



“Working Together to Make Trade Work”

OUTREACH October 15, 2012

Thank you for your membership in and work with NAEGA

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The following events are open to NAEGA member participation

NAPPO Annual Meeting – October 15-18, 2012 – Louisville, Kentucky – The 2012 North American Plant Protection Organization (NAPPO) Annual meeting is in Louisville, Kentucky from October 15-18, 2012. We plan to attend and are assembling sponsorship with other associations for a dessert service and photo booth during the NAPPO banquet on October 17.

NAPPO has been a key part of the discussion on setting standards on the International Movement of Grain, and recommendations from the [Vancouver Workshop where NAEGA](#)

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[presented a multi-stakeholder position](#) on the standards will be presented. This and several specific phyto-sanitary pest management issues impacting trade of agricultural products are likely to be discussed at this meeting of government officials from Canada, Mexico and the United States.

NAEGA will also use the meeting to promote the adoption of “Rapid Response Mechanisms”, a briefing paper on which [can be found here](#).

NAEGA members are welcome to join Gary Martin at the meeting in Louisville, Kentucky from October 15-18, 2012. The invitation and draft agenda are posted to the Upcoming Events section of the NAEGA Member’s Only Site and the NAEGA Personal Pages website. More and updated information can be [found at the meeting website](#). Please let NAEGA know if you plan to attend.

Seminars on Export Controls & Compliance – October 18 & 19, 2012 – NAEGA members are welcome to attend two roundtable discussions of key issues in export controls and economic sanctions enforcement hosted our legal counsel Arent Fox. Entitled “Navigating the FCPA, Export Controls and Embargoes Maze” a team from Arent Fox’s export compliance and enforcement division will lead detail issues and update on recent regulatory changes that could affect private compliance systems. The first of two seminars will take place on October 18, 2012 at the DoubleTree by Hilton Hotel Ontario Airport in Ontario, California. The second is on October 19, 2012 at the Langham Huntington Hotel in Pasadena, California. Topics to be discussed include:

- Export Control & Foreign Corrupt Practices Act
- Overlap of Export Control and Immigration Laws
- Export Control Reform Initiatives
- U.S. Sanctions Update
- Multi-Agency Enforcement and the Fusion Center
- Emerging Bases of Liability in Export Enforcement Cases – Foreign Corrupt Practices Act, False Claims Act, Economic Espionage Act, and Anti-Money Laundering
- Conducting Compliance Audits
- To Disclose or Not to Disclose
- Managing Government Investigations

The team will also answer questions on best practices for international trade compliance. RSVP directly online at http://www.arentfox.net/nav_fcpa_101912/ or contact Tricia Miranda of Arent Fox at (213) 443-7642 or via email at miranda.tricia@arentfox.com for more information.

Seminar and Networking with Iraq Grain Board and Trade Ministry – Planning is underway for a November 13-14, 2012 seminar with members of the Iraq Grain Board in Amman, Jordan. NAEGA is joining with U.S. Wheat Associates and USA Rice Federation to host the Iraqi Trade Ministry and Grain Board in this opportunity to network and expand understanding of grain trade and US supply. A provisional agenda [is available here](#).

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2012 Canada Grain Industry Symposium – November 21-22, 2012 – Ottawa, Canada – The 2012 Canada Grain Industry Symposium, sponsored by the Grain Growers of Canada (GGC) and the Canada Grains Council (CGC), will take place on November 21-22, 2012 at the Delta City Center in Ottawa, Canada. NAEGA members are invited to attend, and NAEGA President Gary Martin & Senior Advisor Kendell Keith will be attending and presenting. More details, including how to register, can be found at the CGC website at www.canadagrainscouncil.ca.

USAEDC Annual Conference – November 27-28, 2012 – Baltimore, Maryland – The U.S. Agricultural Export Development Council (USAEDC) has announced the agenda for its 2012 Annual Workshop, held in Baltimore, Maryland from November 27-28. USAEDC is a non-profit trade association of U.S. commodity trade associations, farmer cooperatives and state regional trade groups. The approximately 80 members expect USAEDC to assist them in their export promotion efforts, specifically those in conjunction with the U.S. Department of Agriculture Foreign Agricultural Service (FAS). NAEGA, because of our use of the Market Access Program (MAP) is a member of USAEDC.

The annual workshop gives USAEDC members an opportunity to meet with FAS staff and to discuss issues facing U.S. agricultural exports. NAEGA member representatives are encouraged to attend, and if interested should contact the NAEGA office for information on registering. The agenda can be found [through think link](#). This NAEGA effort is tracked on the [NAEGA personal pages](#) and the [MAP Committee webpage](#).

USSEC Regional Meetings – NAEGA’s MAP committee is seeking volunteers who might accept the invitation of the U.S. Soybean Export Council (USSEC) to NAEGA for involvement in their buyer conferences and regional meetings over the next 4 months. During the regional meetings the USSEC works on project plans through 2014. Around their regional meetings the USSEC arranges for meetings and conferences with buyers of Soybeans and Soybean Products. Gary Martin plans to attend the Nov 13-17, 2012 USSEC Americas Buyers Conference and Regional Meeting in Puerto Vallarta, Mexico.

We are also hoping to accept the invitation and send a NAEGA representative to:

1. The Dec 12–18, 2012 USSEC Middle East Regional Meeting & Select Customer Meetings in Dubai, UAE
2. Jan 6–9, 2013 USSEC North Asia Regional Meeting & Select Customer Meetings in Guangzhou, China
3. The Jan 11-12, 2013 USSEC Southeast Asia Regional Meeting & Select Customer Meetings in Jakarta, Indonesia

If you or a colleague is interested in representing NAEGA at one of the above, please let us know as soon as possible.

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

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Current reports on NAEGA actions

Canada, Proposed Phytosanitary Requirements: The Canadian Food Inspections Agency (CFIA) is in process of implementing several important revisions to the phyto-sanitary requirements for imports. NAEGA is working with several counterpart organizations and via the Canada – US Grain and Seed Trade Task Group to consider and respond to CFIA proposals. Recently:

1. NAEGA and the National Council of Farmer Cooperatives and the National Grain & Feed Association submitted joint comments to CFIA regarding the World Trade Organization (WTO) Committee on Sanitary and Phytosanitary Measures (CSP) notice number CAN631. In the notice CFIA presented its Directive D-12-01: “Phytosanitary requirements to prevent the introduction and establishment of plant regulated as pest in Canada”.

D-12-01, proposed to be implemented on March 3, 2013, would regulate certain species as quarantine pests under the Canadian Plant Protection Act and describes new phytosanitary requirements designed to prevent the introduction of plants regulated as pests in Canada.

In the letter we ask that CFIA provide for more and sufficient for consultation with USDA’s Animal & Plant Health Inspection Service and with industry before an implementation date is approved. Further our comments suggest:

1. The pest-host relationship has yet to be scientifically established.
2. Mitigations which specifically address those relationships must be clearly defined and substantiated.
3. More specific guidance must be notified and provided with adequate time for full consideration.
4. CAN631 needs to explicitly allow for post-entry treatments, including recognition of processing as a treatment.
5. Under Directive D-12-01 the mitigations proposed as entry conditions (presented as exemptions to prohibitions) are too vague to encourage uniform application, and do not appear to be scientifically justified.

The full text of our comments can be found on the [“Policy Statements & Comments”](#) page of the NAEGA public website.

2. We have placed a high priority on assessment and comment to CFIA on draft SPS import policy D-12-05. D-12-05 builds on D-12-01 and provides new phytosanitary import requirements for U.S. grain of field crops including pulses, oilseeds, cereals (other than barley, oats, rye, triticale, and wheat), forages, and special crops. CFIA indicates that in addition to the high volume and diversity of grain trade between the U.S.A. and Canada, there are unique transportation, pathways, and marketing practices

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as well as a close alignment of production, processing and phytosanitary practices. For this reason, the CFIA has developed specific phytosanitary import requirements that consider the end use of grain in Canada that will mitigate the risk associated with regulated pests.

The draft D-12-05 is [available through this link](#). NAEGA would appreciate any comments you have on the draft in the next few days. NAEGA President Gary C. Martin will be discussing this issue next week at the North American Plant Protection Organization meeting in Louisville, Kentucky. Final comments are due to CFIA on November 5.

Cuba, Agricultural Export Licensing – NAEGA has responded to the request for comments by the Department of Commerce’s Bureau of Industry and Security (BIS) on the effectiveness of its licensing procedures as defined in the Export Administration Regulations for the export of agricultural commodities to Cuba.

Responding with the assist of feedback from members, NAEGA commented that the efforts of BIS to provide for licensing of exports of agricultural commodities to Cuba are appreciated and remain effective. NAEGA encouraged further reductions in complexity and improved clarity and offered to work with BIS on process improvements. Our letter can be found on the [“Policy Statements & Comments”](#) page of the NAEGA public website.

EU, Regulatory Compatibility – The Office of the U.S. Trade Representative (USTR) has issued a Federal Register notice requesting public comments on how best to promote greater transatlantic regulatory compatibility between the U.S. and EU by “reducing excessive regulatory costs, unjustified regulatory differences, and unnecessary red tape.” USTR hopes this will advance the goal of growing businesses, create jobs, and help U.S. business compete globally. Enhanced cooperation will also help the U.S. to achieve its regulatory objectives in a more effective and efficient manner. The comments will be used to define U.S. priorities and explore next steps in the U.S.-EU High Level Regulatory Cooperation Forum (HLRCF) and contribute to the work of the U.S.-EU High Level Working Group on Jobs and Growth (HLWG), which have been working on these issues for the past year.

Specifically, USTR is looking for ideas on how greater compatibility could be achieved in a particular economic sector by providing detailed information for that sector, including:

- Names of the relevant regulatory agencies in the EU and the United States.
- Citations to the relevant regulatory and/or statutory provisions for each jurisdiction.
- A description of the regulatory differences to be addressed, including any information on negative effects of these differences and on the entities or stakeholders affected by them.
- Possible solutions for bridging these differences, including both the substance of the solution and how to achieve it.
- Any steps that the EU and/or the United States should consider to address horizontal and/or sectoral differences that may be impeding deeper regulatory compatibility, for

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example, differences with respect to technical regulations or in our respective approaches to standard

- An assessment of the effects of enhanced regulatory compatibility, the likelihood of these effects occurring, and the time period over which they would occur.

Your advice on what NAEGA should address in response is requested. With comments due to USTR by October 31, 2012, we ask for your input by October 25. The full Federal Register notice, with details on how to comment, is available here:

http://www.regulations.gov/#!documentDetail;D=USTR_FRDOC_0001-0224

World, Foreign Trade Barriers – NAEGA has joined with the American Soybean Association (ASA) and the National Oilseed Processors Association (NOPA) is submitting comments to the Office of the U.S. Trade Representative (USTR) to assist in the formulation of the National Trade Estimate (NTE) Report on Foreign Trade Barriers. Responding to USTR’s request for help in conducting comparative analyses of a trade barrier’s effect over a range of industries, the joint comments focus on export subsidies, specifically Argentina’s system of differential rates of export tax (DET) within the soy sector. The comments include a study on the negative effect of Argentina’s DETs on U.S. soybean exports conducted by LMC International Ltd., an independent international consulting firm, specializing in economic and market analysis of agricultural commodities and agro-industrial products.

We ask USTR work to ensure that Argentina’s DET’s on soybeans and soybean products should be eliminated, as they are inconsistent with Argentina’s obligations to the World Trade Organization and that left unchecked, DET’s could be used by other countries on other agricultural products. The submission, which includes the study by LMC International, can be found on the [“Policy Statements & Comments”](#) page on NAEGA’s public website.

World, Global LLP Initiative Update – During the 2nd meeting of Global Low Level Presence (LLP) Initiative in Rosario, Argentina in September, attendees approved the [International Statement on Low Level Presence](#), which was developed at the Vancouver LLP meeting in March 2012. NAEGA is continuing to work with several of our counterpart organization including the International Grain Trade Coalition (IGTC) to encourage progress on this Global LLP Initiative. For example the NAEGA sponsored and led seminar at the June 2012 International Grains Council (IGC) meeting has resulted in IGC plans to feature a discussion on LLP at their December 6, 2012 meeting in London. NAEGA also expects to include the Global LLP Initiative on the agenda for consideration of the participants in the U.S. Value Chain Memorandum of Understanding effort as it begins later this month.

In addition to supporting the Global LLP Initiative, for which this above statement is the foundation, NAEGA is also pressing the U.S. government to provide for leadership of a “like-minded” country initiative to support this and related efforts to provide to synchronized approvals. We have yet to hear from USDA regarding the meeting they held of “like minded” countries in Rosario during the meeting of the Global LLP Initiative last month. The Global LLP Initiative is being tracked on the [NAEGA Biotech Committee](#) website and the [NAEGA Personal Pages](#) website.

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U.S., NAEGA-FGIS Cooperation – On September 24, 2012, NAEGA President Gary C. Martin delivered a presentation on NAEGA and the National Grain and Feed Association during USDA’s Federal Grain Inspection Service (FGIS) international travel training for their new employees. Gary presented on NAEGA and NGFA’s mission, NAEGA’s international mission and goals, and how NAEGA and NGFA work with the U.S. government.

NAEGA has received a thank you letter from FGIS Director of Departmental Initiatives and International Affairs John Pitchford for Gary’s helping to bring FGIS’s new employees “one step closer...(to understanding) the mission of your organization and how we can work together toward a common goal.” The full thank you letter can be found on the [Current News & Press Releases](#) page on NAEGA’s public website.

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

October

31 –Comments due to USTR on how to promote greater transatlantic regulatory compatibility with the European Union:

http://www.regulations.gov/#!documentDetail;D=USTR_FRDOC_0001-0224

November

5 - Comments due to the Canadian Food Inspection Agency (CFIA) on their new draft directive D-12-05: Phytosanitary import requirements for grain of field crops including pulses, oilseeds, cereals (other than barley, oats, rye, triticale, and wheat), forages, and other special crops from the continental United States: http://www.naega.org/images/pdf/CFIA_Draft_D-12-05.pdf

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

China, Study on Economic Growth Released – The U.S.-China Business Council has released the results of its annual survey on the business environment in China. The survey finds that while China continues to deliver sales growth and profitability for U.S. companies, rising costs, increasing competition and persistent market access and regulatory barriers are tempering the optimism of U.S. companies doing business there. Highlights from the report include:

- 94% of companies say they are doing business in China primarily to access that country’s market, not to develop an export platform, and 66% plan to increase investment in China in the next 12 months.

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- 89% of respondents said their China operations are profitable and 75% said profit margins from those operations were the same as or better than their global margins.
- 45% said they are less optimistic about business prospects in China over the next five years than they were three years ago.
- Competition from domestic competitors was cited as the primary restraint on increased profitability in China by respondents, followed by rising costs and government policy and regulation.
- 17% of respondents said they reduced or stopped planned investment in China in the past year, and 50% of those cited market access restrictions as the reason
- the top 10 challenges identified concerning doing business in China were talent recruitment and retention; administrative licensing; competition with Chinese enterprises; cost increases; intellectual property rights enforcement; uneven local enforcement and implementation of laws and policies; investment restrictions; competition with foreign companies in China; competition with foreign or Chinese companies not subject to the Foreign Corrupt Practices Act; and standards and conformity assessment
- Although local and central governments have issued notices ending “indigenous innovation” preferences in government procurement policies, 85% of respondents said they have yet to see any impact from this change.

The full report from the Council can be [found online through this link](#).

Iran, New Sanctions – President Barack Obama issued an Executive Order regarding the authorization of the “Implementation of Certain Sanctions Set Forth in the Iran Threat Reduction and Syria Human Rights Act of 2012” and Additional Sanctions with respect to Iran. The order prohibits an entity owned or controlled by a U.S. person or company and established or maintained outside the United States, a foreign subsidiary, from knowingly engaging in any transaction, directly or indirectly, with the Government of Iran or any person subject to the jurisdiction of the Government of Iran if that transaction violates previously established prohibitions against trade with Iran.

The Department of the Treasury’s Office of Foreign Assets Control (OFAC) has posted on their website a list of frequently asked questions in regards to this new Order. Some of the topics covered are:

- What the new prohibitions for U.S. subsidiaries are and how they work
- Whether U.S. subsidiaries are covered under OFAC general licenses
- Whether there is a wind-down or safe harbor provision in Section 4 of the Order

OFAC’s website details the new sanctions here: http://www.treasury.gov/resource-center/faqs/Sanctions/Pages/ques_index.aspx#itrshra_eo

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

October

15-18 – Louisville, Kentucky – 2012 North American Plant Protection Organization (NAPPO) meeting: <http://www.nappo.org/en/>

18 – Ontario, California – Arent Fox Seminar on Export Controls & Compliance – NAEGA Members invited to attend. RSVP at http://www.arentfox.net/nav_fcpa_101812/

19 – Pasadena, California – Arent Fox Seminar on Export Controls & Compliance – NAEGA Members invited to attend. RSVP at http://www.arentfox.net/nav_fcpa_101912/

30 – Washington, DC – Dialogue on the U.S.-China Agricultural Partnership With Officials of China's State Grain Administration – NAEGA Attending & Participating

November

6-7 – London, United Kingdom – CropWorld 2012 Grains Congress –NAEGA invited to attend and Gary C. Martin to attend and present. <http://www.cropworld-global.com/page.cfm/Link=12/t=m/goSection=4>

13-14 – Amman, Jordan – Seminar with Iraq Minister of Trade - [Current agenda available here](#)

13-17 – Puerto Vallarta, Mexico – USSEC Americas Buyers Conference and Regional Meeting – Gary Martin attending and presenting.

21-22 – Ottawa, Ontario, Canada – 2012 Grain Industry Symposium: "2012: The Dawn of a New Era in Canada's Grain Industry" – Gary Martin & Kendell Keith attending and presenting, NAEGA members invited to attend: www.canadagrainscouncil.ca

27-28 – Baltimore, Maryland – 2012 USAEDC Annual Workshop – NAEGA members invited to attend: <http://usaedc.org/events.cfm>

December

6 – London, United Kingdom – IGC "Roundtable Discussion the trade issues caused by GMO/LLP issues"

9-11 – Omaha, Nebraska – NGFA 2012 Country Elevator Conference & Trade Show

12-18 – Dubai, UAE – 2012 USSEC Middle East Regional Meeting & Select Customer Meetings

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2013

January

6-9 – Guangzhou, China – USSEC North Asia Regional Meeting & Select Customer Meetings

11-12 – Jakarta, Indonesia - 2013 USSEC Southeast Asia Regional Meeting & Select Customer Meetings

March

17-19 – San Francisco, California – NGFA Annual Convention

TBD - San Francisco, California – NAEGA Annual Meetings

Member Notices

The New NAEGA.org – NAEGA’s public website at www.NAEGA.org has been redesigned and launched as of June 18, 2012. The new NAEGA.org features a more user-friendly interface, a better search engine, and integration with the NAEGA Personal Pages website. The new site also features social media tools for sharing public NAEGA actions on a wider scale. NAEGA accounts have been established at LinkedIn and Twitter, and stories on the public site can be shared on Google Plus. NAEGA members and staff should take the opportunity to enhance their experience with a NAEGA Members Personal Page. NAEGA Director of Operations Patrick Hayden is will assist you to setup and maintain your NAEGA Personal Page.

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