



Reminder to Industry on 'EU-Unapproved' Biotech Events

As a reminder to NGFA members purchasing corn from producers this fall, there are several commercially planted biotech corn events that have received government approval in the United States and Japan, but which have not been approved by the European Union as of July 1, 2003.

These EU-unapproved biotech events include: Roundup Ready[®], Herculex[™] I, YieldGard Rootworm[®], and their stacked versions, and Pioneer Hi-Bred's Liberty Link/YieldGard Corn Borer product. This listing was provided to the NGFA for the use of grain, feed, processors and other purchasers of 2003-crop corn by biotech companies that are NGFA associate members. Additional information on some of the specific hybrid seed brands that contain these unapproved events may be accessed through the National Corn Growers Association's (NCGA) web site at: http://www.ncga.com/biotechnology/know_where/know_grow_approved.htm. Click on "biotech event" in the left-hand column of the table to access a list of the specific seed containing the event. *[Note: The NGFA does not warrant or certify the accuracy of the database provided by NCGA, or the list of EU-unapproved events.]* This NCGA list contains most major seed brands, but there are some minor seed company brands that contain these EU-unapproved events that are unavailable on this database. To the NGFA's knowledge, though, the NCGA web site list is the most complete list publicly available.

NGFA members communicating with grower-customers prior to and during harvest may wish to remind them of your respective company's policy on acceptance/non-acceptance of corn that is not yet approved in the European Union, and, if you accept such corn, the specific restrictions you may place on deliveries and/or advance notice prior to delivery.



EC, U.S. Finalize Joint Proposal to Liberalize Farm Trade at WTO

The European Commission and the United States on Aug. 13 unveiled their joint agreement on a framework proposal for negotiating the three pillars of agricultural trade reform during the Doha Development Agenda round of the World Trade Organization.

While many of the specifics are yet to be determined, a joint statement issued by the NGFA and the North American Export Grain Association said the framework provided a “much-needed stimulus” and “an opportunity for making progress” on reducing trade-distorting domestic supports, increasing market access and phasing out all forms of export subsidies. “Admittedly, as strong supporters of aggressive trade liberalization in agricultural markets – and as advocates of the ambitious reforms contained in the initial U.S. proposal presented in July 2002 that would substantively reduce major trade-distorting policies in a relatively short time frame – this EU-U.S. proposal represents some compromise,” said NAEGA President Gary C. Martin and NGFA President Kendell W. Keith. “The joint EU-U.S. proposal still leaves open to negotiation the precise levels of reductions in trade-distorting domestic supports, tariffs and export subsidies that are to be achieved, as well as which agricultural products will be covered at various reduction levels. Our hope is that the participating nations will use this opportunity to adopt substantial and meaningful reductions to bring real reform to world agricultural trade.”

EC-U.S. Proposal: Concerning domestic supports, the framework document would require the most trade-distorting supports be reduced by an unstated percentage range, with countries having the higher trade-distorting subsidies making greater reductions than other countries. Less trade-distorting supports would be capped at 5 percent of the value of production. Concerning exports, the framework document calls for

implementing parallel disciplines on export subsidies, export credits, export state trading enterprises and food aid programs. Countries would commit to eliminating export subsidies for certain agricultural products over a specific time frame – both the products and the time frame were left open for negotiation. For export credits, countries would commit to eliminating over the same time period the trade-distorting elements of export credits through disciplines that reduce the repayment terms to commercial levels. And for market access, the framework calls for substantial improvements, with some tariffs (to be determined later through negotiations) to be reduced using the Swiss formula favored by the United States, while others would be subject to a straight percentage reduction used in the Uruguay Round and favored by the European Union.

The NGFA and NAEGA cited the inclusion of several positive concepts in the joint EU-U.S. paper on agriculture, including proposals that would: 1) provide a mechanism by which trade-distorting export subsidies can be phased out; 2) require developed countries to reduce trade-distorting domestic supports at levels “significantly larger” than achieved under the Uruguay Round of world trade talks, with countries having higher trade-distorting subsidies making the greatest reductions, rather than adopting an across-the-board percentage reduction; 3) include the “Swiss formula” concept as part of a blended formula for reducing tariffs to improve market access; and 4) impose disciplines on single-desk export state trading enterprises, such as the Canadian and Australian Wheat Boards, by allowing competition in all markets; prohibit special financing privileges; and impose disciplines on pricing practices for export state trading enterprises.

EU Proposes Tighter Aflatoxin Limits

The European Union has proposed to set new, more stringent limits for the presence of aflatoxin in corn and other cereal grains – at levels significantly less than the action levels currently established by the U.S. Food and Drug Administration.

The EU’s proposals were conveyed in documents submitted to the World Trade Organization’s Committee on Sanitary and Phytosanitary Measures. Specifically, the EU proposed to reduce maximum limits for aflatoxin in corn to 5 parts per billion (p.p.b.) for aflatoxin B₁; and 10 p.p.b. for total aflatoxins. In addition, the EU proposed to reduce limits for aflatoxin B₁ and total aflatoxins in cereal grains (except corn) to 2 p.p.b. and 4 p.p.b., respectively. And the EU proposed a sampling procedure for official detection of aflatoxin that is potentially problematic, in part because it would require tests on a 30-kilogram (66-pound) sample. The EU maintains that its proposed aflatoxin limits are necessary to ensure that raw corn processed for human

consumption can meet the EU’s existing 2 p.p.b. limit for aflatoxin B₁ and 4 p.p.b. limit for total aflatoxins in human foodstuffs. By contrast, FDA’s action level for aflatoxin in corn intended for human consumption is 20 p.p.b., and is based on total aflatoxins.

After reviewing the EU’s proposed regulations, officials with the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration concluded that they could have a potentially substantial adverse impact on U.S. exports of corn and other grains to countries like Turkey, which are in the process of joining the EU. GIPSA also raised concern that its aflatoxin-detection test kits are designed only to detect total aflatoxins – to a level of as low as 5 p.p.b. That means slower and higher-cost HPLC measurements would be required to detect aflatoxins at lower levels.

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Appropriations, Energy Bills Await Action When Congress Reconvenes

Appropriations bills for financing the federal government when the new 2004 fiscal year begins Oct. 1, as well as the energy legislation, likely will dominate the agenda when Congress reconvenes on Sept. 2.

Republican leaders have signaled they do not intend a repeat of last year, when Congress was unable to complete most of the spending measures, which subsequently were rolled into an omnibus bill and approved five months after the new fiscal year began. Congress has set Oct. 3 as the target adjournment date, although the conventional wisdom is that far too much work remains and that the session likely will drag late into the year. In addition to the appropriations and energy measures, several other legislative initiatives are set to be undertaken.

Appropriations: Congress is ahead of last year's pace when it comes to considering appropriations measures, with the House having passed 11 of 13 bills and the Senate four of 13. But none of the bills has received approval yet from both chambers and no resolution has been reached on some of the most contentious issues, such as keeping spending on some measures under tight caps. The agriculture appropriations bill, which sets funding levels for the U.S. Department of Agriculture and Food and Drug Administration, has passed the House and likely will be one of the first to move through the Senate upon its return. While spending levels have been adhered to in both bills, a conference committee will need to work out some specific policy differences. For example, unlike the Senate bill, the House measure would prohibit USDA from spending funds on country-of-origin labeling for meat and meat products (beef, lamb and pork), which is scheduled to transition from the current voluntary approach to a mandatory requirement on Oct. 1, 2004 (poultry is not covered under the 2002 farm law's COOL provisions). The House bill also limits funding for the Conservation Security Program championed by Sen. Tom Harkin, D-Iowa, which would provide financial incentives for implementing conservation practices on working farmlands.

Meanwhile, the energy and water appropriations bill, which funds the U.S. Army Corps of Engineers' inland waterways projects, also has made its way through the House and is

awaiting consideration on the Senate floor. The House measure would allocate \$4.482 billion for Corps activity, while the Senate version allocates \$4.43 billion. Senate Energy and Natural Resources Committee Chairman Pete Domenici, R-N.M., may yet introduce a floor amendment that would allocate additional funds that exceed the bill's previously approved spending cap. Such a move could slow progress, as any breach of the spending limits likely will face stiff resistance.

Energy Legislation: The surprise move by the Senate to pass last year's version of an omnibus energy bill before leaving for the August recess and the historic blackouts that occurred in parts of the Northeast, Midwest and Canada this month have increased the focus on an already contentious push to complete a comprehensive energy bill as soon as possible. The blackout has shifted the focus to the bill's electricity title and whether to limit the scope of the measure to facilitate its timely passage. The debate has pitted those who favor more oversight authority for the Federal Energy Regulatory Commission (FERC) to set up regional power transmission organizations against those, particularly in the South and West, who favor state regulatory systems that provide lower rates.

President Bush has stepped up his call for an energy bill and has noted his preference for the House measure, which would expand production of natural gas, oil and coal. Passage of the Senate bill, identical to the one approved last year when the Democrats were in the majority, generally is viewed as a tactical maneuver to enable the Senate to go to conference with the House, with the final bill unlikely to resemble the current measure.

The joint House-Senate conference committee is certain to be contentious, although the two bills are similar in their renewable fuels provisions. Each would require gas refineries to use 5 billion gallons of renewable fuels – the Senate by 2012 and the House by 2015 – approximately double the quantity currently used. In addition, they would ban the use of MTBE in four years, and end the Clean Air Act requirement that gasoline contain 2 percent oxygen in high-pollution areas.

("Aflatoxin" continued on page 3)

The NGFA and the North American Export Grain Association (NAEGA) will be working with USDA to develop the responses of the United States and the two associations to the EU proposal.

Germany Proposes Reductions in Limits for Aflatoxin, Other Mycotoxins: In a separate action, Germany has proposed to reduce aflatoxin limits in corn to levels even less than proposed by the EU, as well as tighter limits on other contaminants. Specifically, Germany proposed to reduce aflatoxin limits to 2 p.p.b. It also proposed to reduce limits for deoxynivalenol (DON) to 0.5

parts per million; zearalenone to 0.05 p.p.m., and fumonisin to 0.5 p.p.m. In addition, Germany proposed to reduce the limits on aflatoxin in milk to 0.05 p.p.b. The NGFA and NAEGA urged the U.S. government to strongly oppose Germany's proposal, since they are far less than FDA's limits and advisory levels, and have not been codified by international bodies, such as the Codex Alimentarius Commission, because of scientific uncertainty. The NGFA and NAEGA noted that Germany's proposed limits could restrict trade in agricultural commodities and set a precedent for other countries.



USDA Set to Issue Import Permits for Certain Canadian Ruminant Products

The U.S. Department of Agriculture said this week it is prepared to begin issuing permits by the end of August to enable the import of certain ruminant-derived products from Canada.

The products for which import permits will be issued include: 1) boneless bovine meat from cattle under 30 months of age; 2) boneless veal meat from calves that were 36 months or younger at slaughter; 3) feed ingredients (including calf milk replacer) and pet food that contain processed animal protein and tallow of non-ruminant sources, so long as such products are produced in facilities with dedicated manufacturing lines; 4) finished pet chews made from bone, ligaments, hides or hooves; 5) fresh or frozen bovine liver; 6) boneless sheep or goat meat from animals younger than one year; and 7) vaccines for veterinary medicine for non-ruminant use. The Canadians have been unsuccessful so far in urging USDA to lift a requirement that exported products be slaughtered in plants dedicated to slaughter of animals younger than 30 months, following the single case of bovine spongiform encephalopathy (BSE) confirmed on May 20.

U.S. importers will be required to apply for and receive a "U.S. Veterinary Permit for Importation and Transportation of Controlled Material" (VS Form 16-3) that is available on-line or by calling APHIS' National Center for Import and Export at 301-734-3277. The VS Form 16-3 also can be completed on-line. A cover page that accompanies the VS Form 16-3 contains specifics on the applicable fees for the permit. Some of the aforementioned Canadian products – including finished pet chews – require a Canadian government certificate rather than a U.S. veterinary import permit; more information on obtaining the Canadian certificate also is available by contacting APHIS at 301-734-3277.

In addition, USDA announced it will allow the immediate resumption of hunter-harvested wild ruminant products intended for personal use. Hunters wishing to do so also are required to obtain an APHIS permit. USDA also will allow the import of caribou and musk ox meat for commercial use from the Canadian province of Nunavut.

USDA also said it would consider importation requests from other countries that have experienced BSE and have the same status as Canada. "If another BSE-restricted country requested recognition of a similar status from the United States, we would assess the preventive systems in place in that country and evaluate the slaughter and processing systems to determine their equivalence with the U.S. system," USDA said. USDA said that it concluded that Canadian ruminant products for which resumption of imports will be allowed represented a "minimal risk of BSE." It also cited actions taken by Canada both before and following its single BSE occurrence, including a "history of stringent import-control measures, a strong surveil-

lance system, a ban (on feeding certain mammalian protein to ruminants) that has been in place for several years and appropriate additional mitigation actions." Mexico on Aug 11 announced it, too, would allow imports of Canadian beef and beef products under the same ground rules as the United States.

USDA to Conduct Rulemaking on Resumption of Imports of Live Canadian Cattle: In a related development, USDA said it will initiate a proposed rulemaking by Sept. 1 on the resumption of imports of "low-risk" live cattle from Canada. Secretary of Agriculture Ann M. Veneman said the rulemaking "probably" will propose that the United States permit imports of Canadian live cattle that are younger than 30 months, since existing scientific evidence has indicated that younger cattle do not contract BSE. The rulemaking also is to identify the criteria and the risk analysis used to justify the proposal. Meanwhile, Canadian and U.S. officials continued discussions on the eventual resumption of live cattle imports. Canada's chief veterinarian, Brian Evans, in a recent letter to USDA's Animal and Plant Health Inspection Service, called for the immediate resumption of trade for the following Canadian live animals if intended for immediate slaughter: 1) veal calves younger than 36 weeks; 2) bovine animals (cattle and bison) younger than 30 months; and 3) sheep, goats, deer and elk.

Beef Export Verification Program Finalized: Meanwhile, to retain the Japanese and South Korean markets, USDA finalized a "voluntary" beef export verification program scheduled to be operational by Sept. 1. Veneman said the United States does not believe the beef export verification program is necessary from a science-based standpoint to protect human health, but rather is a response to "commercial marketing" factors. "We do not feel that the science justifies (Japanese and South Korean) requests to exclude Canadian beef from our beef and beef products" exported to the two countries, she said. "However, Japan is the largest export market for U.S. beef and Korea is the third largest, and any disruption in trade to these countries would bring economic harm to our industry." Veneman said both countries have said they "are agreeable" toward accepting exports of beef and beef products shipped under USDA's beef export verification program.

In an accompanying question-and-answer document, USDA said that other foreign suppliers already had agreed to the Japanese demands, and that the beef export verification program is "a proven marketing tool that currently is used by many different sectors of the U.S. beef industry at all levels of marketing..." However, USDA said the program has

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("BSE" continued from page 4)

"nothing to do with food safety," adding that the department will "continue to work to convince Japan to remove this unnecessary requirement."

In a related development, the United States, Canada and Mexico announced they will ask the international standards-setting body – known as the International Office of Epizootics (OIE) – that addresses animal health matters for 164 member nations to initiate discussions at its meeting in September to "develop more practical, consistent guidance to countries regarding the resumption of trade" with nations that have experienced cases of BSE. The clear inference in the request was to encourage OIE to differentiate countries – like Canada – that have experienced an isolated case of BSE and have implemented prudent BSE-prevention measures and surveillance from others – like Japan – that failed to do so.

USDA's beef export verification program is a user fee-based auditing system implemented through the Agricultural Marketing Service, under which beef and beef products will be labeled as having been derived from cattle slaughtered in the United States. Importantly, this allows

for Mexican feeder cattle to be imported for feeding and finishing in the United States to qualify for export under the program. In essence, producers and processors wishing to have beef and beef products verified under the program will be required to: 1) ensure that such products are derived solely from cattle slaughtered in the United States; 2) develop and implement a written segregation plan that describes how such products are identified, segregated and labeled to ensure "traceability," including completed examples of all forms, tags and labels used to track or demonstrate compliance with the plan; 3) describe how the product will be identified and handled, including documentation for finished products that identifies each lot by lot number, production date, production code, number of boxes and the manufacturer's name; and 4) describe how other non-qualifying beef and beef products handled by the producer or processor will be identified and handled.

AMS will conduct initial audits of program participants, as well as random unannounced surveillance audits to ensure compliance. Beef and beef products that meet the program's requirements will be eligible for a statement on the Food Safety Inspection Service export certificate that reads: "The shipment contains only meat and meat products that were derived from cattle slaughtered in the U.S."

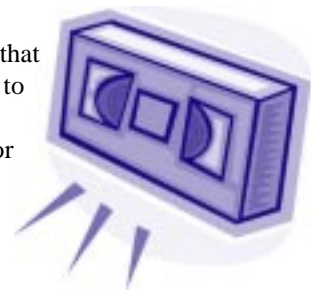
FDA Finalizes Video Script for Truckers on BSE-Prevention Rules

The Food and Drug Administration has finalized the script for video intended to be viewed by truckers to inform them of their obligations for complying with the agency's regulations designed to prevent the establishment or spread of bovine spongiform encephalopathy (BSE).

The script was modeled after the "Voluntary Best-Management Practices for Transporters under FDA's BSE-Prevention Rule" developed in 2002 by a task force organized by the NGFA and consisting of representatives from the Agricultural Transportation Conference of the American Trucking Associations; the Association of American Railroads; the National Renderer's Association; National Oilseed Processors Association; and NGFA.

The FDA's seven- to eight-minute video, in which the NGFA and other organizations served as official cosponsors and consulted in script development, now enters final production and should be released by the end of 2003. Among other things, the video script explains what BSE is, describes FDA's BSE-prevention regulations and stresses the economic importance of keeping the United States BSE-

free. It then provides an overview of the requirement that vehicles be cleaned properly to avoid cross-contamination if trucks are used to haul feed or feed ingredients intended for cattle and other ruminants, as well as products containing mammalian material that is prohibited from being fed to those species. The video script also reviews some of the most common clean-out procedures recognized as appropriate by FDA, such as sweeping, vacuuming, washing and using flush materials.



It is envisioned that a principal method of conveying the information will be through feed manufacturers, who can show the video at the plant to independent and contract truckers while the truck is being unloaded. The NGFA has entered into a co-sponsorship agreement with FDA under which the association will promote and help distribute the video.





New Nominee to Head EPA has Reputation as Consensus Builder

The "take" on Utah Gov. Mike Leavitt, 52, who President Bush nominated on Aug. 11 to be the new administrator of the Environmental Protection Agency (EPA), is that he is a consensus builder who applies balance and cost-benefit analyses to environmental policy decisions.

In announcing the nomination, Bush called Leavitt, currently the nation's longest-serving governor, a "trusted friend, a capable executive and a man who understands the obligations of environmental stewardship" who will come to EPA "with a strong environmental record and a strong desire to improve" on the agency's 33-year record. "He respects the ability of state and local governments to meet (environmental) standards, rejects the old ways of command-and-control from above..., leads by consensus and focuses on results, instead of process," the president said. During his remarks, Leavitt focused on his environmental philosophy, which he has dubbed "libra" (a Latin word meaning "balance"). "There's an inherent human responsibility to care for the earth," he said. "But there's also an economic imperative that we're dealing with in a global economy to do it less expensively."

Leavitt's nomination requires Senate confirmation, with hearings before the Senate Environment and Public Works Committee likely in September. Ranking Committee member James M. Jeffords, I-Vt., already has signaled he will try to use the confirmation process to obtain environmental data from the Bush administration. And several Democratic senators, including presidential contender Joseph Lieberman, D-Conn., have indicated they will use the hearings to showcase what they term the Bush administration's abysmal environmental record.

During his tenure, Leavitt co-chaired the Western Regional Air Partnership that was instrumental in bringing together states, tribes, environmentalists and industry to address the problem of brown haze over the Grand Canyon. Over the objections of environmentalists, he advocated a major highway extension through wetlands near the Great Salt Lake, a project that the U.S. Court of Appeals for the 10th Circuit eventually halted after finding that the U.S. Army Corps of Engineers did not adequately consider the impact on wildlife or alternative approaches. Leavitt also opposed plans to build a temporary storage facility for nuclear waste on an Indian reservation in western Utah. In addition, he oversaw Utah's efforts to host the 2002 Winter Olympics and has served on a presidentially appointed advisory committee on homeland security.

Leavitt's environmental management philosophy embodies the concepts of transferring power to

lower levels, separating policymaking from data-gathering, using financial incentives rather than regulations, and relying on cost-benefit analyses. His eight-point "en libra" philosophy encompasses the following principles: 1) Having the federal government set environmental standards, but allow for local flexibility in implementation; 2) collaboration, not polarization, to break down barriers and find solutions; 3) rewarding results, not programs, to focus on outcomes instead of process; 4) using credible scientists to reduce the problem of "competing science"; 5) placing markets before mandates to replace command-and-control whenever possible; 6) public education on environmental stewardship and responsibilities; 7) recognition of costs and benefits; and 8) adopting solutions that transcend political boundaries.

NGFA Trade Show Doors Open!

Reservations for space now are being accepted for the NGFA's annual trade show, which runs side-by-side with the popular Country Elevator Council and Feed Industry Council conferences. This year's show will open at the Hyatt Regency in Kansas City, Mo., the afternoon of Sunday, Dec. 7 and run through the day on Monday, Dec. 8, while the conferences continue until mid-day on Dec. 9. The NGFA show offers exhibitors an excellent value – only \$750 for NGFA-member exhibitors – and a targeted crowd of more than 500 conference participants. Interested in more information? Visit the NGFA web site at www.ngfa.org for interactive trade show information and registration, or contact Todd Kemp at (202) 289-0873 or tkemp@ngfa.org. *See you in Kansas City!*



Calendar

- Aug. 26-27:** **NGFA Feed Quality Assurance Workshop**
Holiday Inn, New Ulm, Minn.
- Sept. 5-6:** **NGFA Board of Directors**
Monterey Plaza Hotel and Spa, Monterey, Calif.
- Oct. 29:** **Bioterrorism Regulation Seminar**
(jointly sponsored by NGFA and Pet Food Institute)
The Loew's L'Enfant Plaza Hotel, Washington, D.C.
- Dec. 7-9:** **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





STB to Consider Exemptions for Class II, III Rail Carriers from Abandonment Prior-Approval Requirements

The federal Surface Transportation Board (STB) announced in the Aug. 13 *Federal Register* that it will be considering a class exemption for Class II and III railroads from the agency's requirements to obtain approval before abandoning rail lines.

The STB said it anticipated conducting oral hearings this fall on the matter in response to a petition received on May 15 from 65 regional and short-line rail carriers. In their petition, the carriers argued that creating a new class exemption for use by small carriers in abandoning rail lines would "eliminate current regulatory incentives...to delay abandonment while letting the traffic base and physical condition of low-density lines deteriorate...." Doing so would allow regional and shortline railroads to "redeploy limited assets" sooner, they said, and "facilitate maintenance and infrastructure upgrades necessary for small carriers to continue in operation." The carriers also contended that the proposal would "subject exit and entry to the rail industry to market forces; and increase the dissemination of commercial information to facilitate the offer of financial assistance procedures."

The STB said the proposal would allow small carriers to file a notice of exemption whenever they make a business decision that a given line no longer was viable economically. As part of the exemption notice, the STB said it

would require that the affected carrier provide 36 months of traffic and revenue information, a description of the current physical condition of the line, an estimate of the rehabilitation cost, the carrier's calculation of the line's net liquidation value, the names of connecting carriers and the points of interchange. The abandoning carrier then would be required to publish this information for three consecutive weeks in local newspapers and nationally distributed railroad trade publications.

The petition filed by the regional and short-line railroads stated that carriers utilizing the abandonment exemption would be required to stipulate that any offer of financial assistance would be at the net liquidation value, and would "forgo any claim of a going concern value." In addition, the proposed exemption would assure that any purchaser would have access to third-party carriers through traffic or haulage rights at "commercially reasonable rates" where traffic moved via those connections during the preceding two-year period, the STB said.

The agency said that in addition to considering this petition, it would consider any other matters that interested persons may raise regarding the abandonment process generally, and that it would issue a subsequent notice concerning arrangements for obtaining written comments and the schedule for the oral hearings.

Army Corps of Engineers Reduces Missouri River Flow

Following a federal district court judge's Aug. 4 ruling, the U.S. Army Corps of Engineers reduced the Missouri River's flow to 21,000 cubic feet per second (cfs) from Aug. 12-14. The Corps then increased the flow to 25,000 c.f.s., where it ostensibly will remain until Sept. 1.

Some river terminal operators reported that the reduced river flows will slow and back up traffic until mid-September. The Corps also has stated that unless it rains, minimum navigation levels might not be sustainable, and it will consider releasing water from three reservoirs on the Kansas River.

The Aug. 4 ruling by Judge Paul Magnuson left in place an earlier injunction by Judge Gladys Kessler of the U.S. District Court for the District of Columbia Circuit that required the Corps to reduce flows on the Missouri River. Kessler had issued the injunction to prevent the

Corps from elevating portions of the river system for navigational purposes, allegedly because doing so threatened the existence of certain endangered species (the least tern, pallid sturgeon and piping plover) protected under the Endangered Species Act. The Corps' legal position was that Kessler's ruling conflicted with a May 2002 Nebraska federal district court injunction that required the agency to adhere to its Master Manual for operating the Missouri River system by maintaining navigable river flows.

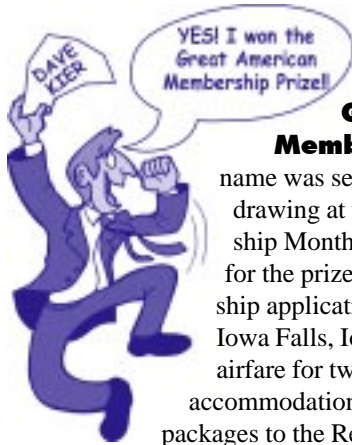
The Judicial Panel on Multidistrict Litigation consolidated and transferred both the D.C. and Nebraska cases – plus another Nebraska case and three cases from North and South Dakota – to Judge Magnuson's court in Minnesota [*In re Operation of the Missouri River System Litigation, MDL No. 1555*]. Judge Magnuson has scheduled a status conference for all the parties to be conducted on Sept. 8.



Membership Matters

by Todd Kemp
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And the Winner is...



Dave Kier, president, DFS Inc., Newell, Iowa, is the winner of the **Great American Membership Prize!**

Dave's name was selected during a random drawing at the culmination of Membership Month on Aug. 15. Dave qualified for the prize by sponsoring the membership application of Iowa Select Farms, Iowa Falls, Iowa. His winnings include airfare for two to Cincinnati, two nights' accommodations, and two VIP ticket packages to the Reds/Cardinals Labor Day weekend series at the brand-new Great American Ballpark. Dave and his wife Jan are looking forward to a fun weekend get-away. Special thanks are due **USA Silo Service**, Waterford, Ohio, and **Allen Group International**, St. Louis, Mo., for sponsoring our excellent Membership Month prize!

In addition to heading the family business (which was founded by his father, Don), Dave serves as chairman of the NGFA's Feed Manufacturing and Technology Committee. He has been a consistent NGFA recruiter since DFS Inc. became an NGFA member in spring of 2001. Thanks to Dave and to

all the other NGFA recruiters who worked to bring in new members during Membership Month.

NGFA Members Elected to AFICPD Leadership: At its July convention in Fort Worth, the **Association of Feed Ingredient and Cottonseed Products Dealers Inc.** (AFICPD), an NGFA affiliate, elected new officers and directors from several NGFA-member firms. **Austin Rose** with Cape & Son, Abilene, Texas, was elected president for the upcoming year. Cape & Son became an NGFA member earlier this year. **Scott Bracewell** with Ken Faulkner Co., Atlanta, Ga., was elected vice president.

In addition, **Steve Short** with NGFA-member firm SOFICO Inc. in Cordova, Tenn., was re-elected AFICPD secretary/treasurer. SOFICO has been an NGFA member for more than a decade. Two other NGFA members were newly elected to the AFICPD Board of Directors: **Wayne Larson**, Garvey Processing Inc., St. Charles, Ill.; and **Ross Brainard**, Commodity Specialists Co., Shawnee Mission, Kan.

Founded in 1979 and with members in 22 states, the AFICPD promotes the merchandising of feed ingredients by independent dealers, and provides a forum to promote cooperation and communication among members.



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TIME SENSITIVE

