



“Working Together to Make Trade Work”

OUTREACH September 29, 2015

Thank you for your membership in and work with NAEGA

Member Opportunities

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- International Dry Bulk Terminals Group Annual Meeting – September 30
- IGC Meeting and Forum – Buenos Aires November 30-December 1
- IGTC General Assembly and Meetings – Buenos Aires December 2 and 3
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- Upcoming Events and Notices for Members

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Member Opportunities

Canada Agricultural Leaders Debate – September 30

Ahead of Canada’s federal election in October, the Canadian Federation of Agriculture will be hosting a Nation Agricultural Leaders debate on September 30 from 11am to 1pm at the Fairmont Chateau Laurier Hotel in Ottawa. A webcast will also be available for those unable to attend in person. Speakers will include:

- Minister of Agriculture and Agri-Food, Hon. Gerry Ritz
- Malcolm Allen, NDP Agriculture Critic, TBC
- Mark Eyking, Liberal Agriculture Critic
- Bruce Hyer, Deputy Leader, Green Party
- Bloq Québécois, representative TBC

Please register your in-person or webcast attendance or at the following link, [here](#).

International Dry Bulk Terminals Group (DBTG) Annual Meeting

On September 30, NAEGA Senior Advisor Jerry Cotter will travel Vancouver, Canada to attend the International Dry Bulk Terminals Group’s annual meeting. Jerry has been closely following international developments related to the International Maritime Organization (IMO), port security, and other maritime issues on the classification of grain cargoes as a hazardous material and explosive hazard. In coordination with the DBTG and via his work with the U.S. Coast Guard, the IMO’s subcommittee on the Carriage of Cargoes and Containers (CCC), and at other related venues such as the UN’s Globally Harmonized System of Classification (GHS) Transportation of Dangerous Goods subcommittee, Jerry leads NAEGA and global industry efforts to monitor and engage in related developments on the critical impact to GRNOS trade. At the annual meeting of the DBTG in Vancouver, Jerry will continue these efforts and monitor any further discussions. He will also work to encourage DBTG efforts to align with NAEGA objectives and provide advice for further actions.

A notice to post on this travel can be found [here](#). Please let us know if you would like to provide input on the DBTG meeting or other related issues.

IGC Meeting and Forum

On December 1, the International Grains Council and the Buenos Aires Bolsa de Cereales will hold a forum titled *The New Global Context: Challenges and Opportunities of Large Net Exporters* in Buenos Aires, Argentina. The forum, will be conducted at the Bolsa de Cereales, 123 Corrientes Avenue, Buenos Aires, Argentina and feature discussions on global grain

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markets, upcoming developments and challenges to the grain trade, ongoing trade negotiations, and food security issues, among other topics.

Working on behalf of the International Grain Trade Coalition, Gary Martin plans to moderate a session called *“Key Grain Trade Issue: Developments and Challenges”* at the forum. The topics and presenters include:

1. **Electronic Documentation** - Randal Giroux, Ph.D., Vice President of Food Safety, Quality and Regulatory, Cargill
2. **International Standard for Phytosanitary Measures for Grain** - presenter to be determined
3. **Accommodating New Plant Breeding Techniques** - Marcel Bruins, Ph.D., Science Advisor, NAEGA and IGTC
4. **Grain as a hazardous material?** UN Sub-committee of Experts on the Global Harmonized System (GHS) of Classification and Labelling of Chemicals – María Marta Rebizo, CIARA-CEC

NAEGA members will be invited to attend the IGC Bolsa Forum and the subsequent meetings of the IGTC. Registration information and agendas will be released soon.

IGTC General Assembly and Meetings

The International Grain Trade Coalition will hold meetings and a General Assembly on December 2 and 3 in Buenos Aires, Argentina. The IGTC will be hosted by the Bolsa de Cereales, 123 Corrientes Avenue, Buenos Argentina. NAEGA members are welcome and will soon receive invitations and further details on this event, including a draft agenda.

NAEGA Seminars

The NAEGA Contracts Committee conducts seminars for in-depth and interactive education on contract practices. NAEGA Seminars are conducted in two different ways: first, “Privately” funded and designed for a single member company, and attended by persons invited by that member company; second, “Generally” funded by registration fees, designed to cover the interests of many companies, and attended by persons from several companies. In most cases, the Seminars provide intensive review of current developments and practices in international grain trade contracts, and often focus on the NAEGA 2. In-depth examination of regulatory compliance, as well as NAEGA services and policy concerns can also be added content for a Seminar designed to meet your needs. Invitations for General Seminars are sent to all NAEGA member company representatives, and a per person registration fee will be required for attendance.

Our tentative plans for a General Seminar in Kansas City are on hold as we seek a date in near future that can be accommodated. NAEGA members interested in attending a General Seminar should contact Gary (gcmartin@naega.org) or Sam (sbonilla@naega.org). We have several open dates during which Seminars may be conducted. At your convenience, please let us know if you would like to discuss options for holding a seminar.

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NAEGA Internships

NAEGA is seeking candidates for internships in our Washington, D.C. office during the winter and summer of 2016. NAEGA internships last for 2 to 4 months and are tailored to meet the availability and interests of the student. Common responsibilities for a NAEGA internship include supporting staff administration and communication related to membership and industry services, national and international policy, international programs and cooperation, as well as general office administration. NAEGA interns report directly to a Director of Operations and support the work of all NAEGA staff and third party personnel. Work study programs may be incorporated into a NAEGA internship.

Please contact Ryan to discuss – we are now recruiting for interns to start in January or February and May or June of 2016. Your recommendations are welcome!

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

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Reports on NAEGA Actions

China Draft “Grain Law” Update

Following August industry meetings in Beijing featuring the Chinese General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) regarding the Draft Administrative Measures for Inspection, Quarantine and Supervision of Inbound and Outbound Grains, participating organizations are currently preparing analysis and response to the proposed changes to Chinese grain laws. Currently upcoming is an October 4 deadline to submit comments to the WTO Committee on Sanitary and Phytosanitary measures notice, [G/SPS/N/CHN/882](#). AQSIQ is keen to gather industry insights regarding this notice.

A committee of volunteers who attended the August meetings and focused on working with the AQSIQ and has completed the first feedback document, found [here](#). This document has been conveyed to AQSIQ along with a second document, which can be found [here](#).

Background on AQSIQ, their footprint and structure across China and their evolution over the past 10 years is included [here](#), which is the presentation AQSIQ provided on August 11. AQSIQ has a strong interest in hearing from all regarding the draft “Grain Law” and plans to respond to the comments received via the WTO process.

Other key points to consider as the ongoing dialogue continues to develop include:

1. The tie between the draft Grain Law and food safety, food quality and GMO’s.
2. How the draft Grain Law relates to imports and exports of grain for human consumption as well as animal feed.

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3. How the implementation of the Grain Law can achieve the goal of not disrupting trade into China.
4. How to further constructive dialogue on key aspects of the draft Grain Law, including:
 - Definitions of Terms
 - Quarantine permits
 - Registration system for grain suppliers (export, storage and production)
 - Registration of approved designated ports in China
 - Risk control/laboratory testing
 - Pest risk analysis
 - Process to respond to distressed shipments (screening at port)
 - Implementation plans

As many participants remarked at the symposium, the proposed measures are clearly complex. They also cover many activities governing the border rules applied to the important trade in grains, oilseeds, pulses and special crops. More information will be made available as it is received.

A copy of Gary Martin’s trip and subsequent activity report on this NAEGA priority will be available soon.

International Dry Bulk Terminal Group Annual Meeting

On September 30, NAEGA Senior Advisor Jerry Cotter will attend the annual meeting of the International Dry Bulk Terminal Group (DBTG) in Vancouver, Canada. Jerry has been closely following international developments related to the International Maritime Organization (IMO), port security, and other maritime issues on the classification of grain cargoes as a hazardous material and explosive hazard. In coordination with DBTG and via his work with the U.S. Coast Guard, the IMO’s subcommittee on the Carriage of Cargoes and Containers (CCC), and at other related venues such as the UN’s Globally Harmonized System of Classification (GHS) Transportation of Dangerous Goods subcommittee, Jerry leads NAEGA and global industry efforts to monitor and engage in related developments on the critical impact to GRNOS trade. At the annual meeting of the DBTG in Vancouver, Jerry will continue these efforts and monitor any further discussions. He will also work to encourage DBTG efforts are in line with NAEGA objectives and report out advice for further actions.

A notice to post for Jerry’s trip can be found [here](#). Please let us know if you would like to provide any input for Jerry trip to the DBTG meeting.

German Seedcake Proposal

Discussions by NAEGA Senior Advisor Jerry Cotter at the International Maritime Organization’s (IMO) Sub-committee on the Carriage of Cargoes and Containers indicate that Germany continues to pursue proposals on the classification of seedcakes. While Germany missed a September 4 deadline to submit papers for a December meeting of the IMO’s Transportation of Dangerous Goods (TDG) Sub-committee, the Germans now appear to be considering the submission of a

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paper to the Maritime Safety Committee, which meets next May. Jerry has been closely following developments regarding the classification of seedcake and other upcoming issues at the IMO.

Please let us know if you would like to provide any input on this topic.

CFTC AG Advisory Committee Meeting

On September 22, NAEGA Vice-Chair Steve Strong attended a meeting of the CFTC Ag Advisory Committee to discuss a range of issues, including proposed changes to position limit rules. Currently, the Commission has a pending position limit rule that contains a flawed attempt to redefine a bona-fide hedge. Opposition by constituent groups and a Commission that is still missing two members means that it is unlikely that the Commission will move to a final rule in the near future. However, the CFTC seems to be viewing favorably a proposal by the CME Group and InterContinental Exchange (ICE). The CME/ICE proposal includes continued exchange authority to manage the non-enumerated hedge process and hedge exemption process with some additional CFTC oversight and reporting.

The absence of two CFTC Commissioners, one Democrat and one Republican, could slow progress on the rule. Uncertainty about appointments, workload, and personnel resource constraints are hindering commission work on position limit rules, among other business. Reports indicate that Brian Quintenz, former House aide and current managing principal at Saeculum Capital Management, could be the Republican nominee. However, the process is expected to continue for some time.

More information on the position limit rules can be found [here](#).

NAEGA Future Actions

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

2015

U.S. Review of Coordinated Biotechnology Framework – NAEGA will be engaged in a White House initiative intended to update and improve the U.S. Coordinated Biotechnology Framework. The White House issued a memorandum directing the three federal agencies that have oversight responsibilities for the products of biotechnology—the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), and the Department of Agriculture (USDA)—to update the Coordinated Framework, develop a long-term strategy to ensure that the system is prepared for the future products of biotechnology, and commission an expert analysis of the future landscape of biotechnology products to support this effort.

NAEGA looks forward to receiving member input. More information can be found [here](#).

USDA Public Comment on GE Wheat Field Trials – The U.S. Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS) has opened up a 30-day public

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comment period regarding its proposed plan to strengthen oversight of genetically engineered wheat field trials. The proposed plan would require future field trials to be conducted under APHIS permit. This permitting process is proposed after two recent detections of GE wheat in unauthorized areas. APHIS will consider all public comments received on or before October 26, 2015.

NAEGA looks forward to receiving member input on this issue.

For more information, click [here](#).

ITC Review of Economic Impact of Trade Agreements – Prompted by a request from Congress, the U.S. International Trade Commission (USITC) has begun an investigation into the economic impacts of U.S. trade agreements since 1984. This investigation will include bilateral and multilateral agreements, including the Uruguay Round of negotiations, and will take place over a period of 8 months. Submissions of public statements will be accepted until November 4. A public hearing on the report will be conducted on November 17, and the report will be submitted to Congress on June 29.

For more information, click [here](#).

NAEGA Actions on Current Issues are tracked on the Member’s Only Section under their relevant committee pages.

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Information for your Consideration

U.S. House Speaker John Boehner Resigns

Last Friday, September 25, House of Representatives Speaker John Boehner (R-OH) announced that he will be resigning from Congress, stating that he will depart on October 30, 2015. Mr. Boehner has held the position of House Speaker since January 5, 2011 and assumed office in the U.S. House of Representatives in January 1991. Prior to serving as House Speaker, Mr. Boehner was also the House Minority Leader, House Majority Leader, and served as Chairman of the House Education and House Republican Committees. His resignation comes amid tension with some congressional Republicans regarding the adoption of a stopgap spending bill absent a measure to defund Planned Parenthood.

For more information on Speaker Boehner’s resignation, click [here](#).

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New Cuba Regulations

The U.S. Commerce and Treasury Departments have released a new set of regulations that further ease travel and commerce with Cuba. According to Engage Cuba, the new regulations have five important changes for business, including:

1. U.S. businesses in sectors such as construction, agriculture, shipping and telecommunications will be allowed to establish a physical presence in Cuba with a warehouse or office and may directly hire Cubans.
2. U.S. telecommunications companies will be allowed to establish joint ventures with Cuban companies and enter into licensing agreements with them to provide the country with connectivity.
3. Americans will be allowed to hire Cuban software developers and bring their mobile apps into the United States.
4. Cruise ships and cargo ships can go to Cuba without a special license.
5. U.S. individuals and businesses will be able to open up bank accounts in Cuba

For more information, click [here](#). For an overview on the administration’s new policies on Cuba, click [here](#).

U.S. TPP Meeting in Atlanta

The United States is set to host a Trans-Pacific Partnership (TPP) Ministerial meeting from September 29-October 1 in Atlanta, Georgia. This meeting will follow up on previous negotiations in Hawaii in July. Commenters remain skeptical that TPP negotiations will conclude during the Atlanta meeting, as negotiations on autos and agriculture dominate the agenda.

For more information, click [here](#). For more information on the TPP negotiations, click [here](#).

Syngenta AG MIR 162 Corn Litigation

Two motions to dismiss the Syngenta genetically modified (GM) corn case have been dismissed, but could have serious consequences for future agriculture litigation. Syngenta is currently mired in a class action suit over its release of the MIR 162 genetic trait in some corn varieties. This trait was found in shipments of corn to China, causing a halt in U.S. sourced corn imports in 2013 and 2014. The class action suit by farmers and elevators attempts to recoup lost sales. Syngenta’s first motion to dismiss was made on the basis that Syngenta does not have any liability about how third party users use its product after sale. Similar arguments have, in the past, been used by gun manufacturers and pharmaceutical companies to avoid liability. However, the judge rejected Syngenta’s motion “noting that the users of the MIR 162 trait planted and harvested the corn exactly as intended by Syngenta and that the harm was not only foreseeable, but specifically anticipated by the company.” The court ruled that, unlike guns and drugs, the corn market was interconnected, causing harm to a broader number of users. This “interconnected” market argument could have a serious legal ramifications for future cases involving input suppliers, growers, processors, transporters and retail markets.

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On a less concerning note, the court also rejected a motion that Syngenta claimed it did not have a duty to consumers to control commercialization of MIR162 because it was already approved by U.S. regulatory authorities. This was clearly rejected by the court, which claimed that lack of regulation post approval does not mean Syngenta cannot be held accountable from harmful acts.

These motions are the beginning of a long, controversial case. For more information, please click [here](#).

Dicamba Bean Strategy Outlined

Monsanto has outlined its commercialization strategy ahead of the sale of Roundup Ready 2 Xtend soybeans for 2016. Seeds will be available for pre-order carrying traits that allow use of glyphosate dicamba. If commercialization does not occur, a substitute product will be provided. The herbicide component of the Xtend trait is currently awaiting clearance from the Environmental Protection Agency. The trait also does not have clearance from China, an important consumer of U.S. soybeans. In a statement, Monsanto said it has sufficient volume of Round Up Ready 2 Yield products in reserve in case commercialization does not happen in time for planting.

For more information, click [here](#).

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

2015

October

2 – Vancouver, British Columbia – International Dry Bulk Terminals Group (DBTG) Annual Meeting – Jerry Cotter attending

7 and 8 - Washington, D.C. – International Trade Administration’s Advisory Committee on Supply Chain Competitiveness will hold an open meeting

18 – Budapest, Hungary – Plant Breeding and Innovation Working Group of the International Seed Federation (ISF). Marcel Bruins, For IGTC, attending

November

12 – Washington, D.C. – NAEGA Membership and Board Meeting

16-19 – Location TBD – USAEDC Annual Workshop

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17-20 – Amsterdam, Netherlands – International Genetically Modified Conference on Coexistence (GMCC-15)

30 – Dec. 1 - Buenos Aires Argentina - International Grain Council (IGC) meeting and Forum Bolsa de Buenos Aires. Gary Martin, Marcel Bruins plan to attend.

December

2 and 3 – Buenos Aires, Argentina IGTC General Assembly and Meetings – Bolsa de Buenos Aires. Gary Martin, Marcel Bruins plan to attend. ALL NAEGA members / IGTC Corporate Stakeholders welcome!

9-11 – Geneva, Switzerland – Globally Harmonized System (GHS) Subcommittee meeting. Jerry Cotter attending.

2016

January

11-14 Washington, D.C.-Transportation Research Board (TRB) Agricultural Transportation Committee Annual Meeting. Gary Martin will present on multiple freight transportation modes related to the U.S. grain industry.

April

14 – Winnipeg, Canada – Tentative IGTC Meeting

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