



*“Working Together to Make Trade Work”*

## **OUTREACH July 15, 2013**

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

### **Member participation opportunity:**

- FGIS and Industry Workshop – Portland, Oregon – August 13
- 2013 APPAMEX-NAEGA Forum – Cancun, Mexico – August 15-17
- NAPPO Annual Meeting 2013 – Guelph, Ontario-Canada – October 28-November 1

### **Action Reports**

- Asia and Americas – Update on Trans-Pacific Partnership (TPP)
- Canada and U.S. – PNWER Summit
- U.S. – CFTC Agricultural Advisory Committee
- U. S. – USAEDC’s Attaché Conference

### **New Issues**

- EU – List of GMOs authorized for Market in the EU
- U.S. – Court Rules Against Union and in Favor of Grain Exporter
- U.S. – Study Published on the “Adoption of GE Crops in U.S.”

### **NAEGA Calendar and Member Notices**

- Upcoming Events and Notices for Members

## **NAEGA Member Participation Opportunity**

### **FGIS and Industry Workshop – Portland, Oregon, August 13**

A NAEGA-NGFA hosted regional Industry and Federal Grain Inspection Service (FGIS) Workshop is now scheduled for Tuesday, August 13, 2013. An agenda and details on location will be coming soon.

The Workshop is a continuation of a series of meetings at export port locations which are intended to expand understanding and identify needs related to U.S. Official grain inspection. The workshops have proven to be an excellent venue for direct interaction with FGIS leadership and local personnel. All NAEGA member companies are welcome to attend these Workshops.

### **2013 APPAMEX-NAEGA Forum – Cancun, Mexico, August 15-17**

The 2013 Asociación de Proveedores de Productores Agropecuarios México (APPAMEX) - NAEGA Forum has been scheduled for August 15-17, 2013 at the in Cancun, Mexico. This year marks the 20<sup>th</sup> APPAMEX-NAEGA forum, and the theme is “Mexico’s Integration in the Global

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Food Security: 20 years of Commerce for the Service of the Mexican Agri-Food Industry”. An agenda for the forum is being developed and NAEGA members are invited to attend. 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. A draft agenda and registration information have been posted to the [NAEGA Member’s Only Website](#) and the [NAEGA Personal Pages site](#) under upcoming events.

### **NAPPO Annual Meeting 2013**

The 2013 NAPPO annual meeting has been scheduled for October 28, 2013 to November 1, 2013 at the Delta Hotel in Guelph, Ontario in Canada. More information will be coming soon. In the meantime, feel free to contact Steve Cote at [steve.cote@inspection.qc.ca](mailto:steve.cote@inspection.qc.ca) or call 613-773-7368.

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

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## **Reports on NAEGA Actions**

### **Asia and Americas – Trans-Pacific Partnership (TPP)**

NAEGA continues to support effective measures to deal with Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT). In a paper on SPS and TBT issues, NAEGA argues that the best opportunity to provide for greater and more consistent international trade in agricultural products throughout the TPP region is to establish SPS and TBT measures that are enforceable and trade facilitative. Towards that end, TPP countries have devoted considerable work to developing new SPS commitments in TPP that build upon existing World Trade Organization disciplines in order to strengthen and reinforce existing rules, as well as to underscore the importance of science-based regulation.

In order for a TPP agreement to be effective it must include new disciplines on the application of Sanitary and Phytosanitary (SPS) measures that effectively respond to emerging trade challenges. As TPP negotiators work towards concluding negotiations, ensuring such SPS measures are truly effective through the use of enforceability mechanisms is a critical issue to address the needs of food and agricultural sectors in each of the TPP countries. The following principles are critical to a successful TPP negotiation:

1. Enforceability is Key
2. Scientific Basis
3. Rapid Response Trade Facilitation
4. “WTO-plus” SPS Provision

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TPP SPS commitments, including “WTO-plus” elements, must be enforceable. The addition of a TPP Rapid Response Mechanism, applied to SPS and TBT measures, is needed to facilitate trade and help provide a speedy method for resolution of shipment-specific issues.

**Canada and U.S. – PNWER Summit**

The Pacific Northwest Economic Region Summit will be held this week in Anchorage, Alaska. NAEGA’s president, Gary Marten, will attend meetings of an Agricultural Working Group at the conference. Mr. Martin’s advocacy effort will seek for action from the PNWER to:

1. Endorse and coordinate with the work and action plans of the Regulatory Cooperation Council (RCC) and the Canada–United States Consultative Committee on Agriculture (CCA). Key elements of this work should include:
  - Harmonization of regulatory labeling differences. For example, different standards related to nutritional information and the use of terms such as “natural.”
  - Potential harmonization of ingredients regulations.
  - Trade Facilitation via improvements in implementation of regulations including deployment of a Rapid Response Mechanism.
2. Address U.S. Country of Origin Labeling (COOL) recognizing that U.S.’s mandatory COOL has been found by the World Trade Organization (WTO) to discriminate against imported livestock creating challenges for Canadian cattle and hog producers. The USDA rule violates the United States Constitution by compelling speech in the form of costly and detailed labels on meat products that do not directly advance a government interest. In addition, the new 2013 regulation that will be implemented in a few months exceeds the scope of the statutory mandate, because the statute does not permit the kind of detailed and onerous labeling requirements the final rule puts in place, and that the rule is arbitrary and capricious, because it imposes vast burdens on the industry with little to no countervailing benefit.
3. Support efforts related to accommodating a Low Level Presence (LLP) of GM in imported agricultural products currently threatening importing and exporting countries alike and global food security in general.

For the purpose of this initiative, NAEGA is encouraging that the following definitions apply:

- Low-Level Presence (LLP): “low levels of recombinant DNA plant materials that have passed a food safety assessment according to the Codex Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants (CAC/GL 45-2003) in one or more countries, but may on occasion be present in food in importing countries in which the food safety of the relevant recombinant-DNA plants has not been determined.”

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- LLP from asynchronous approval: “may occur when the country of export has already approved a GM event for cultivation, while the country of import is in the process of authorizing it”
  - LLP from isolated foreign approval (often described as asymmetric approval): “may occur when the country of export approves a GM event for commercial production and in the country of import no submission for the approval is sought by the developer of the event or in which an approval is not to be granted for reasons falling outside food safety”.
  - LLP from discontinued event: “may occur when the approval of the GM event expires and the technology developer does not submit an application for the continuation of the approval.”
  - Adventitious Presence (AP) of research events (often described as “field escape”): “AP refers to the unintentional presence of GMOs that have never been authorized in any country on the basis of the Codex international guidelines for food plant safety assessment”.
4. Support negotiations for a Trans Pacific Partnership (TPP) trade agreement that encourages all governments to work toward an ambitious agreement that liberalizes agriculture trade by resolving the negotiations should include:
- An LLP Policy (see point 3 above)
  - All elements of trade and investment, including agriculture, goods, services, digital trade, competition policy, and intellectual property.
  - No product or sector exclusion from the negotiations
  - Phase out of all tariffs and other market access barriers by the end of a negotiated transition period.
  - Establishment of risk based scientific decision making, regulatory convergence, and equivalence that includes robust science based the Sanitary and Phytosanitary measures to facilitate trade.
  - Obligations that go beyond those in the WTO and are subject to TPP enforcement provisions, including in the Sanitary and Phytosanitary chapter.
  - A “Rapid Response Mechanism” (RRM) to facilitate trade when administrative entities implement Sanitary and Phytosanitary (SPS) measures and other regulations, standards, testing and certification procedures that may result in Technical Barriers to Trade (TBT).
  - An agreement that is a single undertaking. All elements of the negotiation, including both tariff and nontariff SPS measures, are part of an indivisible package and cannot be agreed separately. In other words, nothing is finalized until everything is finalized.
5. Building a stronger relationship between The PONWER and he Canada-U.S. Grain and Seed Trade Task Group that includes facilitating PNWER industry input into the ongoing activities and agenda of the Task Group. .

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The PNWER Summit is a good opportunity for NAEGA to comment on U.S.-Canada trade relations and U.S. trade issues in the Pacific region with over 600 key business leaders, legislators, and government leaders from PNWER’s ten states, provinces, and territories.

The 2013 PNWER Summit’s homepage can be found [here](#).

### **U.S. – CFTC Agricultural Advisory Committee**

NAEGA has recently accepted an invitation from the Commodity Futures Trading Commission (CFTC) to nominate a representative to serve on the Agricultural Advisory Committee (AAC). NAEGA nominated Steve Strong of Bunge, USA to be the representative of NAEGA on the AAC. Mr. Strong will serve on the AAC for a term of Two years and will be charged with presenting the views and interests of NAEGA and its members to the AAC and CFTC.

Mr. Strong is quality choice to serve as NAEGA’s representative on the AAC because of his professional experience and his ability to directly and indirectly act on behalf of NAEGA. Mr. Strong’s nomination is now contingent on CFTC confirmation.

### **U.S. –USAEDC’s Attaché Conference**

NAEGA staff attended the U.S. Agricultural Export Development Council’s (USADC) Attaché conference in Alexandria, VA on July 9<sup>th</sup> and 10<sup>th</sup>. The conference allowed for NAEGA staff to talk with attaché’s deployed around the world about relevant trade issues. NAEGA talked with representatives from China, South Korea, Brazil, and Kenya. NAEGA also talked with USDA specialists about its Market Access Program (MAP) funding.

The conference was also an opportunity for NAEGA to hear from agricultural industry leaders discuss international trade issues and opportunities. Although TPP and TTIP trade negotiations were general themes of conversation, the conscious was that there will be real opportunity for agricultural trade in Africa in the coming years.

The conference was highlighted by the Keynote address given by Secretary of Agriculture, Tom Vilsack. The Secretary addressed the importance of international trade and the role it has played to advance the agricultural economy. He also passionately spoke of how important it is for Congress to pass a five-year farm bill.

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

#### **2013**

**TBD** – Comments to the Canadian Food Inspection Agency (CFIA) on draft directives D-12-05: [http://www.naega.org/images/pdf/CFIA\\_Draft\\_D-12-05.pdf](http://www.naega.org/images/pdf/CFIA_Draft_D-12-05.pdf)

**July 17** – Comments due to USDA/APHIS on Notice of Intent to prepare an environmental impact statement regarding the regulatory status of soybean event MON 87708: <http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0043-0001>

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***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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## **New Issues & Opportunities for NAEGA Consideration**

### **EU – List of GMOs Authorized for Market the EU**

In accordance with Regulation (EC) No 1829/2003, the EU has released an updated list of GMOs which are authorized for placing on the market in the EU. The full list of authorized GMOs in the EU and related safety information is available at the [EuropaBio website](#).

### **U.S. – Court Ruling Against Union for Grain Exporter**

In *Ahearn v. Int’l Longshore and Warehouse Union*, the Ninth Circuit of Appeals ruled that the Longshore and Warehouse Union (Union) was in contempt of a preliminary injunction placed on it by the District Court. The Union began picketing at Export Grain Terminal, LLC (EGT) on June 11, 2011 in hopes of EGT ceasing business with its employer, the Port of Longview. On the morning of September 8, 2011 picketers approached the EGT facility with “gardening spears, baseball bats, broom sticks, and metal pipes.” The picketers caused a great amount of damage to the facility ranging from breaking windows to cutting air hoses. Later that day the district court issued a preliminary injunction enjoining the Union’s conduct. On September 21, 2011 the Union blocked the railroad tracks leading to the EGT facility, which prevented a BNSF train from making a delivery. The district court held the Union in contempt of the preliminary injunction and awarded EGT compensatory damages.

The Ninth Circuit Court of Appeals upheld the district court’s decision, holding that EGT was entitled to compensatory damages. The Court declared that the purpose of a civil contempt order was to compensate the prevailing party and coerce compliance with the court order. Here, EGT deserved to be compensated, not only for the damage done, but also deserved to have the injunction enforced. Finally, the Court decided that the district court did not abuse its discretion in the amount of damages it awarded.

The full Court decision can be found [here](#).

### **U.S. – Study on “Adoption of Genetically Engineered Crops in U.S.”**

The USDA ERS report summarizes the adoption of herbicide-tolerant and insect-resistant crops since their introduction in 1996.

The study can be found [here](#).

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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

**14-19** – Anchorage, Alaska – Pacific Northwest Economic Region (PNWER) Annual Summit – Gary Martin attending and presenting

**29** – Washington, D.C. – Roundtable discussion on Agricultural Trade with Ambassador Michael Froman -- NAEGA President, Gary Martin, has been invited to discuss NAEGA’s trade priorities with the new Trade Ambassador, Michael Froman.

### August

**13**—Portland, Oregon – FGIS and Industry Workshop

**15-17** – Cancun, Mexico – APPAMEX NAEGA Forum – NAEGA Members Invited to Attend

**26** – Chicago, Illinois – Illinois Soy International Biotechnology Symposium – Gary Martin invited to attend

### September

**16-19** – Johannesburg, South Africa – USDA Agribusiness Trade Mission to Southern Africa – NAEGA Members invited to attend.

**16-20** – London, England – IMO/DSC Meeting – NAEGA’s senior advisor, Jerry Cotter, will attend the IMO/DSC meeting which will cover reception facilities for cargo and access to stockpiles by vessel representatives.

**22-24** – Santander, Spain – DBTG Meeting – NAEGA’s senior advisor, Jerry Cotter, will attend the DBTG meeting which will address Transportation Moisture Limit issues as well as operational and shipping issues and a grain elevator tour.

### October

**28 – Nov. 1** – 2013 NAPPO Annual Meeting – NAPPO’s annual meeting has been scheduled for October 28, 2013 to November 1, 2013 at the Delta Hotel in Guelph, Ontario in Canada. More information will be coming soon.

### November

**TBD** – Washington, DC – One Day USDA/USAID Food Aid & Development Meeting with Stakeholders

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**4-6** – San Antonio, Texas – American Nutrition Forum – Gary Martin attending and presenting

**12-15** – Lisbon, Portugal - 6th International Conference on Coexistence between Genetically Modified (GM) and non-GM based Agricultural Supply Chains: [www.gmcc13.org](http://www.gmcc13.org)

**19-21** – Baltimore, Maryland – U.S. Agricultural Export Development Council (USAEDC) 2013 Annual Workshop – NAEGA Members invited to participate

## **2014**

**January -- TBD** – Egypt – 2013 Middle East Regional Trade Conference hosted by U.S. Wheat Associates in cooperation with NAEGA, U.S. Grains Council and U.S. Soybean Export Council

## **March**

**31** – 2014 NAEGA Annual Meetings – Hilton Head, South Carolina

**30-April 1** – 2014 NGFA Convention – Hilton Head, South Carolina

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