

Outreach April 24, 2019

Thank you for your membership in and work with NAEGA

Graphic of the week:

Legal Update:
U.S. Supreme Court agrees to take up *Citgo v. Frescati*, case that could affect safe berth clauses



- On March 29, 2018 the Third Circuit US Court of Appeals reversed a lower court's decision with a ruling that the oil refiner CITGO was responsible for the \$100 million cost of cleaning up an oil spill in the Delaware River
- In 2004, an oil tanker carrying crude oil imports from Venezuela was found to be leaking into the Delaware River from a port in New Jersey.



- CITGO argued that it was the Coast Guard's responsibility to maintain waterways and ensure they are clear from obstruction, including the anchor that caused the oil to leak.
- The Third Circuit found no fault in CITGO's part for the incident, but it ruled that CITGO was responsible for a breach of the safe-berth clause of its voyage charter.
- This absolute "warranty" of a safe berth by the Third Circuit conflicts with a previous ruling by the Fifth Circuit.



- The case has been filed with the US Supreme Court to help resolve the conflicts between the Circuit Courts of Appeal.
- A writ of certiorari was granted on April 23, 2019. The Supreme Court will now consider the case.

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Action Reports

Recent Actions:

U.S.-Japan Trade Negotiations Letter

On April 22 NAEGA joined 88 other food and agriculture organizations in a letter to U.S. Trade Representative Robert Lighthizer regarding negotiation and implementation of a U.S.-Japan trade agreement. The letter emphasizes that any agreement with Japan must: include market access provisions that at least equal the terms of the CPTPP and the EU-Japan EPA in the first stage of implementation, and where possible build upon those precedents; accelerate phase-in of tariff cuts to ensure the U.S. is not facing a disadvantage on tariff or TRQ quantity access compared to other countries; and address non-tariff barriers, such as sanitary and phytosanitary measures, biotechnology, TRQ administration, and geographical indications.

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

Comments on Egypt Quarantine Measures

On Friday, April 19 NAEGA submitted comments to USDA's Foreign Agricultural Service (FAS) and Animal and Plant Health Inspection Service (APHIS) regarding Egypt's notification to the World Trade Organization (WTO) of draft rules governing plant quarantine regulations.

In the comments, NAEGA recommends that USDA FAS encourage the U.S. government place internal consideration on the following perspectives of NAEGA and its members:

1. We have been honored to be a consistent, competitive and reliable supplier of high quality, safe and affordable supplies of grains and oilseeds to provide for Egypt's needs
2. We greatly respect and wish to support the Government of Egypt's role in providing for safe, reliable and affordable supplies of food.
3. We recognize and support the protection of plant and animal agriculture that is a critical responsibility of the entire supply chain as well as the GofE .
4. We seek any opportunity, including working to address concerns and opportunities related to EGY 90 in order to continue to our successful trade and investment relationship and to work with GofE on efforts to provide for safe and most efficient access to supplies of wheat, corn, soybeans and other grains for import. One way to do that is to establish regular public-private dialogue to address import policy related to plant health concerns.
5. We know that industry experience and scientific analysis can provide for a consultative partnership that is supportive of the GofE efforts to provide for food security, affordability and the management of plant health risks by applying sound science and best practices that are all based on and compliant with internationally accepted industry protocols and the International Phytosanitary Measures established by the International Plant Protection Convention.

A copy of the full comments can be found [here](#).

CGC Convention

A trip report is now available for Gary's travel to Montreal, Quebec in March 2019. While in Montreal, Gary attended the 2019 Canada Crops Convention at the Le Westin Montreal. This year's convention, hosted jointly by the Canada Grains Council and the Canola Council of Canada, featured opportunities to network, coordinate and improve international dialogue with grain trade leaders. The convention focused on advancements and trends in agriculture production and trade provided for market education and intelligence gathering opportunities with NAEGA members and other stakeholders.

A copy of Gary's trip report can be found [here](#).

Pending Actions:

IPPC ePhyto Case Studies

The International Grain Trade Coalition (IGTC) and the International Plant Protection Convention (IPPC) are seeking industry contributions to "case studies" on the roll out of the IPPC's ePhyto Solution. In particular, the IPPC is seeking participation from destination countries participating in the hub. Moving forward, the IPPC is seeking, through these case studies, to answer questions such as:

- How did the importing plant protection and quarantine (PPQ) get in contact with the exporter?
- How was the customer made aware of the existence of the ePhyto?
- How did the customer clear customs and who was part of the chain?

If you are interested in participating in a case study, please contact the IGTC secretariat at secretariat@igtglobal.org.

Contracts and Best Practices Seminars – Your advice requested

The NAEGA Contracts Committee is seeking your advice on the location, timing and curriculum of this year's Contracts and Best Practices Seminars. Please let us know if you are interested in attending or hosting a seminar, and what topics we should focus on. This year, the committee is considering contract seminars in the following locations:

- Vancouver, British Columbia
- St. Louis, MO
- Tokyo, Japan
- Winnipeg, Manitoba

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.

NAEGA conducts both public and private seminars, and curriculum can be tailored to your needs. 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!

Upcoming Actions:

NAEGA-APPAMEX Forum

On May 21-23 Ryan and Katy will travel to Cancun, Mexico to participate in and present at the annual NAEGA-APPAMEX Forum. During the forum, Ryan and Katy will represent NAEGA and the IGTC and discuss ongoing policy and global issues facing the North American and global grain trade.

London Grain Week

On June 9-13 Katy Lee, Sam Bonilla, Gary and Ryan are planning to travel to London to lead and participate in events during the London Grain week, including meetings with International Grain Trade Coalition (IGTC), International Grains Council (IGC), the United Kingdom's Agriculture and Horticulture Development Board (AHDB) and GAFTA.

Contracts Committee Sponsored Travel for Arbitrators

NAEGA is happy to announce that AAA ICDR is planning a series of training seminars on ICDR case management. The seminar, titled *ICDR International Symposia in Advanced Case Management Issues* is intended to inform participants on AAA ICDR rules and procedures for arbitration panels and provide guidance on managing cases for chairpersons. This seminar fulfills the training requirement for NAEGA arbitrators who are interested in serving as Special Grain Arbitrators and chairpersons on arbitration panels.

This year, ICDR is planning on holding three training seminars, two in North American and one in Europe. Details on the first seminar can be found below:

ICDR International Symposia in Advanced Case Management Issues

Location: Edinburgh, Scotland

Date: May 15, 2019

Agenda attached

In order to meet our Board of Directors mandated goal of increasing the number of qualified Special Grain Arbitrators, NAEGA is offering financial assistance of up to \$1,000 to arbitrators who are interested in attending this ICDR training or the proposed ICDR trainings in North America. Financial assistance can be used to cover registration fees, airfare or lodging to attend a training seminar. If you are interested in learning more about this opportunity to attend an ICDR training and receive financial assistance, please contact rolson@Naega.org. More information on upcoming trainings will be shared with arbitrators as it becomes available.

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Member Opportunities:

AAA International Symposia in Advanced Case Management Issues – Edinburgh, Scotland – May 15

NAEGA members are invited to attend the American Arbitration Association (AAA) International Center for Dispute Resolution's (ICDR) International Symposia in Advanced Case Management Issues in Edinburgh, Scotland on May 15. The symposia is an advanced course for those interested in learning more about the AAA ICDR arbitration administration, rules and procedures. This course fulfills the training requirement for NAEGA grain arbitrators to become special grain arbitrators.

For more information, and to register for the course, please contact Ryan.

U.S. FGIS Workshop – New Orleans, LA – May 22-23

NAEGA members are invited to attend Industry Workshop with the U.S. Federal Grain Inspection Service (FGIS) in New Orleans, LA on May 22-23. A preliminary agenda includes:

Wednesday, May 22

1:00-3:00pm: Industry Meet and Greet with Bruce Summers, Administrator, Agricultural Market Service and Arthur Neal, Deputy Administrator, Federal Grain Inspection Service

3:00-5:00pm: Tour of facilities for Mr. Neal and Mr. Summers

Thursday, May 23

8:00am-3:00pm: Industry Workshop with representatives of FGIS, U.S. Coast Guard and the Food and Drug Administration

More information and a registration link will be available soon.

NAEGA APPAMEX Forum – Cancun, Mexico – May 21-23

NAEGA members are invited to “save the date” for the 2019 NAEGA-APPAMEX Forum on May 21-23 in Cancun, Mexico. The forum will take place at the Hotel Secrets The Vine. This year’s forum will be held alongside the Mexican feed mills association CONAFAB.

London Grain Week including IGTC Strategy Session and International Grains Council Grains Conference – June 9-13, 2019

We look forward to seeing colleagues from around the world as government and industry participants in the global grain trade will be in London for a week of meetings and events. A series of events are taking place hosted by the International Grain Trade Coalition, International Grains Council (IGC), the United Kingdom’s Agriculture and Horticulture Development Board (AHDB) and GAFTA.

NAEGA member representatives are invited to attend an **IGTC Strategy Session in London on June 10, 2019**. The Strategy Session will involve IGTC members and corporate stakeholders and will include discussions concerning how to strengthen the work of IGTC policy, new and existing commercial requirements for grain producers and seek advice for decision makers going forward in the current business environment. More details and a registration link for the Monday June 10 meetings of the IGTC will be available later this week

The International Grain Trade Coalition is providing discounted registration for the **International Grains Council’s 2019 Grains Conference and Workshops**. To access the savings and register now contact the [IGTC Secretariat](#) for details. You can find more information [here](#). Tuesday, June 11 and Wednesday, June 12 will examine key opportunities and challenges facing the international grain and oilseed industry. Plenary sessions and workshops will include speakers from across the globe sharing their expertise. For example, NAEGA and IGTC President Gary Martin will Chair an IGTC workshop on Wednesday, June 12: “A Dialogue on International Progress through Cooperation” at which cooperation between governments and commercial actors to provide for innovation and enhancement of the trade flows will be expertly examined in this interactive session. Audience comments and suggestions will be incorporated into the dialogue and used to inform IGTC actions and report to governments. IGTC representatives will provide formal remarks and responses to questions from the IGC Council and Conference related to IGTC work with industry and governments around the world to achieve a market and regulatory environment supportive of trade that avoids disruptions in the international trade of grain, oilseeds, pulses and derived products in advance of audience participation. The IGC Conference and Workshops will be held at the Congress Centre at 28 Great Russell Street, London WC1B 3LS

2019 PNWER Annual Summit – Saskatoon, Canada – July 21-25, 2019

Registration is now open for the 2019 Pacific Northwest Economic Region annual summit in Saskatoon, Saskatchewan. Over 500 regional business leaders, legislators, and key decision makers attend the Annual Summit to explore shared challenges in the region, discuss best practices, promote regional relationships, and develop an action plan to address challenges in the coming year. Early bird registration is provided through April 30. Register early to take advantage of early bird pricing! More information [here](#). Register [here](#).

Asia-Pacific Policy Teams

With 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. A policy team focused on the Asia-Pacific Market is already established. Over the next few months the team 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 summer of 2019 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

USMCA USITC Report

On Thursday, April 18, 2019 the U.S. International Trade Commission (USITC) released its Congressionally mandated report on the likely impact of the U.S.-Mexico-Canada Agreement (USMCA) on the U.S. economy. The report estimate that the USMCA would raise U.S. real GDP by \$68.2 billion (0.35 percent) and U.S. employment by 176,000 jobs (0.12 percent) over a six year period. In addition, U.S. exports to Canada and Mexico would increase by \$19.1 billion (5.9 percent) and \$14.2 billion (6.7 percent), respectively. U.S. imports from Canada and Mexico would increase by \$19.1 billion (4.8 percent) and \$12.4 billion (3.8 percent), respectively. Overall, the agreement would likely have a positive impact on all broad industry sectors within the U.S. economy.

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

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

2019

May

15 – AAA ICDR International Symposia in Advanced Case Management Issues –
Edinburgh, Scotland
22-23 – FGIS-Industry Workshop – New Orleans Area
21-23 – NAEGA-APPAMEX Forum – Cancun, Mexico

June

3-6 - USDA FAS Trade Mission – Bogota, Colombia
10 – IGTC Strategy Session – London, UK
10 – International Grains Council’s 49th Session
11-12 – 28th IGC Grains Conference and Workshops

July

21-25 – PNWER Annual Summit

September

6 – IGC Market Conditions Committee – London, UK

October

14-17 – USDA FAS Trade Mission – Ho Chi Minh City, Vietnam
28-31 – USDA FAS Trade Mission - Nairobi, Kenya

November

5-8 - USDA FAS Trade Mission – Mexico City, Mexico

December

2-4 – NGFA Country Elevator Conference – Indianapolis, IN
3 – International Grains Council’s 50th Session – London, UK

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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