



*“Working Together to Make Trade Work”*

## **OUTREACH May 12, 2014**

**Thank you for your membership in and work with NAEGA**

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## **Reports on NAEGA Actions**

### **NAEGA Clause 20**

NAEGA issued an additional clause 20 certificate regarding winter weather in New Orleans from January 28 to January 29. The winter weather caused stoppages in the normal course of labor due to the closure of the local USDA GIPSA field office.

Furthermore, separate panels were established, and have denied clause 20 requests resulting from a natural gas pipeline explosion in the Pacific Northwest and an oil spill that caused the lower Mississippi River to close. Currently we have one panel formed and deciding if Canadian rail delays are exceptional impediments to transportation, and we will soon be establishing a panel for an oil spill in Houston.

### **U.S. – West Coast Port Lockout**

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On May 8<sup>th</sup>, NAEGA, NGFA, and many other business groups signed a letter addressed to the International Longshore and Warehouse Union and Pacific Maritime Association urging both parties to come to a new contract before the current contract expires on June 30, and avoid a lockout of the West Coast port. A failure to come to an agreement would have serious interruptions to the supply chain.

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

### **U.S. – Support for Appointment of USTR Ag Negotiator**

NAEGA has expressed its support for Darci Vetter’s nomination as Chief Agricultural Negotiator in the Office of the United States Trade Representative (USTR). To demonstrate this support, NAEGA joined a number other food and agricultural organizations in a letter recommending Ms. Vetter be confirmed as Chief Agricultural Negotiator to all members of the Senate Finance Committee. Ms. Vetter testified as part of the confirmation process before the Senate Finance Committee on May 8<sup>th</sup>.

A copy of the letter can be found [here](#) and Ms. Vetter’s testimony can be found [here](#).

### **World – Combustible Dust**

NAEGA continues to address action on dust explosion hazards by the United Nations (UN) *Globally Harmonized System* of Classification and Labelling of Chemicals (*GHS*). A key meeting of the relevant GHS sub-committee is scheduled for Geneva on July 2-4

During recent meetings to prepare for the July meeting in Geneva, an important and controversial positions on how the GHS should proceed regarding combustible. A GHS correspondence group will meet in Geneva and primarily focus technical discussions in order to develop a scope of application, definition, classification criteria and hazard communication elements.

NAEGA Senior Advisor Jerry Cotter will attend the meeting as a representative of NAEGA counterpart the International Cry Bulk Terminals Association. Jerry will recommend only guidance material be developed. Representatives of all European Countries have joined the call for guidance material. However, U.S. Occupational Safety and Health Administration (OSHA) continues to press for the GHS contain a standard setting full chapter be developed for the GHS Purple Book or added to the Annex or has been suggested by an alternative to a as well as every European representative. Proponents of the guideline (rather than standard setting) point out that combustible dust is covered under existing workplace standards and that further regulations will cause confusion.

As indicated in the Wall Street Journal article last month, OSHA acknowledged that it will take "years" before they develop an entirely new combustible dust standard. It appears the U.S. agency has decided to use two other venues to develop a standard; The U.S. National Fire Prevention ACT (NFPA) and the GHS. NGFA and others are involved related U.S. litigation impacting the use of NFPA. If OSHA loses that litigation, the U.S. agency would turn toward the GHS sub-committee

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to establish the new standard they seek. On the other hand, if they were to win the litigation, they will still need a uniform definition to include into the standard. Right now, they are using multiple NFPA standards as the primary source for their definitions. Either way, the UN GHS and NFPA provide OSHA with the means to creating a formal definition that leads to the establishment of an enforceable standards without the burden of creating an entirely new standard via the establish U.S. regulatory process.

We expect the July meeting to result in a document for GHS sub-committee consideration at its December 2015 meeting.

### **World – IGTC Working Group on COP/MOP 7**

The International Grain Trade Coalition (IGTC) has formed a working group to provide guidance and constructive comment to the project leader regarding COP/MOP 7 – Republic of Korea 29 Sep. 14 to 3 Oct 14. Representatives from NAEGA on the working group include: Gary C. Martin; Paul Green; and Diana Felner.

**NAEGA is considering making comments on the following items. Please contact us with your advice or suggestions:**

#### **2014**

**May 19** – Comments to USDA-APHIS on Dow AgroSciences’ petition for nonregulated status for cotton genetically engineered for resistance to the herbicides 2,4-D and glufosinate. A copy of the Federal Register notice can be found [here](#).

**June 24** – Comments to USDA-APHIS on Proposed Rules for 1. Changes to User Fees and Agricultural Quarantine and Inspection Services (AQI) and 2. Fee Increases for Overtime Services. A copy of the Federal Register notice for changes to user fees can be found [here](#) and the Federal Register notice for increases for overtime services can be found [here](#).

*NAEGA Actions on Current Issues are tracked on both the Member’s Only Section under their relevant committee pages and the on the Personal Page’s site. Updates to tracked issues are posted in this section.*

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### **NAEGA Member Participation Opportunity**

#### **Your Input Needed – USDA APHIS Proposed Fee Increases**

The United States Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS) announced proposed changes to the fees it charges to recoup the costs of conducting agricultural quarantine inspections (AQI) at U.S. ports of entry and overtime rates worked by APHIS officers. APHIS indicates adjustments are essential for the AQI program to

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have the financial stability it needs to continue the critical work of keeping U.S. agriculture safe and productive agriculture.

The [proposed AQI fee](#) structure ensures that no one party pays more than the costs of the services they incur. APHIS is proposing to add a \$2 fee per sea passenger to recover costs associated with inspecting cruise vessels and passenger baggage, and to add a \$375 fee to recover the costs of APHIS services for monitoring the application of or providing treatments to imported cargo to minimize pest risks. APHIS also proposes to raise user fees for inspections of commercial trucks with a transponder from \$105 to \$320 a year, and commercial trucks without a transponder from \$5.25 to \$8 per crossing.

APHIS is also concurrently proposing to adjust the hourly rates charged when APHIS employees perform work associated with AQI activities on Sundays, holidays or other after-hours periods so APHIS can recover the true cost of providing the services. The overtime rates would be raised commensurate with the anticipated cost of providing AQI services through 2018. [This proposed rule](#) will also be available for a 60 day comment period. This is the first proposed change to overtime rates since 2002.

A [Questions and Answers](#) factsheet on the AQI Program Cost and Fees has been made available.

#### **NAEGA to Host Brazilian Trade Team – Washington D.C. – June 2, 2014**

In coordination with the U.S Wheat Associates, NAEGA will host a Brazilian trade team at its office at 1250 I St. NW Washington D.C. on Monday, June 2 at 2:30pm Eastern. NAEGA members are welcome to join the meeting.

The Brazilian team members are:

- 1) Mr. Adriano Campos, Director - Grande Moinho Cearense S.A.
- 2) Mr. Sergio Chesini, Supply Director - Predileto Alimentos S.A.
- 3) Mr. Edson Csipai, Manager of Wheat Origination - Bunge Alimentos S.A.
- 4) Mr. Irineu Pedrollo, Wheat Supply Manager - J. Macedo S.A.
- 5) Mr. Antonio, Bolzani, Suppy Manager, M. Dias Branco S.A.
- 6) Mr. Osvaldo Seco, Assistant Regional Director - US Wheat Associates, Inc.

A brochure outlining the trip and includes biographies of the Brazilian Team can be found [here](#). And Background and objectives of the trip 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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## **New Issues & Opportunities for NAEGA Consideration**

### **U.S. – Vermont GM Labeling Law**

The state of Vermont passed a law that mandates genetically modified (GM) foods must be labeled as such, and was signed by Governor Shumlin last week. Vermont is the first state to pass a mandatory GM labeling law, although Maine and Connecticut have both passed labeling laws but contain a “trigger clause,” which means the laws would not take effect until a specific number of neighboring states adopted similar laws. Vermont’s legislation contained no such stipulation.

The law is anticipated to be challenged in court for its infringement on commercial speech by compelling companies to label their products. Furthermore, the Grocery’s Manufacture Association (GMA), NGFA, and other food and agriculture groups are leading federal legislation that would pre-empt state laws such as Vermont’s.

### **U.S.-Russia – U.S. to Drop Russia from GSP**

President Obama announced May 7th his intentions to withdraw the designation of Russia as a beneficiary developing country under the Generalized System of Preference (GSP). Such a move could escalate tensions with Moscow but could also help pave the way for a renewal of GSP, which would benefit U.S. importers of nearly 5,000 products from more than 120 countries.

The Obama administration has been under pressure to reinstate GSP from the U.S. business community, which says domestic manufacturers have lost sales and laid off workers because they have been paying an extra \$2 million a day in tariffs on inputs sourced abroad that largely cannot be procured in the U.S. However, the fact that Russia is currently a GSP beneficiary has been one of the factors cited by lawmakers as standing in the way of a GSP reauthorization. Once that is no longer the case, members of Congress could find it politically easier to renew the program.

*If you would like more information or wish to provide comments on any of these news topics monitored by NAEGA, please contact us.*

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## **NAEGA Calendar & Member Notices**

**2014**

**May**

**17-18** – Qingdao, China – Asian-Pacific Economic Cooperation (APEC) Ministers Responsible for Trade Meeting.

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**19** – Unified Export Strategy (UES) application due to USDA FAS for NAEGA 2015 International Programs funding under the USDA programs including the Market Access Program (MAP).

**20** – US Biotech Crops Alliance Board of Directors Meeting – Biotechnology Industry Organization 1201 Maryland Avenue SW, Suite 900 Washington, D.C. – 1:00pm to 5:00pm Eastern

### **June**

**2** – Washington, D.C. – NAEGA and US Wheat Associates meet with Brazilian Trade Team at 2:30pm at its office, 1250 I St. NW, Washington, D.C.

**10** – London, United Kingdom – International Grains Council (IGC) Grains Conference – Tower Hotel, Tower Bridge – You can register [here](#).

### **July**

**1** – Washington, DC – NAEGA 2013 Market Access Program (MAP) Contribution Report Due

**2-4** – Geneva, Switzerland – United Nations Globally Harmonized System (GHS) meeting discussing explosive dust.

**7** – Geneva, Switzerland – WTO Sanitary and Phytosanitary Measures (SPS) Committee Meeting

**9-18** – USA – US Grain Council (USGC) Sponsored Regulatory & Biosafety Committee Team to the US

**14** – Fortaleza, Brazil – BRICS Summit

**15-16** – Alexandria, VA – U.S. Agricultural Export Development Council (USAEDC) Attaché Seminar

### **August**

**13** – Washington, DC – American Soybean Association and Illinois Soybean Association Biotechnology Roundtable – 2:45pm at the Washington Court Hotel – NAEGA President, Gary Martin to participate on the panel.

### **September**

**TBT** – Denver, Colorado – NAEGA Board Meeting – Hosted by CoBank

**8-12** – London, England – International Maritime Organization (IMO) subcommittee meeting of Carriage of Cargoes and Containers (CCC)

**11-12** – Beijing, China – APEC Food Safety Cooperation Forum: Special Session and APEC High-Level Regulatory-Industry Food Safety Dialogue

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**14** – Beijing, China – U.S.-China Agriculture and Food Partnership Symposium

**14** – Seoul, Korea – Korean Rural Economic Institute Food Security Symposium

**14** – Geneva, Switzerland; Rome, Italy – MAIZALL Mission to the WTO & FAO

**18** – Washington, D.C. – Michigan State University/USDA FAS Industry Roundtable International Agricultural Biotechnology Short Course

**18-19** – Beijing, China – APEC Food Security Ministers Meeting, High Level Policy Dialogue on Agricultural Biotechnology

**29-October 3** – 7<sup>th</sup> Meeting of the Parties/Conference of the Parties for the So-called Cartagena Biosafety Protocol under the Convention on Biodiversity, which governs trans-boundary movements of Living Modified Organisms for feed, food and processing. More information can be found at: <http://bch.cbd.int/protocol/>

### **October**

**1-3** – Panama – Dry Bulk Terminal Group (DBTG) Annual Meeting

**13** – Geneva, Switzerland – WTO Sanitary and Phytosanitary Measures (SPS) Committee Meeting

**24-25** – Beijing, China – Development Research Center Food Security and Sustainability Summit (Potential MAIZALL Mission to China)

### **November**

**10-11** – Beijing, China – APEC Economic Leaders’ Meeting

**17-20** – Baltimore, MD – USAEDC Annual Workshop

### **December**

**14** – Washington, D.C. – Joint Commission on Commerce and Trade (JCCT)

**14** – Seoul, Korea – USGC Sponsored Technical Workshop for Biosafety Committee Members

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