



*“Working Together to Make Trade Work”*

## **OUTREACH June 23, 2014**

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

### **Action Reports:**

- Addressing Mycotoxin Developments
- Establishing our position for UN GHS Meeting
- Seeking Clarification on Surcharges due to West Coast Port Labor Negotiations
- Tracking CFTC Legislation
- Changing the U.S. Soy Sustainability Assurance Protocol

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- USAEDC Agricultural Attaché Conference – Arlington, Virginia – July 15-16, 2014
- Alternative Security Program Meeting – Kansas City, Missouri – July 28, 2014
- NAEGA Update and Contract Seminar – Kansas City, Missouri – July 28-29, 2014
- US Wheat Latin American Buyers Conference – Herradura, Costa Rica – July 29 – August 1, 2014
- 2014 APPAMEX-NAEGA Forum – Puerto Vallarta, Mexico – August 21-24, 2014
- NAEGA September Board of Directors Meeting – Denver, Colorado – September 26, 2014

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## **Reports on NAEGA Actions**

### **Addressing Mycotoxin Developments**

The Codex Committee on Contaminants in Foods (CCCF) recently decided to hold off on further action to establish new maximum levels for Mycotoxins, including for deoxynivalenol (DON ML) in raw grains. The CCCF decided to wait for Codex staff, World Health Organization (WHO), and Food and Agriculture Organization of the United Nations (FAO) to report on ways that CCCF might address mycotoxin contaminants. NAEGA is working with the North American Millers

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Association (NAMA) and other stakeholder associations to provide input in the upcoming report. The industry group has taken under consideration funding analysis by the American Association of Cereal Chemists on mycotoxins and approaches to their mitigation for food safety.

The issue of DON was also briefly discussed at a USDA Public Meeting on the [Draft U.S. Positions](#) for the upcoming Session of the Codex meeting in Geneva, Switzerland on July 14-18, 2014. The Codex Committee on Methods of Analysis and Sampling (CCMAS) proposed changes to the numeric criteria for DON provided by CCCF. CCMAS posted specific questions to CCCF about the aggregate sample size and number of replicates necessary for small consignments. The U.S. government has supported, and will continue to support, the aggregate sample size listed in the CCCF sampling plan. However, the European Union (EU) considers the aggregate sample size too small and has asked for additional review by the CCCF.

### **Establishing our position for UN GHS Meeting**

Some delegates to the United Nation’s (UN) Globally Harmonized System of Classification and Labeling Chemicals (GHS) Subcommittee’s correspondence group (CG) are working to institute a chapter in the GHS that defines and classifies “dust explosion hazards.”

The GHS is intended to provide for harmonization of the classification of chemicals, labeling and safety data sheets. Grain is not exempted from consideration under GHS. Since countries are obligated to adopt the GHS, developments that are designed to define and classify dust explosion hazards are of major concern to grain industry stakeholders. If a GHS chapter that encompasses grain is adopted, the grain logistics system on a global basis will be forced to accommodate significant changes to both domestic and international regulatory requirements, design protocols and management practices. These expected abrupt, confusing and unnecessary changes are unnecessary given proven and well-established industry safety practices, and actually could be counterproductive by creating confusion among receivers of grain and grain products.

In advance of the upcoming July 2-4 meeting at which addressing dust explosion hazards will be addressed and in collaboration with the International Bulk Terminals Association and NGFA, NAEGA is encouraging that:

- Grain not to be classified as a “chemical hazard” through the GHS.
- The CG to not make a hurried decision regarding the definition and classification of dust explosion hazards.
- This important topic be analyzed extensively by providing ample opportunity for input from all of sub-committee and stakeholder groups.
- Any dust explosion hazard definition and classification that ultimately may be agreed to be added as Annex to the GHS, and not as a full Chapter. An Annex can serve as a guidance document, not as mandatory requirements.

### **Seeking Clarification on Surcharges due to West Coast Port Labor Negotiations**

NAEGA signed on to a coalition [letter](#) sent to the Federal Maritime Commission (FMC) seeking clarification on the proposed congestion surcharges that trans-Pacific carriers have announced in

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anticipation of disruptions from West Coast labor negotiations between the International Longshore and Warehouse Union and the Pacific Maritime Association. The current contract will expire at midnight on June 30 and the surcharge fees will be levied against shippers immediately if the negotiations results in “labor unrest.”

The FMC issued guidance on May 29, but it is still not clear what the trigger mechanism is for “labor unrest.” Thus, the [letter](#), signed by NAEGA and numerous organizations representing U.S. manufactures, farmers, wholesalers, retailers, distributors, and transportation and logistics providers, asks for clarification and guidance on the proposed congestion surcharges. Shippers, importers, exporters and others need certainty on how and when the surcharges would be put into effect. Specifically, the letter asks the FMC for additional guidance on the ambiguous phrase “labor related unrest.”

### **Tracking CFTC Legislation**

NAEGA, supporting the leadership of NGFA and along with a number of other U.S. production agriculture and agribusinesses, joined in a [letter](#) supporting H.R. 4413, the “Customer Protection and End-User Relief Act.” The “Customer Protection and End-User Relief Act” provides important protections for futures customers:

- Enhanced reporting, transparency and accountability in futures markets. These much-needed improvements will help prevent another MF Global.
- The ability for customers to “claw back” assets from a parent firm in the event of a shortfall of customer funds in FCM insolvencies – something that wasn’t possible with MF Global.
- A clear roadmap for meaningful cost-benefit analysis to be performed by the Commodity Futures Trading Commission before proposing major rules.
- A solution to the very troubling “residual interest” rule approved last fall by CFTC that would force customers to pre-margin hedge accounts, thereby putting perhaps twice as much customer money at risk, dramatically increasing hedging costs, and likely driving farmers, ranchers and small hedgers out of the futures market.
- Relief from technologically infeasible recordkeeping requirements in the cash commodity markets.

### **Changing the U.S. Soy Sustainability Assurance Protocol**

The U.S. Soybean Export Council, working closely with industry groups like NAEGA and National Oilseed Processors Association (NOPA), completed a revision of the U.S. Soy Sustainability Assurance Protocol (U.S. SSAP) and drafted this [letter](#) to notify the trade industry. USSEC has also published [this Fact Sheet](#) to educate buyers, stakeholders, and other interested parties on the U.S. SSAP. The goal is to increase the visibility of the SSAP and begin an active discussion around sustainable U.S. Soy. To do this a tool has been established to allow exporters to create a certificate documenting the sustainability of the U.S. Soy based upon the U.S. SSAP. We encourage U.S. exporters to utilize this tool and get sustainable U.S. Soy into the hands of the world’s buyers. Learn more about how to access this Certification Tool at: [www.usses.org](http://www.usses.org).

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

## **2014**

**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](#).

**June 30** - Comments on US Food and Drug Administration’s Proposed Rule - Focused Mitigation Strategies To Protect Food Against Intentional Adulteration; Docket No. FDA–2013–N–1425

**July 28** – Comments to U.S. Department of Commerce on a proposal to reinstate the reporting requirements for the BE-13, Survey of New Foreign Direct Investment in the United States, which was discontinued in 2009 due to budget reductions. The Department of Commerce is proposing this action to better measure its efforts through the “Build It Here, Sell It Everywhere” initiative to expand foreign business investment in the U.S.

*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 Opportunities**

### **USDA GIPSA-Industry Workshop – New Orleans, LA – July 1**

NAEGA and NGFA will host a regional industry and Federal Grain Inspection Service (FGIS) Workshop on Tuesday, July 1, 2014. The workshop is scheduled to be held at the FGIS New Orleans Field Office in Destrehan, LA from 7:30am to 5:30pm. Both Animal and Plant Health Inspection Service (APHIS) and the Food and Drug Administration (FDA) have been invited to attend. An updated proposed agenda for the workshop has been prepared and is available [through this link](#).

All NAEGA and NGFA members are welcome to attend. Please register by clicking [here](#). Details for a similar workshop in the Pacific Northwest are still being worked out.

### **USAEDC Agricultural Attaché Conference**

The U.S. Agricultural Export Development Council (USAEDC) is hosting the 2014 Agricultural Attaché conference in coordination with the USDA FAS. This year’s conference will be the first Full Global Attaché Conference since 2008 – meaning all USDA FAS personnel working outside

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the U.S. are invited to attend. The Conference will be held in Arlington, Virginia on July 15-16 at the Westin Arlington Gateway hotel.

The attaché conference gives USAEDC members an opportunity to meet with overseas FAS attachés and staff and to discuss country-specific issues facing U.S. agricultural exports. On Thursday, July 15th from 6:00 - 7:00 pm at the hotel, the US Biotech Crops Alliance will host a reception and information session in conjunction with the Conference.

NAEGA members interested in joining NAEGA staff at the conference should contact us as soon as possible. USAEDC is a non-profit trade association of U.S. commodity trade associations, farmer cooperatives and state regional trade groups. NAEGA, because of our use of the Market Access Program (MAP) is a member of USAEDC.

### **Alternative Security Program Users meeting**

NAEGA-NGFA will host an ASP meeting for users on July 28 from 3:00-5:00pm in Kansas City, MO. This meeting will immediately follow NGFA-NAEGA Joint Agroterrorism/Facility Security Committee meeting on July 28<sup>th</sup> and in conjunction with the [FDA Food Defense Workshop](#) on July 29 and the [NGFA/Grain Journal Safety Conference](#) July 29-31.

NAEGA recently completed Alternative Security Program (ASP) certificates and letters of good standing to all subscribers/users of the ASP.

Please let Kyle Liske know if you plan to attend by emailing [kliske@naega.org](mailto:kliske@naega.org).

### **NAEGA Update and Contract Seminar**

NAEGA will hold two events in addition to the ASP users meeting at the Westin Crown Center Hotel in Kansas City late in July:

**Monday, July 28 Dinner** - First, on Monday, July 28<sup>th</sup> NAEGA will host an update and dinner at the Brasserie Restaurant in the lobby of the Westin Crown Center Hotel in Kansas City, Missouri. All NAEGA members are invited. **Please RSVP for the July 28 dinner by [clicking here](#).**

**Tuesday, July 29 Seminar** - Then, on Tuesday July, 29<sup>th</sup>, NAEGA will hold a Commercial Contract Seminar. NAEGA staff, including Sam Bonilla, will provide an intensive review of current developments and practices in international grain trade contracts focused on the NAEGA 2. The Cost of the Contract Seminar is \$200 for NAEGA members and \$250 for non-NAEGA members. Seminar participants are also welcome to the dinner on July 28<sup>th</sup>. A proposed agenda can be found **here**. **We welcome any additions/suggestions. Register for the Contracts Seminar by filling out [this registration form](#) and emailing it back to [kliske@naega.org](mailto:kliske@naega.org).**

### **Latin American Buyers Conference**

NAEGA members are invited to attend U.S. Wheat Associate's Latin American Buyers Conference in Herradura, Costa Rica. Wheat purchasing decision makers from Brazil, Chile, Colombia, Ecuador, Peru, Mexico, Central America, Venezuela, and the Caribbean are expected

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to attend this event focused on promoting U.S. Wheat exports. The conference starts at 7:00 pm on Tuesday, July 29 with a welcome reception and continues through Thursday, July 31. The hotel is the Marriott Los Suenos, located about 1 1/2 hours west of the San Jose airport. Everyone who plans to attend the LABC should make hotel reservations directly using [this link](#). Please let us know if you plan to attend.

### **2014 APPAMEX-NAEGA Forum**

The 2013 Asociación de Proveedores de Productores Agropecuarios México (APPAMEX) <http://www.appamex.com.mx/> - NAEGA Forum has been scheduled for August 21-24, 2014 in Puerto Vallarta, Mexico. This year marks the 21st APPAMEX-NAEGA forum. An agenda will be developed during the week of June 23 as part of NAEGA meetings in Mexico City. If you or a member of your company would like to be a speaker at the forum or take part in a panel, please contact the NAEGA office.

### **NAEGA September Board of Directors Meeting**

NAEGA’s next Board of Directors meeting will be held on the morning of Friday, September 26, 2014 at CoBank’s offices in Denver, Colorado. The agenda for the meeting is under development. NAEGA Members are encouraged to submit items for the consideration of the Board.

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

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## **Information for your Consideration**

### **EU Biotech Approvals**

COCERAL reports that the 8 biotech products awaiting final approval by the European Union (EU) Commission (Maize MON 87460, Rapeseed GT 73 - food extension, Soybean 305423, Soybean MON87708, Soybean MON87705, Soybean BPS-CV127-9, Maize T25 and Cotton T304-40) are all expected to get import authorization by July 2014. Although several EU Commissioners still oppose the biotech authorization, only a simple majority of EU Commissioners (15 out of 28) are needed to vote in favor of the authorizations. COCERAL plans to continue to pressure EU Commissioners for the import authorization of biotech products and report progress to NAEGA.

### **Trade Policy Updates**

COOL – The WTO is expected to decide whether the modified COOL violates the WTO Agreement on Technical Barriers to Trade (TBT) in late June. The FY 2015 House Agriculture Appropriations bill directs Agriculture Secretary, Tom Vilsack, to suspend country-of-origin labeling (COOL) requirements for imported meat if they are found to violate the TBT Agreement by the WTO. If the WTO finds COOL violates the TBT Agreement and the U.S. does not suspend

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the COOL requirements, the grain industry could be subject to retaliatory measures by Canada and Mexico. Meanwhile, the U.S. Court of Appeals for the District of Columbia reviewed a First Amendment case en banc on whether the COOL rule is unconstitutional for compelling commercial speech. The question in the case is if the government has a strong enough interest in requiring the purely factual information of the country of origin of the meat be labeled to overcome the meat industry’s First Amendment rights to free speech. Interestingly the outcome of this case may set precedent for another ongoing lawsuit over Vermont’s new law mandating the labeling of genetically modified foods

Brazil Cotton Dispute/GSM-102 – Brazil’s right to place sanctions on the U.S. as a result of cotton and export guarantee programs that were found to be trade distorting was suspended until the U.S. completed new legislation that was expected to eliminate the trade distorting provisions of the two programs. Now that a new Farm Bill has been enacted, Brazilian cotton growers have indicated they are not convinced that it goes far enough. Brazilian officials have also argued the new crop insurance provisions contained in the Farm Bill are actually more trade distortive than the direct payments that were replaced. As a result Brazil is once again asking for a WTO review panel to determine if the new U.S. Farm Bill adequately reforms cotton subsidies. If the panel finds that the new Farm Bill does not conform to WTO rules, the U.S. could be forced to resume the \$12.25 million per month payment to Brazilian cotton producers.

TPA – Senate Finance Committee Chairman, Ron Wyden (D-OR) is currently drafting legislation to extend Trade Promotion Authority (TPA) (otherwise known as “fast track”). TPA allows Congress to direct the US Trade Representative on negotiating objectives for free trade agreements and provides for an up or down vote the free trade agreements, not allowing any amendments. It is suspected that TPA will be necessary in order to move both the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (T-TIP) through Congress.

TPP – Trans-Pacific Partnership. U.S. negotiators indicate there has been some progress in addressing Japan’s market for sensitive agricultural products. The U.S. Trade Representative (USTR) recently released the administration’s priorities for the negotiations in [this paper](#). Negotiations are expected to continue in July.

T-TIP - The sixth round of negotiations on the Transatlantic Trade and Investment Partnership (T-TIP) will be held in Brussels on July 14-18. Negotiations will continue on trade in goods and services, regulatory issues, government procurement, environmental protection and labor rights, energy and raw materials, and opportunities for small and medium sized enterprises. U.S. Trade Representative (USTR), Mike Froman, and European Union (EU) Trade Commissioner, Karel de Gucht, met recently to address several politically sensitive issues ahead of the sixth round.

### **New BIO Website**

The Biotechnology Industry Organization (BIO) is launching <http://agaction.bio.org> in an effort they explain to be to more effectively link supporters of agricultural biotechnology with policymakers and lawmakers in Washington, D.C.

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*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**

**June 23-26** – Mexico City – NAEGA President and CEO, Gary C. Martin, will meet with APPAMEX, governments and other stakeholders regarding Mexico’s phytosanitary measures involving the presence of soil. Also on the agenda are plans for the upcoming APPAMEX – NAEGA Forum (August 21 – 24) and the Biosafety Protocol’s COP MOP (September 29 – October 3) meeting in Korea.

### **July**

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

**1** – New Orleans, Louisiana – USDA GIPSA Industry Workshop

**2-4** – Geneva, Switzerland – United Nations Globally Harmonized System (GHS) meeting discussing explosive dust. Jerry Cotter attending on behalf of NAEGA representing International Bulk Terminals Association (IBTA).

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

**8** – Washington, D.C. – China National Cereals, Oils and Foodstuffs Corporation (COFCO) to visit NAEGA and NGFA office – The list of COFCO Feed Division members attending are: Mr. Xu, Feng, Mr. Han, Zhiying, Mr. Wang, Xijun, and Mr. Zhang, Zhibo.

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

**14** – Fortaleza, Brazil – Brazil Russia India China South Africa (BRICS) Summit

**15-16** – Arlington, VA – U.S. Agricultural Export Development Council (USAEDC) Attaché Seminar and USBCA reception.

**17** – Arlington, VA – Africa Global Broad-based Initiative (GBI) meeting. NAEGA staff attending.

**22** – Chicago, IL – U.S. Soybean Export Council (USSEC) Industry Advisory Council Meeting – NAEGA President and CEO, Gary C. Martin attending

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**20 -24**, Whistler, B.C - PNWER 24th Annual Summit <http://www.pnwer.org/2014summit.html>

**28** – Kansas City, MO – Alternative Security Plan (ASP) Users Meeting – 3:00pm – 5:00pm Central Time – ASP users only. NAEGA Dinner and Update - all NAEGA members and Contract Seminar participants invited.

**29** – Kansas City, MO – Commercial Contract Seminar/Training

### **August**

**7** – Vancouver, Washington – USDA GIPSA Industry Workshop

**8** – Vancouver, Washington – Potential NAEGA Update Commercial Contract Seminar/Training.

**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.

**21-24** – Puerto Vallarta, Mexico – APPAMEX – NAEGA Forum – Velas Hotel. <http://www.appamex.com.mx/>

### **September**

**5** – Washington, DC - NAEGA MAP compliance review by USDA FAS.

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

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

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

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

**14** – Geneva, Switzerland; Rome, Italy – USBCA-The International Maize Alliance (MAIZALL) Mission to the WTO & FAO

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

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

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

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**29-October 3** – Pyeongchang, Korea 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, Gary Martin planning to present and attend.

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

**24-25** – Beijing, China – Development Research Center Food Security and Sustainability Summit

### **November**

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

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

### **December**

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

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

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