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NEWS

Member Alert: Call for information on the Port of Baltimore

By Stephanie See, Vice President, Legislative and Public Policy

NGFA participated in a March 29 multi-agency meeting on the impacts of the Francis Scott Key Bridge collapse and the resulting closure of the Port of Baltimore.

Re-opening the shipping channel is a priority for the agencies and stakeholders involved, but the timeline is still unknown. There is also some concern from the agriculture industry about the secondary effects of the port closure. While the Port of Baltimore is not a significant port for the grain and feed industry, we understand there are some grain exports by container.

In 2023, soybean imports were 117 kmts (of which 54 percent were via containers) plus another 202 kmts of assorted imports (including animal feed/grain products such as flour and rice). On the export side, there were 324 kmts of soybean exports in 2023, all of it in containers, and another 76 kmts of assorted exports (grains/animal feed/grain products), again all of it in containers.

We are seeking additional information from NGFA members on the impacts of the port closure. Please email Stephanie See (ssee@ngfa.org) with any information you can provide. Information will be aggregated and anonymized unless we are given specific direction otherwise.

NGFA urges EPA to deny ‘dangerous’ CARB freight rule

NGFA and other members of the Agricultural Transportation Working Group urged U.S. Environmental Protection Agency (EPA) Administrator Michael Regan to deny the California Air Resources Board’s (CARB) request to authorize zero emissions standards for freight locomotives in California. The proposed CARB regulations “pose a significant danger to U.S. agriculture and the broader U.S. supply chain,” the groups noted in the [April 5 letter](#).

CARB’s “In-Use Locomotive Regulation” mandates that by 2030, only zero-emissions locomotives will be allowed to operate in California. Rail companies in the state also would be required to make annual contributions to a spending account based on emissions during the prior calendar year starting on July 1, 2026.

“If the CARB regulations were authorized by EPA, we believe freight rail carriers and rail customers would be significantly hindered financially and operationally. The inevitable increases in transportation costs and introduction of operational inefficiencies for agricultural shippers and receivers would result in food price inflation,” NGFA and the other working group members stated.

CARB’s proposal requires railroads and rail customers to meet untenable regulatory requirements without any solutions available on the market, the ATWG added. “Specifically, zero emissions locomotives would have to be purchased...but such locomotives are not yet commercially viable and won’t be in the foreseeable future,” the letter stated. “While railroads have conducted limited demonstration projects on battery-powered locomotives, they are not presently commercially viable primarily due to a limited operating range and limitations on battery capacity.”

The proposed regulations would:

- levy annual fees on rail carriers for deposit in accounts that can only be used to comply with the regulations;
- require the decommission of locomotives 23 years or older beginning in 2030 and require that new switch, industrial (rail customer) and passenger locomotives operate in zero-emission configuration (2035 for new line haul locomotives);
- attempt to regulate locomotive emissions by requiring railroads to shut them down while in transit in certain circumstances; and
- impose significant reporting and “administrative payments.”

The Association of American Railroads and the American Short Line and Regional Rail Association are challenging the rules in the U.S. District Court for the Eastern District of California. In the lawsuit, they say the Interstate Commerce Commission Termination Act gives the Surface Transportation Board exclusive jurisdiction over the operations of freight rail in interstate commerce and preempts CARB’s regulations. The District Court affirmed the legitimacy of these preemption arguments in an order issued on Feb. 16. EPA’s deadline for the public to submit comments on the proposal is April 22.

HPAI infection reported in a Texas person exposed to dairy cattle

By David Fairfield, Senior Vice President, Feed

The U.S. Centers for Disease Control and Prevention (CDC) on April 1 issued a [press release](#) indicating that a person in Texas who had exposure to dairy cattle presumed to be infected with highly pathogenic avian influenza (HPAI) has tested positive for the virus. CDC reports the person’s only symptom was eye redness (consistent with conjunctivitis) and that the individual is recovering.

CDC states the infection does not change its HPAI human health risk assessment for the U.S. general public, which the Center considers to be low. However, CDC says that people with close or prolonged, unprotected exposures to infected birds or other animals (including livestock) or to environments contaminated by infected birds or other animals are at greater risk of infection. This case represents the second person reported to have tested positive for HPAI in the United States. A previous human case occurred in 2022 in Colorado. Human infections with HPAI viruses are uncommon but have occurred sporadically worldwide. CDC indicates that human illnesses with HPAI have ranged from mild (e.g., eye infection, upper respiratory symptoms) to severe illness (e.g., pneumonia).

CDC has made [interim recommendations](#) for prevention, monitoring, and public health investigations of HPAI viruses. The recommendations include general guidelines for the public, as well as specific recommendations for farmers, and poultry, backyard poultry and livestock owners and workers.

To date, USDA has confirmed the detection of HPAI in dairy herds in Texas (7) Kansas (2), Idaho (1), Michigan (1), New Mexico (1), and Ohio (1). Going forward, APHIS will post confirmed detections of HPAI in livestock on its landing page by 4 p.m. eastern each day.

The U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) has created a [landing page](#) with recent announcements pertaining to highly pathogenic avian influenza (HPAI) detections in livestock, as well as biosecurity information and other resources. APHIS has also prepared a [Frequently Asked Questions document](#), as well as a [document with recommendations for state animal health officials, veterinarians, and producers](#).

OSHA publishes final worker walkaround rule

The Occupational Safety and Health Administration (OSHA) on April 1 published its [final rule](#) to expand access for third parties to participate as employee representatives in federal workplace inspections. The “Worker Walkaround Representative Designation” rule is effective **May 31**.

The final rule clarifies the rights of employees to authorize a representative – employee or non-employee – to accompany an OSHA Compliance Safety and Health Officer (CSHO) during an inspection of their workplace. Under the rule, the CSHO has the discretion to determine if any potential third-party representatives would be qualified to participate in the inspection.

According to [OSHA’s announcement](#), a non-employee representative “may be reasonably necessary based upon skills, knowledge or experience” including regarding to “hazards or conditions in the workplace or similar workplaces, or language or communication skills to ensure an effective and thorough inspection.”

Multiple parties are considering litigation to challenge the rule.

Among other issues, the rule could open the door to union organizers, community activists, or other third parties who do not officially represent the employees or the government to accompany OSHA on an inspection of a workplace if a CSHO determined the third party would positively impact the inspection. OSHA also places all the responsibility for determining whether third-party representatives are “reasonably necessary” on the CSHO without providing specific criteria for guidance. OSHA inspectors will, therefore, be caught in the middle of labor and organizing matters that will distract from their core mission of identifying workplace safety issues.

NGFA joined the *Employers Walkaround Representative Rulemaking Coalition* led by Conn Maciel Carey LLP which drafted and submitted [comments](#) in November urging OSHA to withdraw the proposal. “In several ways, the proposal significantly expands the scope of individuals who can be

designated as third-party authorized representatives, creating unworkable practical challenges for employers,” noted the coalition. The proposal represents “a significant change to the OSHA’s longstanding approach to physical inspections of American workplaces and raises novel and complex issues of law.”

In its comments, the coalition noted that the proposal would violate several laws, including the OSH Act, the National Labor Relations Act, and the Fourth Amendment.

EVENTS

Register for NGFA’s April 10 safety webinar

NGFA will host a safety webinar on “[Accountability](#)” with Joe Mlynek, founder of Progressive Safety Services, LLC, and partner at Safety Made Simple, on **April 10 at 1 p.m. ET**.

During the webinar, Mlynek will discuss several strategies for getting employees to take responsibility for their personal safety and overall team performance. The discussion will touch on defining safe behaviors, performance evaluations, and progressive discipline.

[Please register](#) to attend this webinar.

Mlynek will host a series of grain safety webinars throughout 2024 as part of a new partnership with the NGFA. In addition to “Accountability” on April 10, other webinar topics include “Hazardous Atmospheres in Confined Spaces” on June 18 and “Serious Injury and Fatalities (SIFs) in the Grain and Feed Industry” on Nov. 14.

Mlynek is a Certified Safety Professional (CSP) and an Occupational Health and Safety Technician (OHST), as well as an active member of the NGFA, Grain Elevator and Processing Society, Ohio Risk Coordinators, National Fire Protection Association, and American Society of Safety Professionals.

Trade Rules Seminar is May 8-9

NGFA’s [2024 Trade Rules Seminar](#) is May 8-9 at the Hilton St. Louis at the Ballpark in St. Louis, Mo. This biennial seminar on trading, trade rules and arbitration provides attendees with a primer on contracting principles and trading practices to minimize costly trade disputes and contract non-performance.

It is designed for those involved in trading operations or responsible for merchandising grains, feed and feed ingredients, but everyone involved in contract execution should attend!

[Register here](#).



WATCH: [What is the NGFA Trade Rules Seminar?](#)

SUPPLEMENTS

Update on NGFA comments to STB on CN-IANR merger

In the latest *NGFA Newsletter*, NGFA reported it would submit comments on March 29 to the Surface Transportation Board (STB) regarding the Canadian National Railway Company's (CN) proposed acquisition of Iowa Northern Railway Company (IANR). However, NGFA will delay its submission due to the STB ordering CN to provide more data about the proposal and extending the comment submission deadline to April 29.

Feeding the Economy report details impact of agriculture

NGFA joined 31 other agriculture groups to release the eighth annual Feeding the Economy report last month. This economic impact study helps to estimate the direct and indirect economic contributions of the food and agriculture industries on jobs, wages, economic output, and business taxes.

In a press release detailing the 2024 report's findings, the groups said the total economic impact for the food and agriculture-related industries grew 11.8 percent over the last year, reaching \$9.63 trillion. This represents 20 percent of total U.S. output.

"The report shows the significant role that the food and agriculture sectors play in supporting the U.S. economy and helps the public and policymakers better understand how these industries continue to promote those contributions," noted the press release.

Other details in the study include:

- Total Jobs: 48,665,870 (up 19.53 percent since the 2020 report)
- Total Wages: \$2.77 trillion (up 33.82 percent since the 2020 report)
- Total Taxes: \$1.25 trillion (up 36.91 percent since the 2020 report)
- Exports: \$181.36 billion (down 2.70 percent since the 2020 report)

The number of direct jobs in food and agriculture was up almost 800,000 since the 2020 report (up 20 percent). From the 2020 Feeding the Economy report to now, food and agriculture manufacturing jobs grew at a faster rate than any other job category. As a result, manufacturing of agricultural production now accounts for almost 20 percent of America's manufacturing jobs, over twice as many as automobile manufacturing.

This year's report can be found at www.FeedingTheEconomy.com.

2024 Feeding the Economy Study Highlights



48,665,609
JOBS



\$2.8 T
WAGES



\$1.3 T
TAXES



\$181.4 B
EXPORTS



\$9.6 T
OUTPUT

Extra Supplements

NGFA in the news:

Grain Journal: [Livestock and Feed Producers Need the Innovative FEED Act Now](#)

Agri-Marketing: [ADM's Chris Boerm Elected Chairman Of Nat'l Feed & Grain Assn, Other Officers And Board Members Announced](#)

Morning Ag Clips: [Agricultural Stakeholders Meet to Discuss the Francis Scott Key Bridge Collapse](#)

Meat and Poultry: [USDA looks at growing agricultural investment for Africa, Middle East](#)

Other news:

Feed & Grain: [Idaho, Ohio report HPAI confirmation in dairy cattle](#)

DTN: [USDA Rolls Out \\$1.5 Billion for Conservation and Climate-Smart Ag Under RCPP](#)

Kansas Reflector: [Davids, Roberts anxious about Washington gridlock inhibiting development of new farm bill](#)

NPR Illinois: [Interest in ag is growing, but it's not easy to become a farmer](#)

Reuters: [Europe's restless farmers are forcing policymakers to act](#)

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