



NASDA to Host Initial Meeting on Warehousing Issues on Nov. 13

The National Association of State Departments of Agriculture (NASDA) has scheduled a Nov. 13 meeting in Kansas City to begin formative discussions on warehouse-related issues with the U.S. Department of Agriculture, the NGFA and other interested parties, including producer and commodity organizations.

Earlier this week, NASDA representatives discussed with USDA a procedural approach to such a meeting. NASDA has selected Illinois Director of Agriculture Joe Hampton and Montana Director of Agriculture W. Ralph Peck to co-chair the meeting and a subsequent task force that NASDA envisions forming following the meeting. The task force would be comprised of secretaries, directors and commissioners of agriculture interested in continuing involvement on the issue. The NGFA has been advised that it will be invited to represent the viewpoints of the regulated grain warehouse industry at the meeting.

NASDA also plans to extend invitations to interested producer and commodity organizations, including the American Farm Bureau Federation and the National Farmer's Union, as well as other potentially interested organizations, such as those representing the cotton and banking industries. NASDA Executive Vice President and Chief Executive Officer Richard W. Kirchoff said each of these "stakeholders" will be invited to participate through the duration of the meeting and enter into full and open discussions on the issues. He said NASDA's hope going into the discussions is that this and future meetings can result in a consensus approach that will protect producers and be acceptable to federal and state government, the regulated industry and the producer sector.

NASDA agreed to host a meeting of interested parties during its annual meeting earlier this month to address

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Pork Checkoff Ruled Unconstitutional

Yet another court has ruled that a producer-funded checkoff is unconstitutional.

The latest court to do so is the U.S. District Court for the Western District of Michigan, which in a 33-page decision issued on Oct. 25 ruled that the nationwide pork checkoff was an unconstitutional violation of the First Amendment's rights of free speech and association.

In the case [*Michigan Pork Producers Assoc. v. Campaign for Family Farms v. USDA*, No. 1:01CV-34, U.S. District Court for the Western District of Michigan], Judge Richard Enslin, in an extensive discussion, ruled upon various motions filed by hog farmers, pork producers, affiliated associations, advocacy groups and the U.S. Department of Agriculture arguing the constitutionality of assessments for generic pork advertising created by the Pork Production, Research and Consumer Education Act of 1985 ("Pork Act").

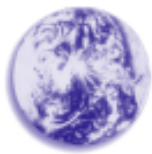
In rendering his decision, Judge Enslin relied primarily upon the U.S. Supreme Court's ruling in *U.S. v. United Foods* [No. 00-276 (June 25, 2001)], which ruled against assessments on mushroom handlers to fund general advertising for mushroom sales. The High Court distinguished its earlier decision allowing assessments in a

California tree fruits program as part of a comprehensive program that restricted overall marketing autonomy (i.e., California tree fruits are marketed under detailed orders, displacing competition to such an extent that they had an antitrust exemption). In that case, the Supreme Court also referred to the "governmental speech" defense (generally standing for the government's ability to tax, assess and employ private actors for the purpose of governmental speech that need not be agreeable to those taxed or assessed). The High Court did not rule upon this defense because the parties had not properly raised it.

But Judge Enslin did consider the "governmental speech" defense. He acknowledged the government's extensive oversight and involvement in the pork checkoff program. However, he ruled that it did not involve speech by the government as "representative of the people"; rather, it simply related to the pork industry. Judge Enslin further ruled that the pork industry – like the mushroom industry in *United Foods* – is neither collectivized, exempt from anti-trust laws nor part of an expansive marketing order.

This case began as a challenge by supporters of the checkoff program to a January 2001 referendum, in which pork producers voted against it by a 15,951-14,396 margin.

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Commerce Department Initiates Investigation of Canadian Wheat Trade

The U.S. Commerce Department announced Oct. 23 that it will launch an investigation on whether to impose antidumping and countervailing duties on Canadian wheat, in response to a petition filed Sept. 13 by the North Dakota Wheat Commission.

The North Dakota commission is seeking duties amounting to as much as 37.5 percent on imports of Canadian durum and hard red spring wheat because of alleged unfair trade practices by the Canadian Wheat Board. Commerce Department officials said if the allegations are upheld, it could begin collecting bonds on wheat imports as early as Dec. 27, when it makes its preliminary decision on countervailing duties. The department is scheduled to make final decisions on countervailing duties by March 12, and anti-dumping duties by May 27. Canadian Wheat Board officials responded by calling the U.S. government probe politically motivated trade harassment, and vowed to defend its current practices.

The International Trade Commission (ITC) – in a separate, but related, action – announced Sept. 25 that it would conduct its own antidumping and countervailing duty investigation of Canadian wheat in response to the North Dakota petition. The ITC investigation is examining whether Canadian wheat imports have injured or threaten to injure the U.S. wheat industry, which is a necessary determination before punitive duties could be imposed by the Commerce Department. Under ITC procedures governing such petitions, the agency is required to make a preliminary determination by as early as today (Oct. 28). The ITC's determination is due to be submitted to the Commerce Department five days thereafter – on or about Nov. 4. A final determination by the ITC is expected on Nov. 18.

The United States also is considering filing a complaint against the Canadian Wheat Board at the World Trade Organization, and is proposing to abolish state-trading enterprises as part of the current round of WTO negotiations.

USDA, USTR Provide Assurances on U.S. Soybean Shipments to China

The U.S. Department of Agriculture (USDA) and the U.S. Trade Representative's Office (USTR), in a joint statement issued Oct. 18, said China's official publication of a nine-month extension of its interim rules governing imports of biotechnology-enhanced commodities – to Sept. 20, 2003 – should "free up" exports of U.S. soybeans to China.

The joint USDA-USTR statement said that China's announcement of the extension and "concurrent assurances by China's senior leadership should remove the threat of an interruption" of U.S. soybean sales to China. "We welcome China's commitment to ensure that trade in U.S. biotech agriculture products is not disrupted during this period of

regulatory transition and thereafter," said U.S. Trade Representative Robert Zoellick. "We will be working closely with U.S. industry and Chinese officials to make sure trade in biotech agriculture products continues." Added Secretary of Agriculture Ann Veneman: "China's announcement is an important step in assuring that the market continues to function smoothly as China implements its regulations."

There are reports that Zoellick insisted on the issuance of the statement because he did not believe USTR had received sufficient credit for negotiations that had been conducted with the Chinese on this matter.

U.S. Considering Filing WTO Trade Complaint Against EU on Biotech

At a recent meeting attended by the NGFA, a U.S. trade official said that the United States is considering initiating a trade complaint at the World Trade Organization over the European Union's inability to establish a functioning biotechnology-approval process.

The complaint would be initiated with the submission of a "request for consultation" to the European Union (EU) over concerns that U.S. exporters continue to lose nearly \$200 million in corn sales to Europe because final decisions on several varieties of U.S. biotech-

enhanced corn remain stalled within the EU bureaucracy. The EU's biotech approval system broke down a few years ago and recent attempts to restart the process have been blocked by several European countries.

Under the WTO's rules, "request for consultation" is a necessary first step before submitting a formal trade complaint to the international body for settlement. While the EU would have up to 30 days to respond to such a request, the WTO's rules set no time limit for completing the consultation.



From the Bench

by Charles M Delacruz
Counsel for Public Affairs
E-Mail: cdelacruz@ngfa.org

("Pork Checkoff" continued from page 1)

Its supporters defended the checkoff's value to the entire pork industry as well as the agricultural economy. They contended that a mandatory program was necessary to avoid "free riders" and because a voluntary program would not generate sufficient revenue. USDA later agreed not to terminate the program, but the lawsuit continued by opponents of the program claiming to represent family farming interests. They raised various objections, including that the program: 1) benefits only factory farming, pork processing, packing and retailing; 2) supports a commodity they do not sell and discourages the sale of bacon and ham with advertising programs such as "Pork, the Other White Meat"; 3) promotes "lean pork" resulting in "inhumane and unhealthy conditions" for hogs; 4) supports brand advertising of competitors' products; and 5) sustains educational programs involving antibiotics research and "misinformation." They also argued that they could choose more economically effective uses of the funds assessed.

The court observed that while "those reasons are not always consistent nor persuasive, they are, nevertheless, [their] sincere and strongly-held views." In dramatic

fashion, the court quoted Thomas Jefferson ("to compel a man to furnish contribution of money for the propagation of opinions which he disbelieves is sinful and tyrannical") and ruled that, notwithstanding whether these objections are accurate, or "whether this speech is considered on either philosophical, political or commercial grounds, it involves a kind of outrage which Jefferson loathed."

The court delayed the effective date of its ruling for 30 days to allow USDA and other pro-checkoff parties to seek a stay from the U.S. Court of Appeals. On Oct. 28, USDA Secretary Ann M. Veneman issued a statement saying that USDA was consulting with the Justice Department to determine the government's next steps on the matter.

"I am disappointed that the U.S. District Court has ruled that the Pork Promotion, Research and Consumer Information Act is unconstitutional," Veneman said. "The U.S. Department of Agriculture regards such programs, when properly administered, as effective tools for market enhancement. The pork promotion has helped to increase demand for pork and pork products and has contributed to increased U.S. pork exports. These results have led to widespread support for the program by pork producers."



Newsletter

Chris Holdgreve Joins NGFA Staff as Director of Legislative Affairs



Christopher D. Holdgreve on Oct. 21 joined the NGFA's staff as director of legislative affairs.

In this capacity, Holdgreve is responsible for working on a wide range of legislative issues important to the NGFA's members on Capitol Hill. He also works as principal staff liaison to the NGFA's International Trade/Agricultural Policy Committee and Waterborne

Commerce Committee. He replaces David C. Lindsay, who departed the NGFA's staff earlier this year to work for an archeological trade association.

"We're extremely pleased to have Chris join the NGFA's team," said NGFA President Kendell W. Keith. "He has an excellent working knowledge of agricultural policy and trade issues important to the grain, feed and processing industry, and extensive contacts in Congress and the administration that will further enhance the legislative reach and effectiveness of the NGFA. We look forward to continuing to build our legislative programs under Chris's direction."

Holdgreve joins the NGFA after serving for the past four years as assistant director for the Wheat Export Trade Education Committee (WETEC) in Washington, where he specialized in agricultural trade issues. WETEC, which is supported by U.S. wheat producers, is charged with educating the industry and Congress on issues affecting U.S. wheat exports and trade policy. While at WETEC, Holdgreve had multiple responsibilities, including involvement in all aspects of the association's management; responding to requests from Congress for information on issues and member concerns; participating in meetings of international trade organizations, including the World Trade Organization; authoring its weekly newsletter; mobilizing and coordinating lobbying efforts among its members and industry partners; and developing the organization's web site.

He received his undergraduate degree in economics and political science from Lenoir-Rhyne College in Hickory, N.C., and a masters in political science from Ball State University in Muncie, Ind., where he later served as a graduate assistant in public administration in the Department of Political Science. He also worked as a summer intern at the Central Intelligence Agency.



("Warehouseing" continued from page 1)

issues arising from USDA's issuance of final regulations on Aug. 5 implementing the U.S. Warehouse Act rewrite legislation enacted by Congress in 2000. USDA's final rules added a new section that states: "Compliance with state laws relating to the grading, weighing, storing, **merchandising** or other similar activities is not required with respect to activities engaged in" by federally licensed warehouses. [Emphasis added.] USDA officials subsequently elaborated during remarks to the NGFA's Board of Directors on Sept. 9 that its long-standing position, based upon the statute and court decisions, is that federally licensed warehouse operators are subject to a single set of regulatory requirements and cannot be required by state governments to be dually licensed or comply with state warehousing or grain dealer laws. USDA reiterated its position when announcing on Oct. 9 a self-imposed 90-day moratorium on accepting new applications from state-licensed warehouses to become federally licensed. When doing so, USDA said its intent was to provide time for a task force to "explore ways to improve warehouse regulations...to protect the interests of producers and other depositors and ensure the integrity of federal and state warehouse systems."

NASDA officials said one of the goals at the initial meeting will be to identify non-warehouse-related issues that potentially may inadvertently or unintentionally have been affected by USDA's final regulations and if there is any need to revise those rules to provide additional clarification. This discussion is designed to clarify whether USDA's final regulations have any impact on state weights and measures divisions in their regulation of grain scales and metering devices, as well as on producer-funded market promotion checkoffs, such as the national soybean checkoff or individual state-authorized corn and wheat checkoffs. In this latter regard, USDA already has told the NGFA that such checkoffs are unaffected, since USDA through the U.S. Warehouse Act regulates grain warehouse operators, not producers.

NASDA also is seeking clarification from USDA at this initial meeting on whether it intends to regulate grain merchandising-related activities under the U.S. Warehouse Act, and if not, what approaches or ideas should be considered for providing protection to producers in the event of financial insolvencies at federally licensed warehouses.

NGFA Task Force Meets: Meanwhile, the NGFA's own internal Warehouse Task Force conducted its first meeting Oct. 29 in Chicago to develop recommendations for consideration by the NGFA's Board of Directors. [See *NGFA Newsletter*, Oct. 17, 2002.] Among other things, the task force discussed: 1) what the industry's goals should be when evaluating the performance of federal and state warehouse laws and regulations concerning storage, merchandising and financial security; 2) what types of cash

grain contracts may pose the greatest potential "risk" to producers in the event of an insolvency; and 3) potential policy options that the NGFA should consider to address the current situation.

The outcomes and recommendations emanating from the NGFA task force's deliberations are intended to guide the Association in its participation in the joint government-industry-producer meetings.

USDA Issues Grants to Fund Ethanol Projects

The U.S. Department of Agriculture on Oct. 22 announced the awarding of more than \$7.2 million in grants to more than 22 states to "foster the development of alternative energy sources.

The 35 alternative energy grants announced by USDA are part of 231 "value-added agricultural product market development" grants totaling more than \$37 million in 43 states announced that day. More than \$5 million of the \$7.2 million in alternative energy grants were awarded to proposed ethanol ventures in 14 states. In Illinois, Iowa, South Dakota and Wisconsin, the grants are to be used to develop 40-million-gallon ethanol facilities. USDA said the \$500,000 grant awarded to Big River Resources Cooperative in Mediapolis, Iowa, will assist the start-up of its 40-million-gallon ethanol plant. A \$75,000 grant awarded to Iowa's Galva Holstein Ag LLC is to be used to determine the feasibility of using dried distiller's grain in fertilizer. In South Dakota, the Farmers Union in Huron was awarded a grant for a feasibility study for producing ethanol from corn and processed biowaste from dairy operations.

A list of the grants by state is available from USDA's web site at: <http://www.usda.gov/news/releases/2002/10/0458.htm>.

USDA Announces Deadlines for LDP Payments for 2001 Crops

The U.S. Department of Agriculture has announced that Nov. 12 is the deadline for producers to submit applications for loan deficiency payments (LDPs) for 2001-crop grains and rice.

The 2002 farm law expanded eligibility for LDP payments to commodities produced on farms not enrolled in production flexibility contracts for the 2001 crop year. In addition, producers who lost "beneficial interest" (i.e., by relinquishing title, control or risk of loss) in 2001-crop marketing loan commodities before applying for LDPs, whether produced on enrolled farms or not, now may be eligible for LDPs. Additional information is available from Farm Service Agency county offices.





Compliance with FDA BSE-Prevention Regulations Continues to Improve

Newly analyzed data compiled by the Food and Drug Administration show that less than 1 percent of facilities inspected for compliance with the agency's regulations that ban the feeding of certain mammalian protein to cattle and other ruminants have violations that require official action by the agency.

As of September, FDA said more than 15,000 inspections have been conducted of rendering plants, feed manufacturers and other facilities covered by the agency's regulations that are designed to prevent the establishment or spread of bovine spongiform encephalopathy (BSE) in the United States. No case of BSE has been detected in the United States, despite vigilant surveillance.

Dr. Dan McChesney, deputy director of the FDA Center for Veterinary Medicine's Office of Surveillance and Compliance, reported at the Pet Food Institute's annual meeting that of initial inspections conducted at 10,892 firms, only 15 – or 0.9 percent – detected violations serious enough to warrant an "official action indicated" (OAI)

citation. An additional 114 firms – or 7.1 percent of the total – were cited with a "voluntary action indicated" (VAI), which represents relatively minor or technical infractions of the regulations that usually can be corrected on-site while the inspector is present. He noted that FDA earlier this year modified its BSE-regulation inspection compliance form to give inspectors the authority to assess the severity of the violation with an OAI or VAI designation, which commonly is done in inspections for compliance with other FDA regulations, including those applying to medicated feed mills.

McChesney also said FDA's data show a continued marked decline in the number of inspected rendering plants and feed facilities handling mammalian protein prohibited from being used in feed for cattle or other ruminants. As of September, he said, 1,599 facilities were handling such material, down from 2,143 in March. Facilities handling restricted-use protein represented 68 percent of the rendering plants inspected, 26 percent of the FDA-licensed feed mills, 15 percent of the non-FDA-licensed feed mills; and 9 percent of other types of facilities, including pet food establishments.

Florida Feed Technical Council Recommends Dropping Plan to Require Specie-Specific Ingredient Listing on Animal Feed, Pet Food Labels

In a significant development, Florida's Feed Technical Council has recommended to the Florida Department of Agriculture and Consumer Services that it no longer actively pursue its proposal to require feed and pet food manufacturers to list on the label ingredient statement the specific species of any animal-derived sources of protein contained in products.

The council, which consists of members from the feed manufacturing, ingredient and animal production industries, made the recommendation during an Oct. 24 meeting. Previously, the same body had encouraged the Florida department to develop and issue the proposed regulation. NGFA's strategic partner, the Pet Food Institute, represented both organizations at the meeting.

It is the NGFA and PFI's understanding that the Florida Department of Agriculture and Consumer Services, after fully considering the recommendation, early next year plans to take action to revise the proposed rule and no longer pursue the labeling change. Instead, the department indicates it plans to specifically reference the Food and Drug Administration's existing regulations prohibiting the feeding of certain mammalian protein to cattle and other ruminants, and propose more stringent rules to ban the feeding of poultry litter to cattle, which it described as a problematic commercial practice in the state.

The reversal is important, because the Florida proposal would have eliminated the use of the "animal protein products" collective term on all commercial and customer-formula animal feeds sold or distributed in the state, which would have resulted in significant operational and distribution inefficiencies and costs. During joint testimony presented at a Sept. 6 hearing on the proposal, the NGFA and PFI had noted that use of the animal protein products collective term enables feed manufacturers to formulate least-cost rations by varying the sources of protein in response to market conditions without having to make cumbersome, confusing and costly labeling changes for individual product lots. In addition, the NGFA and PFI had discussed the issue with Florida Deputy Commissioner of Agriculture Martha Roberts on Oct. 6 during the annual meeting of the National Association of State Departments of Agriculture.

Florida had contended that its proposal would facilitate effective enforcement of FDA's regulations, which are designed to prevent the establishment or spread of bovine spongiform encephalopathy (BSE) in the United States, and provide more information to consumers. However, the NGFA and PFI contended that the Florida proposal actually would have made its compliance inspections conducted of feed manufacturers more complicated, inefficient and costly, since inspectors would have been required to verify the specific animal source of each protein used in animal feed and pet food, not just whether mammalian protein banned for use in ruminant feed was being used illegally.





Bush Signs Bill that Could Delay Plans to Out-Source or Transfer U.S. Army Corps of Engineers' Civil Works Functions

President Bush on Oct. 23 signed into law the Defense Department appropriations bill for fiscal 2003 that includes a provision barring the use of funds "to convert to contractor performance an activity or function" of the Department of Defense until "a most efficient and cost-effective organization analysis" is completed and submitted to the congressional appropriations committees.

At issue is the Bush administration's consideration of plans to privatize, divest and outsource the U.S. Army's "non-core" functions, including the entire civil works program that encompasses Corps of Engineers' projects related to construction and renovation of the inland waterways system.

While the U.S. Army Corps of Engineers' civil works program – including its inland waterway and port construction and rehabilitation projects – is not funded by the Defense Department budget, the office of the assistant secretary of the army for civil works, who oversees such activities, is. Thus, the bill may provide a disincentive to Army Secretary Thomas E. White pursuing a privatization and out-sourcing directive limited solely to the Corps of Engineers. However, there also are indications that Brown is continuing the outsource planning. In an Oct. 25 memorandum, Assistant Secretary of the Army for Manpower and Reserve Affairs Reginald J. Brown announced he had been designated by White to "assist principal officials" in developing their outsourcing plans as chair of a steering committee.

The efforts had been set in motion by an Oct. 4 memorandum from Army Secretary White, in which he directed affected U.S. Army agencies to develop an implementation plan by Dec. 20 for "privatizing, divesting (or) outsourcing" so-called commercial activities, "converting military spaces to civilian or contract, or transferring to other government agencies, all non-core functions...." Another signal came during the week of Oct. 7, when the Department of the Army established a new Installation Management Agency to handle construction and maintenance at military bases, a function previously performed by the Corps of Engineers. This has led to speculation that the agency's civil works activities will be designated as "non-core" competencies that could be out-sourced. Such privatization of government functions is authorized under the Federal Activities Inventory Reform (FAIR) Act of 1998. Further, an ongoing Great Lakes navigation study that the Corps previously had been managing has been transferred to the U.S. Transportation Department's jurisdiction.

In his Oct. 4 memorandum, Army Secretary White wrote that the initiative was part of the Bush

administration's "Competitive Sourcing Initiative," which has established a government-wide goal of subjecting 127,500 government jobs to competition by October 2003. The administration has said this about the initiative: "[It] strives to create a market-based government unafraid of competition, innovation and choice. Public-private competition creates significant improvements in performance and cost savings exceeding 20 percent. Although half of all federal employees perform tasks that are readily available in the private sector, these positions have rarely, if ever, been subject to the pressures of the marketplace. The administration is aggressively encouraging market-based competition throughout the government." At the Corps of Engineers, the initiative potentially would affect the 195 military personnel and 24,251 civilians currently dedicated to the Corps' civil works program. The proposal would allow private companies to compete for the civil works program, plus the workloads of 189,191 other Army personnel involved in acquisitions, logistics and technology; manpower and reserve activities; financial management and comptroller activities; installations and environmental functions; and several other offices.

'Maritime Needs Assessment' to be Provided in November to Transportation Secretary

The Maritime Transportation System's National Advisory Council, during an Oct. 22 meeting attended by the NGFA, discussed inland waterways projects that should be included in a "maritime needs assessment" to be presented to Transportation Secretary Norman Mineta late this year. During the discussion, \$2.8 billion to \$4 billion in infrastructure projects were identified that remain without funding on the Ohio River. Approximately \$1.5 billion in unmet preservation funding for Upper Mississippi River projects also were cited. A draft report is to be prepared and circulated for review prior to the advisory committee's Nov. 14-15 meeting. The NGFA's Waterborne Commerce Committee will be involved in the review.

In related developments, the U.S. Maritime Administration said it has conducted a survey of ocean ports to examine access-road and rail-connector needs, and now was expanding the study to include a comparable survey of inland ports.



OSHA Considering Changes to Forklift Seat Belt Enforcement Policy

The NGFA has learned that the Occupational Safety and Health Administration (OSHA) is considering a change in its policy under which employers can be cited for failure to require employees to wear seat belts when operating a powered industrial truck, such as a forklift.

Under the agency's current policy, which was issued in the form of a 1998 memorandum from John B. Miles, then-OSHA director of compliance programs, OSHA compliance officers are directed to cite employers under so-called "general duty clause" [Section 5(a)(1)] of the Occupational Safety and Health Act for failure to require employees operating a powered industrial truck to use installed operator restraint devices or seat belts. However, OSHA has informed the NGFA that it is considering amending this policy because of concerns that it may be too inflexible by not recognizing occasions when failure to use seat belts would not expose employees to undue risk.

According to a copy of the draft policy forwarded to the NGFA, OSHA would direct its compliance officers to first determine if an employee operating a powered industrial truck was exposed to a tipover hazard before issuing a citation. To properly make such a determination, the draft policy directs compliance officers to evaluate the operating environment, characteristics of the truck, operation of the

truck and capabilities of truck operators, including the following factors:

- ▶ Whether the truck is being operated on a flat surface.
- ▶ Whether the truck is being operated on a loading dock or steep grade.
- ▶ Whether the truck is being operated under unusual environmental conditions.
- ▶ Whether the truck is maintained properly.
- ▶ Whether the truck must be frequently operated in reverse.
- ▶ Whether there is a potential for overloading the truck.
- ▶ Whether the operator is capable of operating the vehicle safely and is trained in accordance with OSHA powered industrial truck standard (29 CFR 1910.178).

Using these criteria, if the compliance officer determines that "potential for tip-over is remote and in fact there is no history of tip-overs or near misses," no citation for failure to use operator restraint devices or seat belts would be issued, the draft policy states. The NGFA's Safety, Health and Environmental Quality Committee is analyzing the draft document and will provide appropriate comments to OSHA.

OSHA, Packers from 'Alliance' to Reduce Ergonomic Hazards

The Occupational Safety and Health Administration and the American Meat Institute, which represents the U.S. meat packing and processing industry, announced today they are entering into a "formal alliance" to reduce ergonomic hazards in the workplace.

OSHA and AMI said the alliance sets specific goals and priorities, "focusing on reducing and preventing exposure to ergonomic hazards." The alliance also calls on both organizations to provide training on ergonomics techniques, the structure of ergonomic programs and the applications of such techniques and programs in the meat industry. In addition, the alliance sets goals for cross-training OSHA personnel and industry safety and health professionals in AMI ergonomic best practices or programs. AMI also is to include ergonomics training sessions at its Foundation's annual Worker Safety, Health and Human Resources Conference.

As part of the alliance, AMI also is to encourage its members to participate in OSHA's cooperative programs, such as compliance assistance, consultation and mentoring, as well as participation in OSHA's Voluntary Protection Program and Safety and Health Achievement Recognition Program. Further, AMI and OSHA representatives are to meet at

least quarterly to develop an action plan, determine working procedures and identify roles and responsibilities for each.

GIPSA Extends Comment Period on Reinspection Procedures

The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration has extended the comment period to Nov. 21 on its proposal that would allow affected parties to select the specific quality factor(s) for which they are seeking a reinspection or appeal inspection of an official inspection result. Currently, GIPSA requires a redetermination of all official factors that may determine the grade or which are either required to be, or are, reported on the original official inspection certificate. GIPSA said it was proposing the change because "[r]equiring that all quality factors be completely reexamined during a reinspection or appeal inspection is inefficient, time-consuming and can be costly." GIPSA extended the deadline at the request of the NGFA and North American Export Grain Association (NAEGA), whose committees of jurisdiction (the NGFA's Grain Grades and Weights Committee and NAEGA's Grades and Inspection Committee) will meet jointly on Nov. 9 to review the GIPSA proposal.



Membership Matters

by Todd Kemp
Director of Marketing

'SO, HOW'S MEMBERSHIP GOING?'

It's a common question from NGFA members. Here is a status report on the NGFA's membership program since the March 2002 convention in Hilton Head, S.C.:

- ▶ New Member Companies: 38
- ▶ Non-Renewals: 49

Analysis: Our new-member recruiting pace is more than a month ahead of last year when 78 companies ultimately joined. However, the new-member pace seriously lags performance from two years ago, when 95 new members were recruited.

Non-renewals are up from year-ago levels. Many are attributable to continuing consolidation in the industry. But a fair number stem from non-payment of membership dues. They cite economic conditions and business downturns as reasons, and most say they want to re-join when conditions improve.

Conclusions: There is some significant hard work ahead if the NGFA is to show another year of net membership growth. Continuing emphasis is needed on recruiting new members, but just as important is a commitment to work hard to retain those member companies currently on the books. To that end, the NGFA's staff makes every effort to identify members who can talk to other members "at-risk" of dropping their membership. Thanks to all who have helped retain an NGFA member. And previous "drops" often are a fertile source of new members – if someone you know has dropped in recent years, invite them back!

Our membership year ends at the Tucson, Ariz., convention next March. Where will we stand by then? It depends on a lot of hard work and persistence.

What's "the Hook?" Why will new members join, and why will current members renew? For a feed manufacturer, it may be the NGFA's representation before government, our top-notch information services, training and education opportunities (like the Feed Industry Council and Feed Quality Assurance Program) or the great value and service offered. Many of the same reasons apply to country elevators, including representation on warehousing issues and the upcoming Country Elevator Council conference that is renowned for its strong business focus and networking opportunities. For rail shippers/receivers, it may be the NGFA's work to resolve industry problems, or access to the NGFA Rail Arbitration System. For Associate members offering products or services to the industry, it may be the business contacts and access to decision-makers that can be facilitated through an NGFA membership, and upcoming opportunities like the NGFA Trade Show.

For any company connected with the grain, feed and processing industry, there are benefits – we just have to tell the story!! Need materials sent? Want talking points? Questions about who to approach? Contact Todd Kemp or any of the NGFA's staff at 202-289-0873. Give us a call any time!



National Grain and Feed Association
1250 Eye St., N.W., Suite 1003
Washington, D.C. 20005-3922

TIME SENSITIVE



**NGFA's Country Elevator Council/
Feed Industry Council Conference**
Dec. 8-10, St. Louis, Mo.

