



# NGFA

# Newsletter

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## ITC Votes to Allow Import Duties on Canadian HRS Wheat

### ...Unanimously Rejects Duties Against Canadian Durum...

The U.S. International Trade Commission (ITC) voted today to allow the imposition of antidumping and countervailing duties on U.S. imports of Canadian hard red spring wheat, but unanimously rejected imposing such duties on Canadian durum imports.

The vote marked the conclusion of the ITC's investigation of whether the practices of the Canadian Wheat Board (CWB) "materially injure" or "threaten to injure" U.S. producers of hard red spring and durum wheat. The investigation was triggered by a petition filed on Sept. 13, 2002 by the North Dakota Wheat Commission (concerning imports of Canadian hard red spring wheat) and North Dakota durum grower groups, which alleged that the CWB engaged in the dumping of durum and hard red spring wheat into the United States.

Previously, the U.S. Commerce Department on Aug. 29 increased the duties imposed on Canadian hard red spring and durum wheat imports to 14.16 percent and 13.55 percent, respectively, as part of its separate investigation of the CWB's practices. Both tariffs were imposed based upon the Commerce Department's finding that imports of the two classes of Canadian wheat to the United States were subsidized and sold at less-than-fair market value. An affirmative ITC determination concerning whether such dumping caused or threatened to cause "material injury" is required under U.S. law before the Commerce Department's tariffs can take final effect.

The ruling today by the ITC means that the combined 14.16 percent antidumping and countervailing duty on U.S.

*(Continued on page 2)*

## Appeals Court Issues Second Ruling Affirming 'Fiduciary Duty' Claim Against Elevator in HTA Case

### ...NGFA Country Elevator Council Session to Focus on Do's and Don'ts of Grain Contracting...

For the second time this year, the U.S. Court of Appeals for the Eighth Circuit based in St. Louis, Mo., has issued a ruling affirming a district court's finding of a fiduciary duty between a grain elevator and producer related to the market advice provided to a producer.

The latest decision, issued on Sept. 11, occurred in a case [*Asa-Brandt, Inc., et al. v. Farmers Cooperative Society, et al., No. 02-2374*] that involved primarily hedge-to-arrive contracts (HTAs) executed in 1994 and 1995 between nine grain producers and an Iowa farmer-owned cooperative. The producers brought suit in 1996, alleging that the co-op breached contractual and fiduciary duties. In July 2001, a jury awarded the producers \$744,400, plus punitive damages of \$45,000 on the contract claims, as well as nominal damages, plus punitive damages of almost \$1.25 million on the fiduciary-duty claims. On appeal, the co-op argued that it did not owe a fiduciary duty to the producers. However, the appellate court referred to its March 24 decision in *Top of Iowa Coop. v. Schewe* [see *NGFA Newsletter, April 17, 2003*] as legal precedent that a fiduciary relationship existed between a farmer and a co-op, and upheld the jury's damages award.

**Arguments in the Case:** As in the *Schewe* case, the co-op in this case argued that no fiduciary relationship could exist between contracting parties, which are classified as "merchants" under the Uniform Commercial Code. In doing so, the co-op relied upon testimony that the producers were experienced farmers who ran their own operations and made their own business decisions, and that some used professional advisers and traded commodities on the Chicago Board of Trade. Alternatively, the co-op argued that even if such a duty existed with the producers, it did not breach that duty by simply failing to predict that corn prices would reach \$5 per bushel in the spring of 1996 – a 20-year high. In this case, as in the *Schewe* case, the producers' arguments were based upon testimony about the trust, advice and assistance they sought from – and placed upon – the co-op. Also as in the *Schewe* case, the district court ruled that the jury reasonably concluded that a fiduciary duty existed based upon evidence of the co-op's position as a "professional marketer"; the co-op's superior "experience, expertise, and knowledge of the markets and spreads"; and that the co-op "invited plaintiffs to seek its advice."

*(Continued on page 2)*



*("ITC Votes" Continued from page 1)*

imports of Canadian hard red spring wheat will remain in effect. The ITC voted 2-2, with one commissioner not voting, to uphold the hard red spring wheat tariff. ITC Vice Chairman Jennifer A. Hillman and Commissioner Marcia E. Miller voted to affirm a finding of material injury, while Chairman Deanna Tanner and Commissioner Stephen Koplan voted against the finding. Commissioner Charlotte R. Lane did not vote. Under the ITC's voting procedures, a tie vote is considered to be an affirmative vote.

But the ITC's 4-0 vote finding that Canadian exports of durum wheat to the United States had not "materially injured" nor "threatened to injure" U.S. growers of durum means that the 13.55 percent duty on durum imports from Canada will be discontinued, and that duties collected thus far and held in escrow will be refunded. Again, commissioner Koplan did not vote.

Following the ITC vote, Canada announced that it would appeal the U.S. tariff on hard red spring wheat to a forum within the North

American Free Trade Agreement (NAFTA) shortly after the ITC issues its written decision during the week of October 13. Under U.S. trade law, an appeal of the decision is required to be filed within 30 days. Canada also said it planned to file an appeal of the Commerce Department's final anti-dumping ruling against Canadian hard red spring wheat, under which the tariffs were imposed, as well as the Commerce Department's ruling on countervailing duties.

The ITC's action is separate and distinct from the case filed on Dec. 17, 2002 at the World Trade Organization by the United States against the monopolistic practices of the CWB. The U.S. case at the WTO also challenges as unfair and burdensome Canada's requirements that imported grain be segregated in the Canadian grain-handling system, as well as Canada's alleged discriminatory policy that affects the access of U.S. grain to Canada's rail transportation system.



## From the Bench

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*("Fiduciary Duty" Continued from page 1)*

In this case, the appellate court determined – again, as it did in the *Schewe* case – that the jury properly based its conclusion on evidence that the co-op's manager was more experienced, sophisticated and privy to information than the producers about HTAs and their inherent risks; that he encouraged the producers to enter into the HTAs; and that they relied upon his advice in executing them. Importantly, in this latest case, the appellate court further stated as follows:

*"Obviously, this fiduciary relationship did not arise through a simple buyer/seller relationship. Rather, as the district court found, it arose through the Farmers' reliance upon their cooperative, its manager, and his advice to them with respect to growing and marketing their grain, advice which included measures to improve their yield, when to sell their grain, and, most importantly, how to use HTAs to enhance the profitability of their operations. Given the evidence presented, we will not disturb the jury's finding that a fiduciary relationship existed between the Farmers and Wesley [the co-op]."*

The appellate court also rejected the co-op's contention that the jury awards for the breach of contract claims and punitive damages were excessive. Instead, the appellate court found that the damage award was based upon the "rational assumption" that the farmers would roll their HTA contracts until the contract price exceeded the cash price. And it said that since the HTA contracts would have required the farmers to pay the co-op \$3.9 million had the "scheme worked," that the punitive damage award of

nearly \$1.25 million was "not excessive."

### **Appellate Court Upholds Finding Against FCM:**

Included in the appellate court's ruling against the co-op was a ruling on a separate appeal involving the farmers' allegations against a futures commission merchant (FCM). In this aspect of the consolidated case, the farmers claimed that under state law, the Commodity Exchange Act (CEA) and the Racketeer Influenced and Corrupt Organizations Act (RICO), the FCM was responsible for the actions of a broker and trading adviser based upon an agency relationship. Concerning this matter, the trial court decided that, as a matter of law, the farmers had insufficient evidence upon which to proceed against the FCM. But the appellate court reversed the district court's finding, concluding that the evidence was sufficient to send to the jury concerning the farmers' state law claims and some of the farmers' CEA claims. The appellate court remanded those claims back for trial.

### **NGFA Country Elevator Council to Feature Session on Fiduciary Matters; Do's and Don'ts of Grain Contracting:**

A major session on the "Do's and Don'ts of Grain Contracting," including ways to manage fiduciary risks and liability, will be featured at the Dec. 8-9 Country Elevator Council/Feed Industry Council conference in Kansas City, Mo. The session will feature industry experts and attorneys familiar with grain contracting, and will provide invaluable insights for country elevator and feed mill managers. See the enclosed insert on registering for this business-focused and heavily attended conference!





## Vote on Energy Bill by Conferees Delayed until Mid-October

A vote on the massive energy bill by a joint House-Senate conference committee has been delayed until at least mid-October, when the Senate is scheduled to reconvene following a week-long recess.

The energy bill (H.R. 6) is being rewritten in the conference committee by the chairmen of the two respective congressional committees – Senate Energy and Natural Resources Committee Chairman Pete Domenici, R-N.M., and House Energy and Commerce Committee Chairman Billy Tauzin, R-La. The two had hoped to bring a bill to a vote within the conference committee by today. But that was delayed by several contentious provisions that still have not been resolved, including: 1) a multi-billion-dollar energy tax and incentive program; 2) requiring the increased use of ethanol-blended gasoline, with oil-state representatives wanting a slower phase-in of the mandate; 3) whether

to include a provision that would waive legal liability for producers of methyl tertiary butyl ether (MTBE), an additive that makes gasoline burn cleaner but which would be banned under the bill because it is a suspected carcinogen that has contaminated groundwater in several states; 4) a controversial plan to upgrade the nation’s electrical grid by allowing the U.S. government to require local utilities to turn over control of electricity lines to regional transmission organizations; and 5) whether to allow oil exploration on approximately 2,000 acres of the 19-million-acre Arctic National Wildlife Refuge (ANWR). Domenici said agreement was “very close” on the final details of the ethanol, electricity grid and some other provisions. But Senate Minority Leader Tom Daschle, D-S.D., has said that 55 to 58 senators likely would vote against the energy bill if it contains the ANWR provision, more than enough to defeat the measure.

## Hill Highlights

Here is a brief rundown on several other issues important to the grain, feed and processing industry on Capitol Hill:

► **Appropriations:** In what is becoming an annual tradition, Congress on Sept. 25 passed a continuing resolution to fund the federal government beyond the Oct. 1 start of the new 2004 fiscal year. Only three of the 13 annual appropriations bills have been completed (Homeland Security, Legislative Branch and Defense), with little hope that the remaining bills will be completed in a timely fashion. The resolution extends funding through Oct. 31, an unusually long continuation that highlights the difficulty Congress has had in approving the required bills.

The agricultural appropriations measure has passed the full House and the Senate Appropriations Committee, and awaits action on the Senate floor. But action could be delayed by the pending consideration of an \$87 billion supplemental appropriation request to finance continuing operations in Iraq.

► **Highway Bill:** Congress passed a five-month extension to fund surface transportation programs after failing to produce a comprehensive bill to reauthorize the Transportation Equity Act for the 21st Century (TEA-21) by the Sept. 30 deadline. The next session of Congress will have to focus on completing a long-term reauthorization before the extension expires. The measure passed easily after two controversial provisions were avoided. One was a Senate Finance Committee-approved provision that would have replaced the tax break on ethanol fuels with a credit to producers. House leaders and the White House opposed the provision, which would have shifted the cost of the \$2-billion-a-year tax break that currently comes out of the Highway Trust Fund to the general treasury. This would have freed up that money to be used for more road construction. The provision would have eliminated the existing

ethanol excise tax exemption and allow the full federal excise tax of 18.4 cents per gallon of gasoline to go to the trust fund. In place of the exemption, a volumetric ethanol excise tax credit of 5.2 cents on a 10 percent ethanol blend would have been given, derived from general revenues rather than the trust fund. While excluded for now, the tax issue likely will be revisited through other legislation as road builders and ethanol producers support the shift.

► **Senate Finance Committee Conducts Hearing on Mexico Trade:** The Senate Finance Committee on Sept. 23 conducted a hearing on numerous trade irritants currently being encountered with Mexico. Committee Chairman Charles Grassley, R-Iowa, noted the importance of trade between the U.S. and Mexico and highlighted the increased benefits for both countries after the implementation of the North American Free Trade Agreement (NAFTA). But he cautioned that Mexico’s actions or possible actions have resulted in significant economic damage to numerous U.S. agricultural industries including corn, hog, cattle, rice, apple and dry bean producers. Grassley, in particular, highlighted the ongoing trade problems with high fructose corn syrup (HFCS).

In 1998 Mexico imposed an antidumping order against HFCS from the United States, which subsequently was challenged and found by both NAFTA and the WTO to violate Mexican trade commitments. The Mexican government sidestepped the ruling by implementing a 20 percent tax on soft drinks that contain HFCS. Said Grassley: “If this blatantly illegal tax is not lifted soon, I will be forced to consider introducing legislation that would authorize punitive retaliatory tariffs on specific imports of Mexican agriculture products.” The U.S. Trade Representative’s chief agricultural negotiator, Allen Johnson, expressed the administration’s frustrations over the issue, but signaled a potential opportunity “in the coming weeks” to resolve the issue.



## FDA Announces Satellite Downlink Locations for Oct. 28 Public Meeting on Bioterrorism Registration, Prior Notice Final Rules

The Food and Drug Administration on Oct. 1 announced that its national satellite downlink public meeting on the **facility registration** and **prior notice** final regulations implementing the bioterrorism-preparedness law will be conducted on **Oct. 28 from 1-3 p.m., Eastern time**, at 28 locations around the country.

FDA also announced that it is scheduled to issue final regulations on those two aspects of its bioterrorism-preparedness regulations by **Oct. 10**.

FDA's satellite downlink public meeting will focus on the agency's final regulations pertaining to the following:

► **Registration:** All U.S. and foreign commercial facilities are required to **register** with FDA if they manufacture, process, pack or hold (e.g., store) food for human or animal consumption in the United States. As such, this regulation will cover grain elevators, commercial feed mills, grain processing facilities and pet food manufacturers, as well as other sectors of the food and beverage industry. The law passed by Congress expressly exempts farms, retail food stores, restaurants and certain fishing vessels from the registration requirement. FDA previously announced that it has developed a web-based electronic form that will be available starting in mid-October that facilities can use to register at no charge. Free mail-in registrations also will be permitted. Failure to register would subject the company to potential civil and criminal penalties. Further, foreign facilities exporting food or feed to the United States could have their products denied entry unless they are registered.

► **Prior Notification of Imports:** U.S. purchasers, importers or their agents that import food, raw or processed agricultural commodities, or feed or feed ingredients for consumption in the United States are required to provide the agency with prior notification before such products are allowed entry. Among other things, the law requires that information contained in the prior notice include the identity of the manufacturer, shipper, grower (if known), country of origin, country from whence shipped and anticipated port of entry of the product. Failure to provide prior notice subjects the import shipment to embargo at the U.S. port of entry **if** FDA has "credible evidence" that the product poses a "threat of serious adverse health consequences or death" to humans or animals.

**Importantly, both the facility registration and prior notice regulations take effect Dec. 12.** The NGFA and the North American Export Grain Association (NAEGA) submitted extensive joint statements

earlier this year on each of FDA's proposed regulations implementing the bioterrorism-preparedness law. The NGFA will participate in the FDA satellite downlink public meeting, and will provide extensive information to members on the outcome of the final regulations and how to comply.

FDA noted that it would conduct a second satellite downlink public meeting later this year on two other aspects of the bioterrorism-preparedness law, namely the agency's final regulations pertaining to maintenance and access to records and administrative detention. Final regulations on both of those rulemakings are scheduled to be issued later this fall.

**Registering for FDA's Satellite Downlink Public Meeting:** Persons wishing to attend the satellite downlink public meeting are required to register in advance by contacting the appropriate FDA official at the desired viewing location. [Contact Jackie Congress at the NGFA at 202-289-0873 for a fax list of viewing locations and FDA contact persons.] There is no fee to attend. Space is limited, and registration will be closed at each site when maximum seating capacity is reached. When submitting your registration information, include your name, title, firm name, address, telephone number, e-mail address and fax number.

**Submitting Questions in Advance:** FDA said that persons wishing to submit questions in advance for use in the satellite downlink public meeting should do so no later than 4:30 p.m. on Oct. 24. Questions may be submitted to: Louis J. Carson, Center for Food Safety and Applied Nutrition (HFS-32), Food and Drug Administration, 5100 Paint Branch Parkway, College Park, Md., 20740. Questions may be faxed to Carson at: 301-436-2605, or e-mailed to his attention at: [CFSAN-FSS@cfsan.fda.gov](mailto:CFSAN-FSS@cfsan.fda.gov).



### Calendar

- Dec. 7-9:** NGFA Country Elevator Council/ Feed Industry Council Conference & Trade Show  
Hyatt Regency Crown Center, Kansas City, Mo.
- March 14-16, 2004:** NGFA 108th Annual Convention  
Hyatt Regency Riverwalk, San Antonio, Texas
- May 4-5, 2004:** NGFA Seminar on Trading, Trade Rules and Dispute Resolution  
St. Louis Airport Hilton Hotel, St. Louis, Mo.



# NGFA, GEAPS Begin Planning for Combined Educational Conference and Trade Show



A planning committee (top photo) comprised of industry and staff representatives of the National Grain and Feed Association (NGFA) and Grain Elevator and Processing Society (GEAPS) conducted a very congenial and highly productive meeting on Sept. 26 in Kansas City, Mo., to begin mapping plans for a joint educational conference and trade show that promises to be “bigger and better than anything this industry has ever seen.” The combined event is part of the expanded NGFA-GEAPS strategic alliance that will build on the success of three of the industry’s most highly acclaimed and heavily attended events – the GEAPS annual convention (known as the GEAPS Exchange), and the NGFA’s Country Elevator Council and Feed Industry Council conferences.

The planning meeting yielded several successful outcomes, including the development of a draft format and schedule for such an event, as well as identifying broad target audiences in the grain, feed and processing industry. The groups also shared extensive background materials on their respective meetings to assist in the planning. There will be future planning meetings to discuss and develop further details, including determining when the first combined event will occur.

Shown developing a draft schedule for a combined NGFA-GEAPS educational conference and trade show are (bottom photo, from left): NGFA President Kendell W. Keith; GEAPS International Director Tim Sullivan, corporate operations manager for Farmers Cooperative Co., Farnhamville, Iowa; NGFA Country Elevator Committee Chairman Roger Fray, vice president, grain, West Central Cooperative, Ralston, Iowa; and GEAPS Executive Vice President David Krejci. Sullivan chaired and moderated the planning work group meeting, while Fray led the NGFA delegation.





## USDA Sets Signup for 2004-Crop Direct Counter-Cyclical Payments

Enrollment began Oct. 1 and will last until June 1, 2004 in the U.S. Department of Agriculture's 2004-crop direct and counter-cyclical payment program.

Under the 2002 farm law, producers are required to sign contracts annually to be eligible for direct and counter-cyclical payments. USDA said late-filed applications also will be accepted through Sept. 30, 2004, but will require a \$100 late fee. For both the 2002 and 2003 crop years, more than 98 percent of eligible base acres were enrolled.

For 2004 crops, the following are the direct payment rates and the maximum potential counter-cyclical rates, by commodity:

Commodity	Direct (\$/unit)	Maximum Counter-Cyclical (\$/unit)
Wheat	0.52/bu.	0.65/bu
Corn	0.28/bu.	0.40/bu
Grain Sorghum	0.35/bu.	0.27/bu
Barley	0.24/bu.	0.15/bu
Oats	0.024/bu.	0.086/bu
Upland Cotton	0.0667/lb.	0.1373/lb.
Rice	2.35/lb.	1.65/lb.
Soybeans	0.44/bu.	0.36/bu
Other Oilseeds	0.0080/lb.	0.00/lb.
Peanuts	36.00/ton	104.00/ton



## FDA Told Animal Feed Safety System Should Encompass All Sectors

If there was one consistent "take-away" message from the Sept. 23-24 public meeting conducted by the Food and Drug Administration on whether to develop a risk-based animal feed safety system, it was that if developed, such a system should encompass all sectors of the feed and feeding industry, including ingredient suppliers, transporters and on-farm mixer-feeders.

Approximately 215 persons participated in FDA's public meeting, including feed and pet food manufacturers, renderers, ingredient manufacturers, consumer group representatives, academicians and representatives of several foreign embassies. Also attending were 45 officials from state feed control agencies and 60 officials from FDA's headquarters and 20 district offices. Nine members of NGFA's three feed-related committees participated actively throughout the duration of the FDA public meeting, as did NGFA Director of Feed Services David A. Fairfield and NGFA Vice President for Communications and Government Relations Randall C. Gordon. NGFA representatives conveyed several major concepts during the meeting [See enclosed *Issues and Actions* publication for more information.] Several NGFA members were selected by those attending the meeting to serve as leadership spokespersons to report the outcomes of the 12 breakout sessions that focused on various aspects of a potential animal feed safety system. Further, Joe Garber, chair of the NGFA's Feed Legislative and Regulatory Affairs Committee was chosen by FDA to deliver the featured presentation on quality-assurance principles used by feed manufacturers during the meeting's grand opening session.

Garber is nutrition and research coordinator for Wenger's Feed Mill Inc., Rheems, Pa.

Dr. Stephen F. Sundlof, director of FDA's Center for Veterinary Medicine, keynoted the meeting by saying that the current safety of products produced by the U.S. feed industry is "remarkable," particularly compared to problems that have arisen in other countries with such contaminants as dioxin, polychlorinated biphenyls (PCBs) and mycotoxins. But he added that the "time is right" for industry and government to work together to evaluate the merits of a more comprehensive, risk-based animal feed safety system designed to safeguard feed and further minimize risks to animal and human health, rather than focusing on end-product sampling and addressing feed safety issues on an *ad hoc* basis as they arise. As such, Sundlof said, transporters and suppliers to the feed manufacturing industry need to be encompassed in such a feed safety initiative. He said that standard operating procedures and recordkeeping likely would be addressed, but that the approach needs to be flexible. He also said that FDA wanted to create a U.S. feed safety system that is "robust enough" to meet the demands of U.S. export customers.

Sundlof also reiterated the timeline established by FDA for considering the initiative, which calls on the agency to: 1) issue a concept paper supporting the animal feed safety system initiative by November 2004; 2) develop proposed regulations (if needed) by April 2006; and 3) issue final regulations by April 2007. Significantly, Sundlof emphasized the agency's belief that any new federal animal feed safety system will rely heavily on the support of state feed

(Continued on page 7)





("Animal Feed" Continued from page 6)

control officials.

The breakout sessions during the FDA public meeting focused on such topics as: 1) existing industry-sector quality and safety programs; 2) basic elements that should be considered for inclusion in a comprehensive, risk-based animal feed safety system; 3) potential benefits and costs of an animal feed safety system; 4) the extent to which various sectors of the ingredient-supply, feed manufacturing and on-farm mixer-feeder sectors use possible elements of an animal feed safety system; 5) how to identify risks to human and animal health that should be addressed; and 6) the adequacy of current government tools to enforce an animal feed safety system.

**Recommendations:** Summary recommendations developed during 12 separate breakout sessions conveyed several common themes:

- ▶ If developed, an animal feed safety system should address all sectors, including feed ingredient manufacturers, on-farm mixer-feeders and transporters.
- ▶ An animal feed safety system should be flexible and adaptable to the wide range of operations found within the diverse

industry sectors.

- ▶ Potential benefits of a national animal feed safety system include establishing a uniform baseline safety standard for all industry segments, further enhancing consumer confidence and better utilizing scarce government resources to focus on areas most critical to feed safety.
- ▶ Any feed safety risks incorporated into an animal feed safety system must be science-based, which may require a significant research component to identify specific hazards and the levels at which such hazards pose a risk to human or animal health.
- ▶ Quick, inexpensive, reliable diagnostic tests (such as assays) that yield accurate, repeatable results must be developed and available for use in monitoring and detecting identified risks.
- ▶ Increased costs to industry and government of a risk-based animal feed safety system could be significant.
- ▶ Any new feed safety regulations must be enforceable.
- ▶ To be successful, a federal animal feed safety system must be integrated seamlessly with state programs, and be supported by state feed control officials.

## USDA to Propose National Herd Certification Program for Deer, Elk

The U.S. Department of Agriculture intends to propose regulations later this year that would establish a voluntary national herd certification program for farmed deer and elk as part of its plan to manage chronic wasting disease (CWD) in wild and captive cervids.

CWD is a transmissible neurological disease of deer and elk that produces small lesions in brains of infected animals, resulting in loss of body condition, behavioral abnormalities and death. CWD belongs to a group of diseases known as transmissible spongiform encephalopathies (TSEs), which include bovine spongiform encephalopathy (BSE) in cattle and scrapie in sheep.

The program being developed by USDA would prohibit interstate movement of farmed deer and elk unless the animals are certified according to established guidelines. Producers would obtain certification status by maintaining herds with no evidence of CWD for a minimum of five years. Interstate shipments of farmed deer and elk would be controlled through certificates of veterinary inspection issued by USDA's Animal and Plant Health Inspection Service. Producers seeking to achieve certification would be required, among other things, to meet the following herd certification program standards: 1) install perimeter fencing;

2) conduct surveillance based on testing of all deaths of farmed deer and elk that are more than 16 months old, including surveillance at slaughter; 3) maintain a physical herd inventory, with annual verification; 4) mandatory death and sold-animal reporting and documentation of all interstate movement of captive elk; and 5) detailed descriptions of the premise locations and physical facilities.

The program also would require herd management plans for CWD- positive and exposed herds. These plans include provisions for depopulation or quarantine, disposition of carcasses, decontamination and future use of the premises. If animals are depopulated, the program would provide indemnity payments.

Under the program, states would design CWD-certification programs for their own deer and elk owners that meet or exceed minimum USDA criteria. The federal program would grandfather existing state CWD programs and participating owners if they meet program requirements. Currently, 23 states limit cervid imports through regulations with varying requirements, according to USDA. Twenty-six states have banned all cervid imports.



# Membership Matters

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## Membership and Marketing Happenings

There's lots happening for members at the NGFA! Here's a quick overview of several:

- ▶ **Registration Open Now!** Initial program topics and registration materials for the **2003 Country Elevator Council/Feed Industry Council** conference were mailed in your Sept. 18 *NGFA Newsletter*. The dates are Dec. 7-9 at the Hyatt Regency Crown Center in Kansas City, Mo. See the enclosure with this week's Newsletter for more information on two of the program segments, and a registration form. This year's conference and trade show are shaping up to be one of our best ever!
- ▶ **Trade Show Spots Still Available:** The NGFA's annual Trade Show, conducted in conjunction with the Country Elevator Council/Feed Industry Council conference in Kansas City, is filling up. Only 22 booths still are available for exhibitors. It's going to be an excellent show, conducted this year in the new Exposition Hall at the Hyatt Regency Crown Center. Interested in exhibiting? Visit [www.ngfa.org](http://www.ngfa.org) or contact Todd Kemp at [tkemp@ngfa.org](mailto:tkemp@ngfa.org) or (202) 289-0873 for more details.
- ▶ **Virtual Trade Show:** For a preview of exhibitors currently signed up for the December show, visit [www.ngfa.org](http://www.ngfa.org) and click on the show logo on the home page. You can visit our Virtual Show and click on exhibitors' logos for additional

information about their products and services. The Virtual Show will be updated periodically as additional exhibitors sign up, so come back and visit often.

- ▶ **Conference Sponsorships:** Another excellent way to support the NGFA and gain exposure to hundreds of grain, feed and processing industry professionals is to sponsor an event at the Country Elevator Council/Feed Industry Council conference. Interested in learning more? Contact Todd Kemp at [tkemp@ngfa.org](mailto:tkemp@ngfa.org) or (202) 289-0873.
- ▶ **First New Member Signed Under New Program:** As announced in the Sept. 18 edition of your *NGFA Newsletter*, a new membership recruiting program is in effect until the San Antonio annual convention next March. As an incentive to join the NGFA and quickly experience the benefits of membership, new Active members are allowed to break their annual dues investment into two installments. New members will be encouraged to get involved in NGFA committees and attend major meetings – with a discount voucher issued for registration fees. The first new member application under this program was received on Sept. 29 from **Gateway Cooperative**, Galva, Ill. Welcome to General Manager Jim Hegge and everyone at Gateway; and thanks to Tom Bressner, Assumption Cooperative Grain Co., Assumption, Ill., for sponsoring Gateway's membership. For more program details and a list of companies targeted under this new program, contact Todd Kemp [tkemp@ngfa.org](mailto:tkemp@ngfa.org) or (202) 289-0873.



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**TIME SENSITIVE**

