1** – New Mexican Administration takes office
- TBD** – U.S. APHIS and China AQSIQ bilateral on soybean phytosanitary requirements
- 3** – Comments on standards for canola, corn, and soybeans due to U.S. Agricultural Marketing Service
- 2-4** – NGFA Country Elevator Conference – St. Louis, MO
- 4** – IGC 40th Session – London, UK
- 14** – IGTC Management Council - Virtual
- TBD** – Biosafety Protocol COP 14 – Egypt

2019

January

- 9** – Peru CVD investigation on U.S. corn imports evidentiary period ends
- 15** – USDA Market Facilitation Program applications close
- 29** – NAEGA Board of Directors Meeting - Miami, FL

February

- 8** – Peru CVD investigation on U.S. corn imports essential facts issues

March

- 5-7** – Canadian Crops Convention – Montreal, Canada
- 17-19** – NGFA Annual Convention – Amelia Island, FL
- 25** – Peru CVD investigation on U.S. corn imports definitive resolution issued

December

- 2-4** – NGFA Country Elevator Conference – Indianapolis, IN

2020

March

- 8-10** – NGFA Annual Convention – Austin, TX

December

- TBC** – COP 15 – CBD – Beijing, China

2021

March

- 14-16** – NGFA Annual Convention – San Diego, CA

2022

December

- TBC** – COP 16 – CBD – Turkey

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