



NGFA

Newsletter

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Senate Ag Committee Approves Financial Reform Bill

...Full Senate Action Possible Next Week on Comprehensive Regulatory Reform Measure...

The Senate Agriculture Committee on April 21 approved, by a 13-8 vote, legislation addressing derivatives and over-the-counter swaps markets that will be incorporated into the comprehensive financial regulatory reform bill (S. 3217) to be considered on the Senate floor starting on April 26.

The NGFA has learned that Senate Majority Leader Harry Reid, D-N.M., has allocated up to two weeks for floor consideration of the financial regulatory reform package that still is being negotiated by Senate Banking Committee Chairman Chris Dodd, D-Conn., and ranking committee member Richard Shelby, R-Ala.

The Senate Agriculture Committee's bill, approved with Sen. Charles Grassley, R-Iowa, as the lone Republican supporter, would impose mandatory clearing and trading requirements, as well as real-time reporting of derivatives trades. It includes an end-user exemption that would allow commercial interests to be able to hedge business risks.

Much of the Senate Agriculture Committee's consideration of the measure was consumed by partisan squabbling – somewhat unusual for this committee, but reflective of the partisan tone in Congress on major issues like financial reform. There were only two recorded votes. The first occurred when ranking member Sen. Saxby Chambliss, R-Ga., proposed to substitute a bipartisan draft bill that

committee members had been working on for the past few months. But his motion was defeated along party lines. The committee then voted to approve the draft bill released last week by Committee Chairman Sen. Blanche Lincoln, D-Ark.

Insider-Trading Provisions: Prior to the Senate Agriculture Committee's consideration, the NGFA had raised significant concerns about one section of Lincoln's draft bill that was designed to address insider trading. The proposal's stated intent was to ensure that U.S. government employees not trade on non-public, government information obtained by virtue of their positions, or communicate such information to others. While supportive of that policy objective, the NGFA voiced concern to the Senate and the Commodity Futures Trading Commission (CFTC) about the value and expansive nature of the language; the uncertainty and legal risk it would create; and the chilling effect it would have on beneficial and necessary two-way communication between government and industry.

Prior to the Senate Agriculture Committee mark-up of the legislation, the NGFA met with CFTC attorneys, who acknowledged the industry's concerns and revised the insider-trading language to clarify the agency's intent. The agency subsequently modified the language and will be working with the NGFA to incorporate it into the final version to be considered on the Senate floor.

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Senate Floor Action on Food/Feed Safety Bill Delayed to May

...NGFA Works on Developing Product-Tracing Language that Preserves Commingling...

The precise timing of when the Senate will consider its version of food/feed safety legislation (S. 510) remained uncertain this week as Senate staff members continued work on a final version that will be considered on the floor.

Latest projections are that the bill will be considered on the Senate floor no earlier than the week of May 3. But it is more likely the bill will be considered later in the month, shortly before Congress begins its Memorial Day recess.

Meanwhile, the NGFA and other organizations last week were briefed by staff members of the Senate Health, Education, Labor and Pensions Committee on revisions made to the bill thus far, which include: 1) attempting to correct any provisions that might be viewed to violate U.S. commitments under international trade agreements; 2) limiting FDA's authority to suspend a facility's registration – in essence, temporarily shutting down its operations – to situations

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On Capitol Hill

by Todd Kemp
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Key Provisions: Specifically, the Senate Agriculture Committee-passed bill would:

- ▶ Grant the Securities and Exchange Commission (SEC) regulatory jurisdiction over securities-based swaps and the CFTC jurisdiction over other swaps, unless otherwise stipulated in the legislation.
- ▶ Continue to limit participation and trading in agricultural swaps, unless exempted by the CFTC, which represents current policy.
- ▶ Require swaps to be cleared on an exchange or other derivatives-clearing organization, with the CFTC authorized to determine which swaps are to be cleared. Importantly, as noted previously, commercial end-users of over-the-counter derivatives like swaps – defined by the nature of their primary business activity – would be exempt from mandatory swap clearing.
- ▶ Authorize the SEC and the CFTC to investigate and report on any swap or security-based swap found to be detrimental to

the stability of financial markets.

- ▶ Prohibit federal assistance (e.g., bailouts) to swaps entities in connection with their trading in swaps or securities-based swaps.
- ▶ Impose registration and reporting requirements on swap dealers.
- ▶ Require public reporting of aggregate swap data.
- ▶ Grant the CFTC rulemaking authority over futures margins and impose specific criteria for margin-setting. But the bill would not authorize the CFTC to set margins for specific contracts.
- ▶ Authorize the CFTC to impose speculative position limits on swaps that perform or affect a significant price-discovery function.

Members receiving the *NGFA Newsletter* electronically may [click here](#) to access a detailed 11-page section-by-section summary of the bill. [Click here](#) to access the entire 357-page bill.



Country/Terminal Corner

by Randall C. Gordon
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USDA Indicates Warehouse Operators, Others Not Receiving CCC Payments May Elect Not to Complete Electronic Registration for Time Being

U.S. Department of Agriculture (USDA) officials told the NGFA today (April 22) that grain warehouse operators and other entities entering into contracts to provide goods and services to the Commodity Credit Corporation (CCC), but who are not receiving payments from the U.S. government, can elect to decline to register with a government-wide Central Contractor Registration Service for the time being.

In a notice issued March 29, and as reported in the April 8 *NGFA Newsletter*, USDA Kansas City Commodity Office (KCCO) Director Steven Sanders had noted that all current and potential federal government vendors are being required to register with the government-wide database by May 1. KCCO officials previously had told the NGFA that the requirement applied to all warehouses operating under the Uniform Grain and Rice Storage Agreement (UGRSA) contract, regardless of whether they are storing CCC- owned or CCC-interest commodities. Also required to register are transporters, private vendors, volunteer organizations and others that provide a wide range of goods and services to CCC, such as food aid, products

for the school lunch program and other functions.

In the aftermath of the notice, the NGFA received several calls from member companies reluctant to provide confidential business information – such as bank account numbers – that is required when registering, particularly since they are **not** receiving any payments from the U.S. government, such as for storage of CCC-owned grain. In response, KCCO officials said companies that are not and do not foresee receiving federal payments, may wait to register until such time as those circumstances change.

KCCO officials did reiterate that the new electronic registration system is designed to be more accurate and secure than the previous method in which U.S. government contracting officers frequently obtained such information, which was subject to error. The electronic, government-wide system allows entities to enter their own information in a secure format, without revealing such sensitive personal identity information as social security numbers.



("Food/Feed Safety Bill" continued from page 1)

where the facility actually has shipped – rather than is just storing – adulterated products that the agency believes pose a “reasonable probability” of causing serious adverse health consequences or death to humans or animals. The change also would require FDA to respond within a more precise time period to corrective action plans submitted by such facilities seeking to restore their registrations; 3) directing FDA to consult with relevant advisory committees when considering food or feed safety standards; 4) clarifying that any standards developed by FDA be science- and risk-based; 5) adopting language that would distinguish between food/feed safety and food/feed defense (facility security) plans; and 6) requiring FDA to establish a single point of contact in the event of a recall to facilitate communications with the affected industry firm and states.

The NGFA also interacted extensively with senators concerning the inclusion of legislative provisions sponsored by Sen. Sherrod Brown, D-Ohio, designed to further enhance product tracing in the event of a food or feed safety incident, which is reported later in this article.

As reported in the April 8 *NGFA Newsletter*, a major cause of the delay in Senate floor action involves a possible amendment from Sen. Dianne Feinstein, D-Calif., to ban the use of the chemical Bisphenol A (BPA) in a wide variety of consumer product packaging, including food containers, water bottles and other metal and plastic containers.

But other contentious potential amendments also remain in play. Sen. Jon Tester, D-Mont., continues his efforts to include language that would exempt facilities with an average three-year annual adjusted gross income of less than \$500,000 from the bill’s requirements to conduct an analysis of hazards in their operations that adversely could affect human or animal health and put controls in place to prevent or reduce those hazards to acceptable levels. A second Tester amendment would exempt from any produce safety standards eventually developed by FDA, as well as any recordkeeping requirements, those farms that sell directly to consumers, hotels, restaurants or institutions if the value of such sales exceed the annual sales value of the producer to all other buyers.

Tester’s amendments are supported by a collection of 87 local small-scale farm, ranch, organic and local-grown consumer advocate organizations, which in a letter to the Senate blamed “all of the well-publicized incidents of contamination in recent years” on the “industrialized food supply chains....” The groups contended that, “the growing trend toward healthy, fresh, **locally sourced** vegetables, fruit, dairy and value-added products **improves** food safety by providing the opportunity for consumers to

know their farmers and processors, to choose products on the basis of that relationship, and to readily trace any problems should they occur.” *[Emphasis in original.]*

Language on another amendment, spearheaded by Sen. Kirsten E. Gillibrand, D-N.Y., requiring supermarkets and other food retailers to display or notify consumers in the event of a Class I product recall also is under discussion, with a compromise reportedly in sight.

But each of these issues – as well as Senate Majority Leader Harry Reid’s desire to quickly pass financial regulatory reform legislation – had the combined effect of delaying Senate floor action on the food/feed safety measure.

NGFA Works to Develop Product-Tracing Language that Preserves Commingling: During the last week, the NGFA focused much of its time and effort on working to develop acceptable legislative language on product tracing that will preserve the ability of grain elevators, feed mills, grain processors and others to continue to receive, store, handle and ship agricultural commodities and products on a commingled basis. Sen. Brown long has desired to include enhanced product-tracing requirements in the Senate bill, after having introduced an amendment during the Senate committee’s consideration in November that was modeled after the troubling House-passed language.

The NGFA joined with the North American Millers Association (NAMA) in drafting an April 14 letter signed by 26 other national agricultural producer, agribusiness and food organizations urging the Senate to craft such traceability language in such a way that it would **not** be construed to prohibit or restrict in any way the traditional receiving, storage, handling and shipping of agricultural commodities or food and feed ingredients on a commingled basis. The letter also urged that such language not subject agricultural facilities to additional recordkeeping requirements beyond the current Bioterrorism Act rules that require facilities to keep records of the immediate previous source and immediate subsequent recipient of products (one-step-back/one-step-forward). *[See accompanying edition of NGFA Issues and Actions for more details on the letter.]* The NGFA subsequently assisted in drafting legislative language to achieve this policy objective.

Importantly, as the NGFA Newsletter goes to press, it appears that Sen. Brown will accept the revised legislative language recommended by the NGFA and other agricultural groups that will expressly limit FDA’s authority to impose greater traceability requirements for commingled agricultural commodities and products. Specifically, the

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language would preclude FDA from imposing additional product-tracing recordkeeping on facilities receiving, storing, handling or shipping commingled raw agricultural commodities beyond what already is required under the Bioterrorism Act. And it would prohibit FDA from taking any action that could be construed to limit commingling of food, which as defined under the Federal Food, Drug and Cosmetic Act encompasses grains, oilseeds, animal feed, pet food, processed commodities (e.g., flour, soybean oil and meal, corn gluten, etc.) and a wide range of other products intended for consumption by humans or animals.

Other NGFA Policy Goals: Another major NGFA objective is to incorporate language developed in cooperation with the National Oilseed Processors Association that would direct FDA to recognize existing effective good manufacturing practices utilized by the industry that are effective in minimizing, but not necessarily eliminating, the presence of hazards so as to protect human and animal health. It also would direct FDA to differentiate between the relative risk posed by various hazards and contaminants when present in animal feed versus human food, including those present in, and which cannot be eliminated from, the natural environment. In so doing, this change would recognize that various food-producing animal species have a greater tolerance than humans for the presence of certain contaminants, and do not transmit those hazards through food at levels that pose a danger to human health. This recommendation also would require FDA to use notice-and-comment rulemaking (which includes economic impact analyses) to establish binding regulatory requirements, rather than using guidance documents that bind neither the agency nor regulated industry, and to consult with expert advisory committees when establishing product-safety standards.

Additional refinements being advocated by the NGFA and other agricultural producer and agribusiness groups were reported in the March 11 edition of the *NGFA Newsletter*, which can be accessed by [clicking here](#) (see page 3).

The NGFA, along with the American Farm Bureau Federation and American Meat Institute, continues to lead a broad consortium of agricultural producer, agribusiness and meat organizations that are working in tandem to achieve mutually agreed policy objectives in the legislation.

Impact on Grain, Feed, Processing, Export Sectors: The legislation would be the most sweeping change in the federal approach to food and feed safety since enactment of the federal Food, Drug and Cosmetic Act. Both the Senate and House bills, the latter of which (H.R. 2749) was approved last July, generally adopt a science- and risk-based

approach that focuses on minimizing or preventing hazards that could adversely affect human or animal health. Under both bills, all facilities – domestic and foreign – registered with the FDA under the Bioterrorism Act of 2002 would be required to analyze their operations to identify “reasonably foreseeable” hazards and to develop and implement controls to prevent or minimize those hazards to acceptable levels. FDA would be mandated to develop regulations for “minimum standards” for hazard analysis and preventive controls; the agency would be required to provide flexibility in facility approaches for complying. Both bills also would require such facilities to develop and implement written food safety plans and food defense plans that address intentional and unintentional contamination, respectively. **Importantly, both bills would authorize FDA to recognize the difference between human and animal feed/feed ingredients concerning any requirements developed for hazard analyses, preventive controls and written food/feed safety plans. In addition, the NGFA was successful in obtaining language in the Senate version of the bill that would grant the same flexibility for facilities storing and handling raw agricultural commodities (including grains and oilseeds, but excluding fruits and vegetables).** Further, the bill would authorize FDA to issue mandatory recall orders, but only after providing firms with an opportunity to conduct a voluntary recall.

FDA also would be authorized to access more company records related to food and feed safety, such as facilities’ written food/feed safety plans. The bills also mandate the frequency of facility inspections by FDA (a minimum of once every four years in the current version of the Senate bill and once every five years in the House bill).

On several grounds, the Senate bill is considered to be far preferable to the House-passed version. Unlike the House bill, the Senate version contains no authority for FDA to impose facility registration fees to fund its food safety activities, instead authorizing that Congress appropriate sufficient funds to finance those agency operations. The Senate bill would limit FDA’s authority to impose fees: 1) on facilities that do not comply with an FDA-issued recall order; 2) to compensate the agency for the actual costs of conducting reinspections of violative establishments; and 3) on importers participating in a new voluntary qualified importer program designed to expedite imports of non-high-risk products.

Further, the House bill contains problematic provisions not contained in the Senate version, including, but not limited to, the following:

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- ▶ The House bill would mandate that FDA implement product-tracing requirements to enable the agency to trace a food- or feed-borne hazard to its source within two business days, regardless of where in the food chain the hazard is discovered, which would place onerous requirements on facilities to assemble and convey records to FDA within minutes or a few hours.
- ▶ It would delegate expansive authority to FDA's district offices, including the authority to: 1) dictate what hazards facilities address and the types of controls they implement; and 2) implement mandatory recalls and subpoenas of facility officials.
- ▶ The House bill would authorize FDA to impose regulatory requirements through guidance documents, thereby short-circuiting the regulatory process that provides opportunity for public comment and economic impact assessments.
- ▶ It would allow FDA to suspend a facility's registration – thereby shutting down its operations – based upon a belief that the facility is storing or handling an adulterated product that “could” cause serious adverse health consequences or death to humans or animals.
- ▶ The House bill would impose country-of-origin labeling requirements on imported raw agricultural commodities until reaching the point of processing in the United States, which would result in the need to segregate such commodities when stored and shipped.
- ▶ It would dramatically increase civil and criminal penalties, including for unintentional violations.

Senators Plan to Introduce Climate-Change/Energy Bill on April 26

The three senators working to develop a new approach to climate-change legislation this week continued to tweak various provisions in preparation for a planned April 26th introduction of the measure.

The changes are being driven by the need to devise a package that will generate the 60 votes needed to avoid a filibuster on the Senate floor. Sens. John Kerry, D-Mass., Lindsey Graham, R-S.C., and Joe Lieberman, I-Conn., currently are focusing on the impact their bill's provisions on regulating carbon emissions would have in preempting dozens of state emission regulations.

Several senators, such as George Voinovich, R-Ohio, are seeking to preempt state laws – like California's – that regulate carbon emissions more stringently than may be called for in the Senate version, as well as to avoid a patchwork of state and federal rules governing greenhouse gases.

But states like California are pushing back, seeking to grandfather in their existing, more stringent laws under a federal approach. Earlier this month, attorneys general from seven states – California and several Northeastern and mid-Atlantic states involved in the Regional Greenhouse Gas Initiative to limit emissions from electric power plants – wrote to Kerry, Graham and Lieberman urging that the Senate bill not preempt existing state laws.

Voinovich and Sen. Richard Lugar, R-Ind., both of whom have acknowledged concerns about climate change, are developing an energy-only bill that would mandate new renewable and nuclear power production, without imposing cuts on carbon emissions, as a potential competitor to the pending Kerry-Graham-Lieberman bill. Voinovich, who is retiring from Congress and is being courted by Kerry as a potential supporter of a comprehensive climate-change bill, has indicated he believes an energy-only bill is the only way to address the issue this year.

The Voinovich-Lugar approach is expected to be modeled after legislation (S. 1462) sponsored by Sen. Jeff Bingaman, D-N.M., which was approved last year by the Senate Energy and Natural Resources Committee. Bingaman's bill – he serves as chairman of that committee – would mandate that 15 percent of U.S. power be generated from renewable sources by 2021, but would not count nuclear power toward that renewable mandate figure.

Also competing with the Kerry-Graham-Lieberman bill is legislation introduced by Sens. Maria Cantwell, D-Wash., and Susan Collins, R-Maine, that would use a cap-and-dividend approach (rather than cap-and-trade) to limit carbon emissions. Under the cap-and-dividend concept, emitters would be required to obtain government-issued allowances for carbon emissions, but would not be allowed to trade those allowances. Instead, assessments imposed upon emitters would be rebated to taxpayers.





Feed, Ingredient Manufacturers Handling Chromium, Manganese Reminded of May 5 Notification Deadline

Feed and feed ingredient manufacturers subject to the Environmental Protection Agency's (EPA) regulations governing emissions of chromium and manganese compounds are reminded of the requirement to provide an initial notification to the appropriate permitting authority **by May 5**.

As reported in the Jan. 14 edition of the *NGFA Plant Operations Bulletin*, EPA on Jan. 5 issued final regulations under the Clean Air Act pertaining to potential emissions of chromium and manganese compounds from feed and feed ingredient manufacturers (excluding pet food manufacturers and facilities manufacturing feed on-farm or at feedlots). The regulations apply to facilities classified with a North American Industry Classification System (NAICS) code of 311119 (facilities "primarily engaged in manufacturing animal feed"), provided: 1) such facilities use a material containing 0.1 percent or more of chromium or 1 percent or more of manganese by weight; and 2) production of animal feed represents more than 50 percent of total annual production at the facility.

EPA's final regulations require that covered facilities comply with specified standards, monitoring and inspection requirements to minimize the potential for chromium and manganese emissions. The final rule also contains the following notification and compliance dates:

- ▶ **May 5, 2010:** Facilities are required to provide **initial notification** to EPA that they use materials containing chromium and/or manganese at levels equal to or exceeding the threshold level, and hence are subject to the regulations.
- ▶ **Jan. 5, 2012:** Facilities covered by the rule are to be in compliance with all applicable regulations by no later than this date.
- ▶ **May 4, 2012:** Existing facilities are required to submit a "notification of compliance status" to EPA on or before this date. Newly constructed facilities subject to the regulations are to submit such notification within 120 days of initial startup.
- ▶ **Annual Compliance Certification:** After providing the initial notification of compliance status, covered facilities are required every March 1 thereafter to submit to EPA annual compliance-certification reports for the previous calendar year.

As reported in the March 26 *NGFA Newsletter*, covered facilities **may use an EPA-issued sample form to comply with the initial notification**, which is to be provided to the agency by the May 5 deadline. Regarding the sample form, EPA advises: "There is no specific template required for the initial notification. In the initial notification, the owner/operator simply needs to provide the information specified in the rule to their EPA Regional Office. States where the rule has been delegated (by EPA), the initial notification needs to go to the EPA Regional Office and the delegated state or delegated local permitting authority. You may submit the information required in another format. It is highly recommended that you talk with your permitting authority before using any of these examples as potential templates."

Members receiving the *NGFA Newsletter* electronically may access the EPA sample initial notification form by [clicking here](#). Members also may access a comprehensive report on this issue published in the Jan. 14 edition of *NGFA Plant Operations Bulletin* by [clicking here](#). Questions about the sample form, or the requirements of EPA's final rule, may be directed to NGFA Director of Feed Services David Fairfield at 712-243-4035, or by email at dfairfield@ngfa.org.



Calendar

- June 8-9, 2010:* NGFA Country Elevator Committee
L'Enfant Plaza Hotel, Washington, D.C.
- July 28-29, 2010:* NGFA/Grain Journal Safety, Health and Environmental Quality Seminar
Hilton Hotel, Omaha, Neb.
- Sept. 7-9, 2010:* NGFA Board of Directors
Chicago Marriott Magnificent Mile, Chicago, Ill.
- Sept. 22, 2010:* NGFA Feed Legislative and Regulatory Affairs Committee; Feed Manufacturing and Technology Committee; Feed and Animal Agriculture Strategic Issues Committee
Chicago Marriott Magnificent Mile, Chicago, Ill.
- Sept. 22-24, 2010:* NGFA-PFI Feed/Pet Food Joint Industries Conference
Chicago Marriott Magnificent Mile, Chicago, Ill.
- Dec. 5-7, 2010:* NGFA Country Elevator Conference & Trade Show
Marriott Indianapolis, Indianapolis, Ind.
- March 13-15, 2010:* 115th Annual Convention
Hotel Del Coronado, San Diego, Calif.





OSHA Begins Drafting Combustible Dust Standard

The Occupational Safety and Health Administration (OSHA) has begun drafting a proposed combustible dust standard that is expected to apply to multiple industry sectors.

Agency officials made the revelation during the third in a series of facilitated “stakeholder” public meetings on April 21 in Chicago. The grain, feed and processing industry was represented at the meeting by **Jeff Adkisson**, executive director of the Grain and Feed Association of Illinois, Springfield, Ill. NGFA Director of Regulatory Affairs Jess McCluer also attended the session. The two previous stakeholder meetings were conducted on Dec. 14 in Washington, D.C., and Feb. 17 in Atlanta, Ga. OSHA announced plans to conduct an open Web-based forum on the issue in mid-June.

OSHA officials maintained that the agency had not established a timeline for completing action on a combustible dust standard. But agency officials also said they only will continue to accept comments for a “reasonable time” that will end when it “creates a delay in the review process.” OSHA also said that a Small Business Advocacy Review panel will be established by early 2011 to review the draft proposed rule and related analyses prepared by OSHA, and indicated the NGFA would be invited to provide a representative on the panel. Such panels are formed when an OSHA standard is expected to have a significant impact on a substantial number of small businesses. In addition to small business representatives, the panel is comprised of OSHA officials, representatives of the Small Business Administration’s chief counsel for advocacy, and the White House Office of Management and Budget’s Office of Information and Regulatory Affairs.

Stakeholder Meeting Outcomes: The stakeholder meeting agenda focused on four topics: 1) Economic impact – the costs and benefits stakeholders believe would result from a combustible dust standard; 2) how to determine whether engineering or administrative/management controls are most appropriate for reducing combustible dust hazards; 3) whether the general hazard assessment provisions in OSHA’s personal protective equipment standard for flame-retardant clothing is sufficient to mitigate combustible dust hazards; and 4) whether OSHA should impose minimum training requirements (such as number of hours, a certification-based provision, a competency-based provision, or another approach). OSHA is to post the minutes of the stakeholder meeting on its website within the next few weeks.

During the session, representatives of the National Fire Protection Association (NFPA), including vendors and

consultants, again urged OSHA to use NFPA standards as a foundation for a general combustible dust standard. Adkisson urged the agency not to adopt NFPA standards, in part because those rules are not subjected to economic impact studies before being approved. He also stated that the grain-handling industry is satisfied with the OSHA grain handling standard, and that it has been effective – combined with aggressive industry research and education efforts – in reducing incidents, injuries and deaths since it took effect in 1988. Meanwhile, representatives of the Renewable Fuels Association (RFA), U.S. Beet Sugar Association (UBSA) and Corn Refiners Association reiterated the NGFA’s position in opposing use of the NFPA standards. RFA and UBSA representatives also concurred with the NGFA that the existing grain handling standard is sufficient to address combustible dusts, and should be applied to other agriculture-related sectors not currently encompassed by the standard. Several NFPA members on the panel responded by urging various industries to use NFPA-approved services or equipment as a means to comply with OSHA requirements.

NFPA Attempts to Consolidate Combustible Dust Standards:

In a related development, NFPA has requested comments by June 11 on a formal proposal that would combine into a single standard its current five separate combustible dust standards – NFPA 61, 484, 654, 655 and 664. The NGFA has a representative on the NFPA 61 Technical Committee (*Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities*). NFPA said its proposal is based upon recent investigations, some receiving national attention, by the U.S. Chemical Safety Board and OSHA that have highlighted NFPA’s standards as allegedly the only source for comprehensive coverage of fire and explosion hazards from combustible dusts.

Further, in OSHA’s advance notice of proposed rulemaking for combustible dust, the agency acknowledged that one option for regulation would be to adopt and incorporate the NFPA standards directly by reference, rather than develop a separate regulatory approach. As part of its rulemaking, OSHA noted that inconsistent requirements currently exist between some NFPA standards, which limit the effectiveness of their use. NFPA requested that other pertinent information for determining whether the five standards should or should not be combined also be included in the response.

The NGFA’s combustible dust task force will draft and submit official comments expressing opposition to combining the five separate dust standards into a single standard, and will work with other organizations to ensure a consistent message.



Onions for Recruiters?

...A Sweet “After-Tax” Incentive...

Has the just-completed income tax season left a sour taste in your mouth?

If so – or even if you received a tax refund – here is a membership recruiting incentive guaranteed to sweeten the deal.

As announced last month, the NGFA’s annual spring membership recruiting incentive is now in effect! **Beginning April 16 and running through May 31**, each sponsor of a new NGFA-member company will receive a 20-pound box of Walla Walla sweet onions! Folks in Walla Walla claim that these onions are superior and sweeter than Vidalias or south Texas sweet onions. Judge for yourself!

In addition, each new member during the same time period also will receive a 20-pound box of these plump and juicy beauties. Tell your prospects!

How to Qualify: It’s easy! Starting now, each sponsor of a new NGFA member company will be added to the coveted shipping list. There is nothing else you need to do! Just sign up a new member, then sit back and wait for your prize to arrive. The onion harvest is projected to occur around June 15-25, with shipment planned by July 4. Just think how tasty those Walla Wallas will be on the grill with some steaks or burgers! Start warming up those prospects now!

Want to learn more about the history of Walla Walla sweet onions (they originated on the Italian island of Corsica); the annual sweet onion festival; or delicious sweet onion recipes? You can find it all at www.sweetonions.org!

This tasty annual incentive is made possible through the generosity of **Northwest Grain Growers Inc.**, Walla Walla, Wash. Thanks to General Manager **Dave Gordon** and everyone at Northwest Grain Growers!



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TIME SENSITIVE

