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NEWS

Washington Update: Chaos in the Capitol

By Stephanie See, Vice President, Legislative and Public Affairs

Defying nearly everyone's predictions, Congress agreed to a continuing resolution (CR) on Sept. 30 to avert a government shutdown. The CR keeps the U.S. government open until Nov. 17 at FY23 funding levels and includes \$16 billion in disaster funding but not aid for Ukraine. Lawmakers in both parties who support the Ukraine funding said that could be handled separately. The legislation passed the House 335-91, the Senate 88-9, and was signed by President Biden in the eleventh-hour Saturday night.

House Speaker Kevin McCarthy, R-Calif., then canceled a scheduled recess this week so that the House could get a jump start on passing the remaining appropriations bills required to fund the government in FY24.

That plan was quickly derailed when Rep. Matt Gaetz, R-Fla., filed a motion to vacate the chair to remove McCarthy as speaker of the House. McCarthy's fate was sealed by hardliners frustrated with his bipartisan dealmaking. Gaetz cited as the final straw McCarthy's decision to allow a vote Saturday on the last-minute, bipartisan temporary funding plan that stopped an Oct. 1 government shutdown. In the end, McCarthy was unable to negotiate with Democrats or rebel Republicans to save his job.

A motion to vacate needs to be voted on within two days, and on Tuesday afternoon, the House voted to remove McCarthy, by a vote of 216-210. The vote unfolded in a rare formal roll call on the House floor, requiring each member to stand and declare their decision on whether McCarthy should be removed from his post. It was an echo of the same ritual

McCarthy went through 15 times to be elected speaker in January.

Eight Republicans voted with all present Democrats to remove McCarthy. Those Republicans were: Matt Gaetz, R-Fla.; Andy Biggs, R-Ariz; Ken Buck, R-Colo.; Tim Burchett, R-Tenn.; Eli Crane, R-Ariz.; Bob Good, R-Va.; Nancy Mace, R-S.C., and Matt Rosendale, R-Mont.

The last time the House voted on removing a speaker was in 1910. In that case, then-Speaker Joseph Cannon survived the test. There is no obvious successor to unify the fractious party, a vacuum that comes as the U.S. approaches a Nov. 17 deadline to keep the government open.

McCarthy had pursued many ways to satisfy the conflicting demands of House Republicans' divergent factions ever since becoming speaker in January. He overcame the doubts of many in Washington earlier this year to strike the deal with Biden to avert a debt default with his job intact, but that worsened his already-rocky relations with some members.

When McCarthy was elected speaker in January, he provided the Clerk of the House with a secret list of people who could serve as interim speaker in the event he was unable. This is part of a continuity of government procedure established after the Sept. 11, 2001, terrorist attacks. Rep. Patrick McHenry, R-N.C., was presumably first on the list and stepped into the role until a new speaker is chosen. The interim speaker's role is limited to functions to select a new speaker. All other legislative business, including debate and passage of appropriations measures, is suspended until a new speaker is chosen. Though some scholars argue we are in uncharted waters and the acting speaker may have leeway to allow committees to act. There are simply more questions than answers at this time.

McHenry has announced his intention to hold speaker elections on Oct. 11. The House Republican majority will hold a closed-door meeting on Oct. 10, where candidates can put themselves forward for consideration. The conference would then vote to select their nominee for speakership. If a strong candidate emerges, McHenry plans to proceed with votes on the floor to install a new speaker. At least 218 votes are needed for any candidate to become speaker

However, some in Washington worry there might not be another lawmaker who can win enough support from the conference to take over, leaving the House effectively unable to operate. As it is unlikely Democrats will support any Republican for the job, any Republican can lose no more than four Republican votes in order to be elected speaker.

Here are some possible contenders for the top job:

Rep. Steve Scalise (La.): He has announced he is running for speaker. As the majority leader, the lawmaker from Louisiana is the second-ranking Republican in leadership today. He announced in August that he has a blood cancer known as multiple myeloma and was undergoing treatment. He returned to the Capitol last month and said his treatment was going well.

Rep. Tom Emmer (Minn.): The former hockey player and GOP whip is now the conference's third-ranking member. As the two-time chair of the GOP's national House campaign arm, he has relationships with about two dozen Republicans he helped elect, and as whip he has been charged with building bridges across the conference, so he has ties with all sections of the conference. He publicly said he supports Scalise for speaker.

Rep. Elise Stefanik (N.Y.): Another current leader, Stefanik is the GOP's fourth-in-command and also likely to be in the mix. She has also said she supports Scalise.

Rep. Jim Jordan (Ohio): He has announced he is running for the job. Jordan is probably the most prominent and visible Trump ally in the House, a former Freedom Caucus leader who chairs the powerful Judiciary Committee. He led the defense of Trump during the former president's first impeachment and is now a driving force behind the push to impeach President Joe Biden.

Rep. Tom Cole (Okla.): A dark horse might be Cole. He's a former political staffer and now chairs the powerful Rules Committee. He'd potentially be a figure of stability, but some may not see him as an agent of change.

Depending on who is elected speaker, we may also see shuffling among other leadership and/or committee leadership positions.

Across the Hill, Sen. Dianne Feinstein, D-Calif., passed away on Friday, Sept 29. California Gov. Gavin Newsom quickly appointed a former advisor to Vice President Kamala Harris, Laphonza Butler, to complete the late senator's term. It is speculated that the new Sen. Butler will run for the seat next year, joining a race already crowded with current lawmakers. Sen. Butler was sworn into office by Vice President Harris on Tuesday.

NGFA submits comments on OSHA heat rule

By Jess McCluer, Vice President, Safety and Regulatory Affairs

The Occupational Safety and Health Administration (OSHA) is in the process of finalizing a proposed rule on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings. NGFA submitted comments to OSHA on Oct. 3 reiterating opposition to any broad federal regulation on heat.

On May 31, the full National Advisory Committee on Occupational Safety and Health (NACOSH) unanimously voted to accept the Heat Working Group's recommendations (considerations, best practices, and additional resources) on potential elements of a heat injury and illness prevention standard. The full NACOSH committee also approved an amendment to include a model or sample Heat Injury and Illness Prevention Plan, either as an appendix or elsewhere, in the proposed standard. Importantly, to the extent that this plan is incorporated into the standard, or becomes a mandatory appendix, it could mean a very prescriptive standard, one that would significantly restrict the flexibility employers need for purposes of addressing heat issues in their workplaces. Indeed, compliance could prove very difficult under such a command-and-control approach.

On June 22, OSHA officially announced the start of the Small Business Regulatory Enforcement Fairness Act (SBREFA) process by inviting small business owners and local governments to share input on a potential heat standard to protect indoor and outdoor workers. When an OSHA proposal is expected to have a significant impact on a number of small entities, the agency must notify the U.S. Small Business Administration's (SBA) Office of Advocacy, which then recommends that small entity representatives (SERs) be consulted on the rule and its effects. Next, OSHA convenes a Small Business Advocacy Review (SBAR) panel, consisting of officials from the agency, the SBA's chief counsel for advocacy and the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs. The panel hears SERs' comments and reviews OSHA's draft proposed rule and related analyses. A written report of this interagency panel is submitted to OSHA within 60 days, upon which, OSHA reviews the report, makes any appropriate revisions to the rule, and publishes the proposed rule along with the panel's report in the *Federal Register*. During the panel meetings, the small business representatives provide feedback to the agency's economists on the potential cost of complying with the rule which needs to be taken into consideration before publishing a proposal.

Brain Corderman, Farmers Coop in Alva, Okla., who is a member of NGFA's Safety, Health and Environmental Quality Committee participated on the Sept. 12 SBAR panel.

On October 3, NGFA submitted [comments](#) to OSHA memorializing many of the issues that Mr. Corderman raised during the discussion.

Specifically, NGFA is opposed to the creation of one-size-fits-all federal regulation. The Association's primary concern with the proposed rulemaking on heat injury and illness prevention is that it will place an undue regulatory burden on grain handling facilities in both indirect (employee time) and direct costs (equipment) and additional paperwork requirements. Some examples include: 1) additional paperwork burdens related to monitoring and recording the proposed initial heat (80°) or high heat index (87°) in numerous locations throughout a facility both indoor and outdoor; 2) retrofitting facilities and purchasing new equipment related to ventilation and thermometer measurement (wet bulb) in outdoor environments; and 3) acclimation and employee training, preparedness and equipment, to name a few. In addition, OSHA does not specifically identify what is defined as "indoor" and/or "outdoor;" therefore, it is very difficult to determine what should be done in each circumstance to address the issue.

As a result, NGFA firmly believes that employers should be responsible for or address heat hazards at individual facilities as climate varies from region to region and the health and underlying factors that contribute to heat stress vary by employee.

The NGFA encouraged OSHA to consider the recommendations of the SERs and not burden facilities with a one-size-fits-all standard that is overly complicated and lacks the necessary flexibility for employers to determine and implement appropriate controls to protect their employees.

October is Cybersecurity Awareness Month

Founded in 2004, [Cybersecurity Awareness Month](#), held each October, is an online safety awareness and education initiative co-managed by the Cybersecurity and Infrastructure Security Agency and the National Cybersecurity Alliance.

Starting this year, the new theme of Cybersecurity Awareness Month is Secure Our World, with the main messaging revolving around four key cybersecurity best practices:

1. Understanding the benefits of using a password manager and dispelling existing myths around password manager security and ease of use.
2. Turning on multifactor authentication on personal devices and business networks.
3. Recognizing and reporting phishing – still one of the primary threat actions used by cybercriminals today.
4. Installing updates on a regular basis and turning on automated updates.

For more information about Cybersecurity Awareness Month 2023 and how to participate in a wide variety of activities, visit cisa.gov/cybersecurity-awareness-month and staysafeonline.org/cybersecurity-awareness-month/. You can also follow and use the hashtag #CybersecurityAwarenessMonth and #SecureOurWorld on social media throughout the month.

EVENTS

NGFA announces full CEC program

NGFA this week announced the full slate of programming for the upcoming Country Elevator Conference and Trade Show (CEC). CEC, NGFA's flagship conference for grain merchants, elevator operators, feed manufacturers, processors, and grain industry suppliers, attracts several hundred industry members each year for networking, education, and a supplier trade show. CEC 2023 will be held at the Omni Louisville in downtown Louisville, Ky., from Dec. 3 - 5.

The programming at CEC is designed to prepare, teach, and inspire attendees. Prepare for 2024 with the following general session presentations:

2024 Ag Economy Outlook

Dan Basse, President, AgResource Company

Economist Dan Basse, President of AgResource Company, will open the conference with a presentation on the likely economic challenges and opportunities for the agriculture industry in 2024.

DC Policy Update

Sara Wyant, President, AgriPulse Communications Inc.

Sara Wyant, a respected voice in agricultural communications and publisher of AgriPulse newsletter, offers her views on what's happening in Washington.

New and Notable Issues for Ag Transportation in 2024

Ken Eriksen, Transportation Consultant

Ken Eriksen will provide a multi-modal overview of US ag transportation as we head into 2024, with a focus on supply chain, transportation and infrastructure issues and developments that may affect how your business makes transportation decisions in 2024.

Attendees will have two opportunities to attend a breakout session, during which they can learn more about the following hot-button industry issues:

Panel | Help Wanted: Foreign Ag Labor Solutions

Kristi Boswell, Agricultural Policy Lawyer, Alston & Bird

Chad Carlson, Senior Vice President of Talent, Central Valley Ag

As producers and companies in the food and ag sector struggle to find workers, many have increasingly turned to recruiting foreign workers through visa programs. Demand for H-2A workers, who can take seasonal jobs in transportation and operations, has been skyrocketing, and participation in smaller visa programs, such as H-2B or J-1 has also increased. Kristi Boswell and Chad Carlson will explain the visa programs process, and highlight the legal, operational, and practical issues businesses must consider before participation.

The Thirst for Soyoil: Emerging Market Opportunities for 2024

Nate Burke, Senior Vice President Fats, Oils, Greases, FCStone Merchant Services

U.S. agriculture faces another opportunity to fill a space in the energy sector that is rapidly creating a driving thirst for soyoil. This rapidly developing thirst for soyoil is driving expansion of the domestic

crush industry to provide feedstock for new generation fuels Renewable Diesel and Sustainable Aviation Fuel, the latter of which also creates fresh demand for corn-based ethanol. U.S. agriculture is well positioned to benefit from this cutting-edge revolution.

Panel | Addressing the Challenges in Obtaining Insurance

Marsh McLennan Agency

Berkley Ag

This past year has shown many insurance challenges for the grain, feed and processing industry related to property insurance and reinsurance. Increased frequency of natural disasters, economic concerns, and poor market performance have all resulted in insurers steadily increasing rates, raising deductibles, and implementing stricter underwriting standards in their efforts to return to profitability. Panelists from Marsh McLennan Agency and Berkley Agribusiness will give attendees a nuanced view of the current insurance marketplace and discuss additional ways to obtain the insurance coverage needed to do business.

Attendees will be inspired to think outside the box with general session presentations on emerging technologies and new ways of doing business:

El Nino and Beyond: Leveraging USDA Weather Reports to Optimize Your Business

Mark Brusberg, Chief Meteorologist, United States Department of Agriculture

Mark Brusberg, Chief Meteorologist at USDA, will discuss the upcoming El Nino and how it is forecast to impact the 2024 growing year. Learn how USDA uses weather data to create the Weekly Weather and Crop Bulletin, the U.S. Drought Monitor, and the monthly World Agricultural Supply and Demand Estimates to gain a deeper understanding of how these reports can help your business “predict the weather.”

Is it Scary or a Saving Grace? Generative AI and Real Talk on How it Could Impact Agriculture and Agribusinesses

Jake Joraanstad, CEO & Co-Founder, Bushel

In December 2022, OpenAI released ChatGPT to the public and the world of artificial intelligence changed overnight. Jake Joraanstad of Bushel will walk attendees through a basic understanding of what generative AI is and the different applications (examples like ChatGPT and others) currently available to the public. Attendees will be encouraged to think strategically about AI applications and use cases in their own businesses, to determine whether the opportunities and challenges of AI are right for them.

NGFA members receive a 20 percent discount on registration. Register before the Oct. 13 early bird deadline and save an additional \$50. [Register now](#).

Submit your entries to the 2023 Grain and Feed Photo Contest

NGFA is accepting entries for its [annual photo contest](#). Winners of \$500, \$300 and \$200 are announced during the Country Elevator Conference and Trade Show in December. Deadline for entries is **Nov. 21, 2023**.

The contest theme is “**A Day in the Life**.” (What's happening day-to-day at your NGFA member location? What daily tasks help “transform America's harvest” into food, fuel and fiber? NOTE: The best photo will clearly depict aspects of the grain handling industry.)

One photo per participant will be accepted. Email photos as an attachment to sgonzalez@ngfa.org. The body of the email must include the photographer's name and contact information. Full rules are available [here](#).

SUPPLEMENTS

Extra Supplements

Agri-Pulse: [Report: Global agricultural productivity still lagging](#) *(log in)*

The New York Times: [Food Industry Influence Could Cloud the U.S. Dietary Guidelines, a New Report Says](#) *(log in)*

ABC News: [Tracking the challenges facing Ukrainian grain, all the way from farm to table](#)

Associated Press: [The Biden administration says it is using executive power to allow border wall construction in Texas](#)

NBC News: [Influx of migrants at border gains renewed attention as 'crisis' rhetoric spreads](#)

Water Technology Online: [How food manufacturers can optimize their water treatment processes](#)

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