

## U.S. DEPARTMENT OF AGRICULTURE

+ + + + +

## GRAIN INSPECTION ADVISORY COMMITTEE MEETING

+ + + + +

FRIDAY  
AUGUST 16, 2019

+ + + + +

The Committee met in the Main Conference Room at the AMS National Grain Center, 10383 North Ambassador Drive, Kansas City, Missouri, at 8:00 a.m., Linsey Moffit-Tobin, GIAC Chair, presiding.

COMMITTEE MEMBERS PRESENT:

LINSEY MOFFIT-TOBIN, Eastern Iowa Grain Inspection and Weighing Services; GIAC Chair  
CHAD BECNEL, SGS Trade Services  
RANDALL BURNS, Arkansas Bureau of Standards  
JOHN LINDGREN, United Grain Corporation  
JOHN MORGAN, Supreme Rice, LLC  
RICK ROBINETTE, Sioux City Inspection and Weighing Service Company  
SARAH SEXTON-BOWSHER, Kansas State University  
BRUCE SUTHERLAND, Michigan Agricultural Commodities  
TOM TUNNELL, Kansas Grain and Feed Association  
ERROL B. TURNIPSEED, South Dakota State University  
MARK WATNE, North Dakota Farmers Union

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

ALSO PRESENT:

BRUCE SUMMERS, AMS Administrator

ARTHUR NEAL, FGIS Deputy Administrator;  
Designated Federal Officer

DAVID AYERS, Champaign Grain Inspection

MATTHEW KERRIGAN, Vancouver, Washington ETT

KENDRA KLINE, Assistant to the FGIS Deputy  
Administrator and Advisory Committee  
Specialist

RYAN KUHL, Northern Plains Grain Inspection  
Service, Inc.

TODD RUSSOM, Anheuser-Busch

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

CONTENTS

Call to Order ..... 4

FGIS FDA MOU Discussion ..... 4

Public Comments ..... 37

Discussion of the Policy and Procedure  
Manual..... 40

Recommendations/Resolutions ..... 49

Discuss Agenda Items for Next Meeting ..... 167

Officer Elections ..... 175

Closing Remarks ..... 180

Adjourn ..... 180

## P R O C E E D I N G S

(8:00 a.m.)

CHAIR MOFFIT-TOBIN: Good morning, everyone. Thank you for coming back. I hope everybody had a good night last night and good discussions. So, we're going to start right away this morning, and I apologize for, I have a cough, so I apologize. I'll try to adapt.

This morning, we're going to start with Anthony Goodeman, he's the director of FGMS Field Management Division. He's going to talk to us about the memorandum of understanding. Tony?

MR. GOODEMAN: Well, good morning. Thank you Madam Chair, appreciate it. Thank you for having me. It's great to be up here in Kansas City again. Great to see all the committee members. My name is Tony Goodeman. I work in the field management division, so we oversee a lot of the field operations. We've got eight field offices and about 400 employees around the country.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

We all report with the official agencies. I myself come from the Toledo, Ohio field office. I came out on the field as an online inspector and supervisor, technician, worked my way up from the bottom, so for those who don't know me, welcome.

Okay, I'll pretend the scenario here.

Has anybody been out there on either side of this equation. It's Friday night, you're loading railcars or a shed. You got to make a call to the elevator manager, the operator control room, whatever it is, and say hey, got a bad car here, you know, it's -- weird odor, like a smoke odor of corn or -- glass or something like that, or this subwatt's bad, I've had high aflatoxin, have, you know, 30 parts aflatoxin.

Okay, we'll dump that one right back.

So, well, hang on. Unfortunately, this is actionable under our agreement, under MOU with FDA.

What was that, what was all those initials there we're talking about, I never heard of that thing.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

So, raise your hand if you've ever been involved in one of these actionable lots. There's quite a few, yeah. A lot of people.

So, what this is, is this is a memorandum of understanding that FGIS maintains with the Food and Drug Administration. FDA has a lot of rules and regulations about what can go and what can't go in food, particularly like, like food ingredients like wheat, rice, pulses, processed products, and they've got, they've got rules just like we have.

And instead of them having inspectors onsite doing these inspections or having people in plants, they said, hey, FGIS, you're out there all the time, how about if you guys check for this in the normal course of your work. And so we have, it goes back to at least 1980, that's the earliest version I can find, it might be before that.

And basically says that we'll be FDAs eyes and ears out in the field. If we see anything that violates whatever is on their list that they

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

give us, we'll let them know. And that's where it stops for us, really. We let them know. We're just the reporters out there.

And so if we see something that's on their list of things to be on the lookout for, kind of examples here would be high insect damage kernels in wheat, insects in milled rice, live or dead, animal filth, distinctly low quality grain, that's another initially you have to unfortunately explain sometimes.

Say you had a DLQ that violates FDA MOU, that's a mouthful and it's not a good one either.

Commercially objectionable foreign odors, that would be something that's not normal with grain, not a normal sour or musty odor. It could be something like, if petroleum or some kind of oil product that accidentally spilled on grain or if there's some kind of masking agent put in the grain, like people put cinnamon or bleach to try to mask a bad odor, that could trigger it.

A certain second smoke odors in corn,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

whether there may have been a fire or the corn got heat real bad. And an aflatoxin, it's another common one. Any aflatoxin over 20 parts per billion is actionable. It's like, when that happens, we have a directive out there, it's called the implementation of the FGIS FDA memorandum of understanding and it basically outlines our procedures for our inspectors like for our Jackson employees and the official agencies.

And so what it says is if you see one of these things, report it to FDA. Call them up, say, hey, we found this and send them a written report of what, you know, with some details about what we found and the carrier IDs, things like that.

And then we turn it over to FDA. And that's a lot of times where things can get more complicated.

FDA, the people that are responsible for this, have a lot of responsibilities and sometimes we have to work with them to help them understand, explain to the elevator folks what the FGIS FDA MOU was, let me talk to the FDA and explain

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



to them what the FGIS FDA MOU was for people on the ground who might not deal with this every single day.

And so then once we trigger that, oh, yeah, yeah, so you guys are basically looking out for these regulations in this subpart, okay, and then take it from there. Sometimes, you know, on that Friday night scenario, the bin or the rail car, whatever it is. To be on the safe side, they might just lock it up. They might just seal up the bin, if it's a shipping bin, they might set that railcar aside.

But then if they can't get a hold of FDA until say Sunday morning, that's a lot of down time for that railcar, and that's something that we know from working with you all the time, that's not something that's really tolerable every day.

If you have a bad bin or bad railcar, you're going to dump and reload it right now, you know, in the next 30 minutes. Not sometime next week or whenever we hear back from FDA.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

So, that's, that's some basic background. So, what we'll do then is we'll work with FDA, whatever they want us to do from nothing to witnessing anything. We're not going to, we're not going to like approve a mitigation plan, but oftentimes, the customer, the shipper, whatever it is, will work with FDA and say, hey, we have this say high aflatoxin.

We do have a procedure to recondition it, because the aflatoxin a lot of times will occur in the broken kernels, primarily. So, we'll have a procedure, we can sift that out and then re-test it. That's an existing -- instruction. But other than that, it's really up to FDA what they want to do.

A lot of times, they'll do nothing. They'll say, okay, we'll just say it's not going to be for human consumption and you'll be okay. Or if it's really bad, they might say, well, have it sent to a dumpster, we want to witness that or have FGIS witness that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

But it's really FDA's call. We'll, if anybody has a tough time getting a hold of FDA or doesn't get responses, we can use our contacts to let them know and say, hey, this customer here waiting on this has been a few days, can we, just want to make sure aware that this is going on. So, that's really about it. We're literally reporters, so we report to FDA anything that exceeds these challenges outlined in their regulations, which are formalized in our instructions.

And we let them know what's going on and then it's really on them. Like, we'll witness a transfer of a bin, we'll witness any kind of reconditioning, whatever mitigation plan they might come up with, but that's about it. So, again, some examples here.

Insect damage kernels and what, if it exceeds our sample critic criteria, which is 32 or more insect damaged kernels, that's a sample rate for us but also actionable for FDA. Insects in milled rice. Another one that comes up

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

frequently is a distinctly low quality if we get deer droppings, and that's something that we see, unfortunately.

And we have a policy within FGIS that any deer droppings, any deer droppings in a lot, if you find one deer dropping in a lot of grain, whether that's, you can open up a barge and see it there or it's your actual sample, any one deer dropping in a lot is distinctly low quality. We say that it's large animal filth and it's not something that we want to have in the grain and so by FGIS policy, we make that lot distinctive low quality which then, anything that is DLQ, we report to FDA as actionable.

So, that can be a, it can really make a tough problem finding one deer dropping tougher, because it's not just something that you can just run around and clean, you know, to involve FDA. So, I mentioned the COFO and the aflatoxin. Some of these things like the aflatoxin, we have reconditioning options for. But very few other

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

things.

The FDA MOU is dated, the last one was signed I think in 1997, so it's 22 years old. The FDA regulations, because we've actually had a presentation from some of the FDA at the New Orleans Regional Industry meeting that -- we put on jointly.

And it's a real shame that we couldn't have them here today to answer all these FDA questions.

But I'm honored to be able to answer FDA's questions, but she'll do the presentation and I'll outline all these same things, like it's nothing in their regulations about these standards or limits, what's not acceptable has changed. Some of the language is a bit old and I think that we can, I know this is a pain point for a lot of us in the industry, and in talking with Arthur, something that we definitely want to take on and refresh, see what we can do to make this process smoother.

Because we are on the ground and want to be able to facilitate. We know that FDA might

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

not always be out there. You know, they might not work nights and weekends. We want to be able to do whatever we can to help keep things moving, help keep the food safe, but also make sure that the world can go around.

Hopefully that answers some of the kind of background questions. I'd be happy to entertain questions on this I can share with you, if you'd like.

PARTICIPANT: Tony, what about submitted samples?

MR. GOODEMAN: That's a great question. So, the question is on submitted samples. What about submitted samples. So, submitted sample is something that a farmer or a grain elevator, anybody, anybody could just send to us and say, he will you grade this. It might just be like, you know, two, three pounds.

We don't know where it came from, they might say it's from car ABC 123, we have no idea.

It could just be from some, you know, a 50 gallon

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

drum in the office of the good stuff, not that that would ever happen. But they send a sample in and we grade it. And when you, anything on submitted samples is not actionable. Because we don't know if it's like from an actual official lot or anything.

We don't know where it came from, what it is. This only applies to officially sampled lots. So, that is kind of, I don't want to call it a work around, but that is something that gives handlers some more options, is if you send in submitted samples, if, you know, have maybe some hot aflatoxin you're trying to sort out and trying to bin.

That if you send in submitted samples and in turns out that it's, you know, 40 parts per billion, it's not actionable, it's not reportable to the FDA. This is only things that are officially samples with FGIS or our official agents are out there doing work online or probing officially. That's a -- I appreciate that clarification.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MR. KERRIGAN: Tony, you talked about the MOU being dated. Is there a plan to update said dated MOU?

MR. GOODEMAN: Yeah, yeah, we do. We looked at this a couple of years ago and started making some inroads with FDA. I think they had some changes in staff, so did we, and so I think it's time to reinvigorate that to see what we can do to improve it, modernize it.

MR. KERRIGAN: Because of a lot of the time lag that we see that you mention and that's obviously one of the bigger concerns upon this, do you see FGIS being able to take a larger role with the new, with an updated MOU, or is that part of the progress or intention?

MR. GOODEMAN: I think it's something to talk about, I think that, you know, you kind of get into what, what is our role. We're happy, the easier things to do is work out some of these things with FDA in advance. Like if they have standard policies where they handle things, that's,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



that's easier. If we're the ones, again, we're not food safety experts, we likely wouldn't put ourselves in the spot to say hey, we're going to take all these FDA rules and figure out, you know, what's going to be best for FDA food safety objectives.

MR. NEAL: This is Arthur. I agree with Tony, it probably wouldn't take on the full decision-making responsibility. One of the things that we'll have to talk about in the engagement of this update is timelines. So, are there things that we can do to make sure that there's better response time to issues. Are there things that they could commit to do to ensure that they jump on things much quicker than have been.

If there are some decisions that can be, you know, delegated to us that don't cross over into the food safety arena, can that be done? So, we'll have to look at those things and see what we can do. And it's almost similar, you know, I appreciate we listening to you sharing that came

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

out of it much clearer than we heard in New Orleans.

But it's similar to the FSIS relationship that we've got. The things that we, you know, we brought vital service FSIS has on petitioner authority, I'm sorry, I said FSIS, yeah, agents. In this case, you know, I'd like for us to see what we can do to make sure that there's timely response. Because I'm thinking -- relationship, there are timely responses. We want to make sure the same thing is happening with FDA, so that's the what we'll definitely commit to.

MR. KERRIGAN: And you touched on there, Tony, right at the very end too, you know, the state, kind of standard items where there's usually a standard process like with aflatoxin or sealing of bins, even if it's something to where, here's a standard process that you can, that they may allow you guys to, you know, automatically oversee the transfer to another bin or something like that so we're not tying up the facility as their making decisions would be a great next step

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

for us. That way, we'd have to wait for three, four, five days to get a response that says you can finally move this over and then we'll be out.

MR. GOODEMAN: I think there's a lot of potential there.

MR. NEAL: So, one think I would suggest, since we're talking about this, the committee may want to consider looking at that MOU from your perspective and how you been impacted by it. Providing us input on ways we could potentially suggest updates and changes to it and be reasonable. Consider we're authorities while you're doing so, so that we could try to make as much progress as we can in negotiating numbers.

MR. SUTHERLAND: Bruce Sutherland, so this is kind of a, I know, we're getting legal aspects here, perhaps we will. So, an MOU, how does that have a weight from a statutory item, and also, you know, we're up for renewal of the Grain Standards Act. Could Congress supersede this and take this from FDA? And strictly put, you know,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

deal with these issues for FGIS, since you're dealing with handlers and deal with it on the spot and take FDA out of the picture. If they, you know, put that up in the Grain Standards Act, I'm curious how that, what your thoughts are on that? Do you want to go there?

MR. GOODEMAN: Well, I definitely don't, but sometimes I can't help myself. So, a lot of the provisions in the FDA, the reason that we have this is that FDA has the law they work under and the regulations that have all these stipulations in there. So, whether we enforce them or FDA does, I mean, we assume this to be somebody, but they're in the, they're codified already.

So, as far as our relationship to having an MOU, I think it's designed with AFIS, you know, there are people out there don't have some of the government officials coming through. We're already out there, know the business, know you all, by relationship, so that part, it makes sense to me.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

It puts us in an awkward spot sometimes, because then we've got to, you know, try to enforce somebody else's rules effectively, but from a taxpayer standpoint, it's nice to have some efficiency there, you don't have multiple folks coming out and doing business and things, so ---

MR. NEAL: Let me add to that, too, Bruce. It also gets complicated if you try to modify authorities in that way, because now you've got, they all have to deal with the FDA regulations and their statutes, and pull -- their guardian and give to FGIS which then complicates our, if we become focused on too many different issues, we're not helping safety. That's FDA.

So, what FDA does as they do in other cases, they don't have enough people on the ground.

So, they're trying to figure out how can we still assure consumer safety without having to stretch our resources too thin. So, they allow other federal agencies to do that. Not too much different in the food processing department.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

They may not have enough, you know, feet on the ground to handle all of the processing plants and manufacturing plants and have things going on, so they might not visit them all. And with knowing USDA, you are in certain locations where they have responsibility. They're just relying on us to be their eyes and ears.

So, what we want to try to do is figure out how we can help them as we're their eyes and ears, and help us serve our customers more efficiently without putting us in a bind. Because we're doing, we're helping them. We need them to help us, too. Because this is ag trade and we need us to continue to be, we need to continue to move product out of the country, without delaying, without incurring additional costs. And so, and I will share with Sara Lee this would be a win-win relationship.

MR. MORGAN: John Morgan, Supreme Rice. Thanks Tony, appreciate that. I think you guys are looking at this and I appreciate you guys

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

because when you dig into the, I encourage everyone on the committee to read the Stefano 60 directive in USDA and its implementation. And it talks about what's actionable, what's not actionable.

When you read through it, you know, I know the last update was '97, but I would say that some of this language is probably from 1980.

MR. GOODEMAN: At lot of it was probably early '80s.

MR. MORGAN: So, it's really time to take a look at it and see if we can update it. But also, it digs, when you dig into that and you've got, actually pull the MOU out, the actual MOU between the two parties. I'm not sure exactly what the statute is, yeah, MOU 225-80-2000. When you read through it, it's a little deeper than just when you're doing your normal services. It talks about facilities and warehouses and grain facilities.

So, anytime FGIS is in your facility, there's always the potential that they see

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

something in the facility and seems like they have the authority or, correct me if I'm wrong, they see some in your facility, it's more than just officially sample product. So, I just wanted to make that clear. I don't think FGIS goes into any facilities looking for that type of deal that, you know, typically they weren't going to discuss.

We've had some facility issues and, you know, we corrected it, we can get FDA involved. They'll tell you, which is nowhere in this MOU or guidelines or anything I've ever read, they've got 10 days to respond. We all know the grain business, that's just too long. So, I encourage you guys to work with them, because I think the mitigation plans that we come up, FGIS has the expertise more so than FDA on those mitigation plans.

You guys understand grain, you guys understand how we can mitigate the problems. There are certain things that aren't mitigatable, you start talking about glass and stuff like that. It has to be within, from a channel. But there

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



are a lot of things, I think, that if you work with the FDA, you can come up with ways that we can reduce the amount of time that it takes to mitigate the railcar load or truckload or whatever.

And I just encourage you guys to go down that path and to anyone of the committee, also, I encourage you to read the statute, realize what is possible. And I understand that the food safety aspect comes from the Food Safety Act, which is FDA's purview, and also I think my understanding is this only applies to exports and domestic business, is that correct?

MR. GOODEMAN: Anything sampled officially, so if that's going domestic, it would be, we import such little, so very little grain, but if something was imported and we sampled it, inspected it officially, then it could. Anything officially inspected.

MR. MORGAN: Do you guys do official sampling on imports?

MR. GOODEMAN: There's so little, like

there's a lot, there's some organic grain that's imported, but we don't typically inspect that.

MR. MORGAN: Yeah, rice guys would argue different because plenty of rice --

MR. GOODEMAN: Oh, there you go, right.

MR. MORGAN: And I don't know if you guys are even involved in that.

MR. GOODEMAN: No, only --

MR. MORGAN: You all are not and I was just curious, on the import side, if that's when you guys are involved at all. Anyway, thank you guys, I encourage you all to keep the honest path in updating this and look for ways that you could do some of these things, I think, more efficiently.

Like you said, you have to educate FDA before you even, they can even make a decision. I think you guys are the ones with all, with most of the expertise on this and some way of finding that this MOU could be updated, give you guys a little more authority on making the suggested mitigation plans.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

So, I think that's how it used to work in the past. If there was a problem, FGIS probably steered FDA, here's some good, and steered the company, here's a good mitigation plan. They weren't exactly approving it, it wasn't their authority, but they could help and I know you guys try to, but getting the FDA to realize that they need your help and the timing is critical, it's a big step. Thank you.

MR. GOODEMAN: And there are further provisions for rice, pulses like dry peas, beans, lentils, and processed products like flour or corn soy blend that are tighter, actually, that do require sanitation inspections of the facility that are even more stringent than what we have in like the coarse grains, whole grains.

MR. MORGAN: Yeah, I don't, like in a lot of the -- you don't see corn or soy beans at all, because I'm assuming that's thought of more as a feed grain or protein or process grain.

MR. GOODEMAN: Any questions?

MR. McCLUER: Hey, Tony. This is a very interesting discussion that we're having. And by the way, Jess McCluer with National Grain Feed Association. Because I'm reading in an e-mail that I received from a member yesterday and IDK and wheat, right?

MR. GOODEMAN: Yeah.

MR. McCLUER: So, and, you know, and I've checked it, I've had this question many times I think, and it kind of gets back to, you know, the guidance that we can provide to the industry and the members. And if you look at the FDA page that refers to the FDA GIPSA Q&A section, how you grade the IDK for wheat and the IDK for wheat on the, from the FGIS side, and from the FDA side are totally different, right? On how you grade.

So, the question would be is if you're a grain elevator and you're sending your wheat to a flour mill, where does the jurisdiction stop and where does it end for FGIS for FDA? So, for example, how are you supposed to grade the IDK for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

wheat if you're a grain elevator versus, you know, sending it to a flour company. So, what am I supposed to, because the question is, do I follow what FGIS has or do I follow what FDA has?

MR. GOODEMAN: I'm talking about like a three-stage process for IDK. When we look at --

MR. GOODEMAN: Yeah, so I'm looking at the IDK. So, you have, it says, you know, and the reason I'm bringing up this technical issue, because this is kind of a prime example of, you know, the importance of the same MOU because of the discrepancies between what the FDA requirements are and how they grade and from the FGIS side.

And so, what I'm saying is, if I get a question, right, being a trade association and I know there's others in here, you know, if they ever call me, what am I supposed to tell them? You know, what is, who has jurisdiction, what is the right avenue to pursue, you know, who should be doing what.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

And I think that's where there's still some of this confusion on, you know, you go to the FDA page and you read IDK about wheat, that's different on the IDK, on the FGIS side. So, you know, and I guess the question is is you know, does that mean for grain elevators, is it once physically it goes, you know, you ship the wheat physically from the grain elevator to the flour mill, does that mean once it's at the flour mill, then it's FDA requirements?

Or, you know, what does that mean? What are you supposed to be following? So, I guess that's kind of the, you know, things like that, and I'd be kind of curious.

MR. McCLUER: Yeah, there shouldn't be too many disparities. Like to help speed the inspection process, we have a three-stage process, looking at, again, wheat, you turn around 100 grams, you look at 15 grams first, and if they're just one or two, you stop there. Haven't looked in the handbook in a while. You can tell I'm rusty. I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

hate coming up here and trying to cite handbook and be wrong. And so we have a procedure that may go a little bit quicker and FDA recognizes, you know, the three-stage process.

You're trying to get to 100 grams total and make sure you don't have an excess of 32 or 32 or more rather. But if somebody were to say, oh, if their procedure was to look at just 100 grams, that would be pretty similar, because we have a process to do that real similarly.

MR. GOODEMAN: I think that's recognized. I think that FDA recognizes it.

MR. McCLUER: The question is, where does this, once it gets to a flour mill, does that mean it's under FDA?

MR. NEAL: Yeah, I mean, it's not us. We don't, we process.

MR. McCLUER: Well, that's, see, this is what I'm, these are the questions that they are, you know, we're talking MOU and we're talking these types of issues that come up. I know, the answer

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

is yes. But I'm providing this as an example. These are examples, questions that come up.

MR. GOODEMAN: I would also say, too, you know, we work also with Jess, Andy LaFollette, Negan on these things. I know Jess has a lot of good contacts. We do, too. If there's ever an issue that comes up, I would offer that.

If you haven't heard from FDA in the amount time that's keeping you up at night, or whenever you're starting to feel uncomfortable about it, feel free to give us a call and we'll see if we can get in contact with some of our contacts over at -- hey, this customer's kind of waiting, just to try to help, to help facilitate however we can.

MR. McCLUER: All right, thank you.

MR. GOODEMAN: Any other questions?

CHAIR MOFFIT-TOBIN: I just have one comment, and I don't know if it's correct or not, but my understanding, you have been a grader for a long time, but when you there's differences in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



grading, FDA doesn't grade, we grade. But the point is is that, you know, there's the criteria for the sample grade factors, for example, the treated seeds. You know, there's four in a thousand grams, then it's sample grade.

You know, but it's still sample grade yellow corn versus if there was 11, I believe under the memorandum of understanding and that's when we contact FDA. So, there's some for sample grade, but they can still, the customers can still do what they choose to do with that. Offload whatever they choose to do, but we don't contact FDA until we get to those limits for the memorandum of understanding. Some of them are the same and some of them are different.

MR. McCLUER: That kind of gets back to the question of your company, and if you have a question, right? What do I need to use or which standard applies or how am I supposed to use this.

What I'm saying is is that there's still questions out there, right?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

CHAIR MOFFIT-TOBIN: You're saying that you want them to be the same?

MR. NEAL: Can you repeat that for the record?

MR. McCLUER: Sure. What I'm saying is here, I understand what you're saying about who's supposed to be doing the sampling, who's supposed to be doing the grade . And I understand the question, right, if a company process inside your -- and you have a grain elevator, you're primarily going to say, and the question is is who's supposed to be doing what. You know, which one am I supposed to be following. Because there's discrepancies here on, you know, what, you know, what grade should I be here, what process should I be using? That's all I'm saying.

And that's an example of, you know, if I get a questionnaire about this, and I'm saying, well, you know, what's it to -- it's, you know, FDA, it's not, you know, what's in the elevator, essentially yes, you know, but where does it say

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

that?

MR. TUNNELL: I don't think you can hear, can you, over here?

MR. McCLUER: It's very soft.

MR. McCLUSKEY: And I think the answer to your question, Jeff, is is it codified under 7 CFR or under the Food, Drug & Cosmetic Act, actually 21 CFR, and that covers everything that's processed, not -- lobby for us.

MR. NEAL: So, this is Arthur. We'll make sure that when -- can be provided, if there are distinctions that need to be made or when lines are crossed, we can update that.

MR. GOODEMAN: Any questions, Mr. Morgan?

MR. MORGAN: In the clarity discussion, when you read this particular statute, it talks about rice, I'm not sure if it means mill rice or rough rice. Is it already processed, is rough rice included? So, it is a little ambiguous at times when we're looking at the different

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

requirements. Because rough rice, in our mind, is unprocessed.

MR. GOODEMAN: Right.

MR. MORGAN: There's steps in doing it.

We'll also argue that rice is not ready to eat once it's processed because that's a food. So, and I think at times that we can treat it on rice side as if ready to eat and it's not ready to eat.

It has to be cooked unless you're pretty hard core and want to eat just rice and something.

So, anyway, in these distinctions, you know, because I think people get worked up sometimes over rice and insects, and the reality is it's not ready to eat. You know, there's ways to mitigate, take the, you know, it's a bad insect, take them out, but you've got to reprocess in this part of the mitigation plan or whatever, and I just want to bring that up.

And you guys work with the FDA. Sometimes it's good to be a little more clear into what we're looking at, because that was questions

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

posed to me, rice, what do I mean, is it rough rice?

I mean, look at some of these regs. I mean, rough rice, we have a lot of problems, processed rice, no. Meal rice, we would not. Thank you.

MR. GOODEMAN: Kind of like Arthur said, any of those points be good to bring up the sooner the better so we could bring that, our discussion with FDA.

CHAIR MOFFIT-TOBIN: What is that?

MR. GOODEMAN: Anything else? All right, thank you, everyone.

CHAIR MOFFIT-TOBIN: Thank you, Tony, and we'll move on to the next item, which is public comments. I think we have one, correct, Kendra? Okay. And then, so Tom, if you'd like to go to the podium so we have a microphone. And please state your name and your affiliation, please.

MR. RUNYON: I'm Tom Runyon with Seedburo. For those of you that don't know Seedburo, just briefly, we're a manufacturer and distributor of grain testing, inspection, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

grading equipment. We are traditionally known as a catalog company, providing a catalog to the industry of all of our testing and inspection equipment. It extends not to just grain, but seed and feed ingredients, also.

I wanted to speak briefly here about the barge storage exam camera system. There's been a lot of work in the pilot program to advance this to the program notice. And we've picked up that arrangement with the two subcontractors that had developed the, first the prototypes and then the final product on the camera system, the software, the hatch mount, all the components that go into making a complete kit.

We recognize that each location is a bit unique in distance from pier to office, physical location, communication differences. So, that's why this system will be a menu, if you will, of the basic components and then various options to be added or configured based on each location. And the arrangements will be with a consultation

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

to make sure that each location will have the appropriate set-up and communication capability, not only the camera system for inserting into the but then also a secondary camera for viewing the hatch, the hatch cover, the ID of the barge.

Seedburo will be distributing this, what we feel primarily is a safety system to get personnel off of the barges, to allow for official inspection agencies to conduct their appropriate inspection without being on, physically on the barge. And as a safety device, should be of interest to both the official agencies and the elevators to talk to their risk management people about the benefits of keeping personnel off of a barge, those contractors as inspectors away from a hazardous location, and just hopefully is a general safety component to make us all safer and work in an environment where we can come home at night.

So, I just want to introduce that to you all. If you have any questions, I do have a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

quickly prepared brochure that kind of outlines what we've done that I can distribute if you like.

CHAIR MOFFIT-TOBIN: Thank you, Tom.

We will open the floor up now to, if there's any other public comments?

Okay, hearing none, the next item on our agenda is the discussion of the policies and procedures manual. If we can take a quick five minute break, that way we can pull it up on the screen. That way, everybody can see what we did.

Okay? Five minutes.

(Whereupon, the above-entitled matter briefly went off the record.)

CHAIR MOFFIT-TOBIN: Your name and affiliation, I'd appreciate it.

MR. WATNE: I'm Mark Watne, GIAC Director and I'm the Agency Manager and I'm Linsey's boss. She doesn't know what I'm going to say that; I've got her a little nervous right now. Yesterday, Linsey thanked FGIS for all the work

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



they did on the barge camera so, and I just wanted to give credit where credit is due. The driving force behind this whole project was Linsey. If it wasn't for Linsey, we never would have got the project approved. Is that right, Tony?

MR. GOODEMAN: That's 100 percent true, yeah, it's, use the microphone for the record, but that's for sure.

MR. WATNE: She's still sweating up here.

CHAIR MOFFIT-TOBIN: What else are you going to say?

PARTICIPANT: Eastern Iowa, very modestly gave credit. That's definitely not the case. This was 95 percent or more Eastern Iowa, the official agencies, industry working together to bring the thing to reality. They spent multiple years working on this project, bringing it to fruition, trying different things. It had a lot of dogged determination there to, and that's why it was so easy to approve, because they put in the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

work, they put in the time.

They tried different things, and it wasn't just to try to get something approved quickly, it was try to get the right thing approved.

And so much credit goes to Eastern Iowa, to Linsey, and to your team there, for pushing this thing across the finish line. And again, thanks to Eastern Iowa and the official agencies and to the industry -- in particular for reviewing it and providing feedback and comments. It was really a great effort and it was easy for us because you guys did all the background and it was just a matter of saying, yes, it's approved.

PARTICIPANT: Yes, these guys put in all the time, effort and money. We did get an eye chart from FGIS, we do appreciate that. But again,

I think we need to give Linsey a round of applause for all the work she did it on it.

CHAIR MOFFIT-TOBIN: Thank you. Okay, we're going to get started here. Sarah's going to give my voice a little break, so she's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

going to give the introduction.

MS. SEXTON-BOWSHER: We're now going to move to the policies and procedures manual to provide context for what this is and the true application. First need to give credit to authorship. This was inspired, really, I believe with Arthur coming on and looking at how can we operationalize and professionalize the work of this committee and also be able to give the committee members the ability to emphasize our efforts and contribution to the right areas of impact, for the overall support of the efforts of grain inspection.

And then really want to give credence to the work of Kendra in drafting and doing the brute force of authorship. And not just doing it in an isolated way. Also reaching out to other committees and gleaning from best practices in other committees, did a lot of collaborative work in that. So, thanks for the product from staff to give us a great starting point. We appreciate

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

that.

Another conventionalization of this is it's meant to be a living document and so as the work of the committee will go on far beyond the current committee members, we want to make sure that we provide a stabilization of continuum, but also an ability to be responsive and adaptive, to have the right policies and procedures to support the efficiency and the optimization of having a committee like this.

And so, this is a first stab at this, but it certainly has an opportunity to evolve as the work and the needs of the committee evolves.

Last night, widely attended by all audience members, we took note, was a working session to go through the editorial process. And certainly Kendra had given us a great first product. But we sort of spent some time -- a few prioritizations as strategic, and then also doing a bit of wordsmithing.

And so we'll review that today at this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

point, go through the sections, make point to items that are more strategic in nature and you'll see a few edits marked up in the Word document here.

CHAIR MOFFIT-TOBIN: Thank you, Sarah.

And I know that this is the first time that a lot of people have seen the policies and procedures manual. It will be on the AMS website under the grain inspection advisory committee, correct, Kendra? Okay. So, you're going to post that.

MS. KLINE: We'll get it posted, try to get it next week, whatever you guys pass today.

CHAIR MOFFIT-TOBIN: Next week, all right, perfect. So, the first page, we're just, we're not going to go through every line of this.

I'm just going to give you an introduction of what this actually is. So, it tells you this document brought it's procedures for functioning under the grain inspection advisory committee and is designed to assist the GIAC in its responsibilities.

So, this lays out our roles, our GDs, what our mission is. We did add to some of this,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

as you can see, and our authorization. So, the GIAC is authorized under Section 21 of the USGSA and abides by all provisions of the FACA as amended.

Now, we have our charter now with our goals and objectives and then the next section is the administration. So, it tells you about our membership and USGSA specifies that membership of the GIAC is as follows. It has 15 members who represent the interest of all segments of grain.

It talks about the nomination and appointment process, responsibilities, responsibilities of the Chair, the Vice Chair, and the Secretary.

Have we always had a, just a Chair and then is this new to have a Vice Chair and a Secretary?

MR. AYERS: No, I believe we had a Vice Chair but no Secretary previous to this.

CHAIR MOFFIT-TOBIN: Okay, so this lays out the responsibilities of the Vice Chair, is to help maintain the policies and procedures manual and ensures its accuracy and takes the place

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

of any absence of the Chair. The Secretary's duties, records all GIAC members votes at the meetings, assist with annual elections of officers and may delegate tasks to others, but retains responsibility for the official records.

This is probably one of the most, well, I shouldn't say the most important section, but I really like this section. It talks about the collaboration between FGIS and the grain inspection advisory committee and tells you the importance of the partnership between the two and how it's important to facilitate changes and improvements that enhance the official inspection system and promoted United States grain.

So, the next section talks about the designated federal officer, which is our deputy administrator to FGIS. It also talks about the advisory committee specialist, which I believe Kendra was assigned that permanent role last night, a life role. Additional administrative items, professional and ethics standards, codes of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

conduct, to act impartially, additional standards of conduct.

This I have highlighted, to the maximum extent possible, GIAC members should speak with one voice whenever possible. Declaration of interest, how do you go about that, how do you recuse yourself if you feel that there is a conflict of interest. Then it goes into the descriptions of what the subcommittees are, abstaining subcommittee, ad hoc subcommittee, and task force, what's the difference between them and what should they be used for.

GIAC procedures, what we do in our committee meetings. All committee meetings assemble for the purpose of making recommendations to, I believe we changed that to Secretary, correct?

MS. SEXTON-BOWSHER: Yes, to the USDA Secretary.

CHAIR MOFFIT-TOBIN: And then we did add under conducting business, we added a committee working day on the day before. Like we said, this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



was a living document, but that was something that this committee felt was very important to, instead of just show up on the first day, that we met and worked together, talked about issues, got to know each other, got a feel for each other.

So, that was really important to us to have a working day before that. So, that was one of the changes. Obviously, establish a quorum, our decisive vote is a two-thirds majority. It talks about the parliamentary procedures and their recommendations. That's another thing that we changed, is that instead of putting recommendations or resolutions, we decided to go with recommendations.

So, there are no more, I don't believe there's any more resolutions in this document, correct? Okay. Our procedure for submitting final recommendations is in here, and then public comments. And then it talks about if you want to comment in person at public meetings, we do want you to go through the Federal Register if at all

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

possible, so we all have note, and so we can look at what those notes are before the meeting starts.

Obviously, we can, we always try to make it so everybody has a chance to talk. Everybody that comes here has an interest and should be heard, I believe. Then it talks about the election of officers. Our nomination process, our voting schedule, and how we count the votes. The invited speakers, that was new to me this year. Usually it's FGIS talks about what they're working on and what their goals and objectives and their updates.

But as this new mindset moving forward, and when we have invited speakers, that to me was very important. It gives us the background information into what we are trying to, trying to get to. We're trying to reach our goals. So, when we have the national organic program here, that was really important to get all that background information as well as the, as well as Tony, and as well as Charles yesterday.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

I believe we moved the duty of care, correct?

MS. SEXTON-BOWSHER: We moved those under role of the --

CHAIR MOFFIT-TOBIN: So, that is the policies and procedures manual. You will get to see that in about a week after we vote on it today.

As far as today, we went through everything and discussed everything yesterday. Is there any more changes, additions, deletions, that we would want to add to the policies and procedures manual?

MR. AYERS: Linsey, I'd like to make a motion to vote for approval of the procedures as recommended.

MR. BECNEL: I second. Chad, I'm sorry.

CHAIR MOFFIT-TOBIN: We have a motion and a second to approve the policies and procedures manual. When we vote, we're going to raise our hands high, okay? So, everybody in favor of approving the policies and procedures manual? The

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

motion is approved.

On the agenda, we were scheduled for a break, but we're going to keep moving forward, if that's okay with everybody?

And we're going to move on to the recommendations. So, Sarah e-mailed everybody the Google docs, and so we're going to start putting those on there. Some people wanted just to submit one as well in writing, but each recommendation we're going to discuss and then we'll have a vote on it, okay? So, if you wanted to, can you announce the first one, please?

MS. SEXTON-BOWSHER: Yeah, the first, actually, why don't we take a one minute pause so I can check my e-mail. I think I have a few more e-mails that I'll enter into the document, is that, or, let me start, does someone have something that they've e-mailed me that is not in this? Okay. So, why don't we read the first one and you can start discussion on it while I do a quick check on that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

Yes, so the first one, establish a subcommittee to review the need for and scope of establishment of grading standards for hemp seed and hemp oil. The subcommittee will work in conjunction with staff and report findings and recommendations at the 2021 meeting. That's the first one.

MR. NORDEN: Can you enlarge that?

MS. SEXTON-BOWSHER: Yes, although, let me do the quick change. That's, I'm going to shutter this and you can start a conversation on that, but then I'll enlarge it. And so do we want to start conversation?

CHAIR MOFFIT-TOBIN: I did, it was in collaboration with Sarah. Give us one minute, and then we'll announce. I'll have her talk about it again and then we'll start discussion on the hemp.

If there's anything that anybody wants to add or change, we'll discuss.

MS. SEXTON-BOWSHER: I believe subcommittee is the appropriate committee

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

structure for this. And it's more of a scoping of the issue in regards to understanding the purview as qualify and support of that information supplied yesterday does fall under federal grain inspection and so scoping of what would those standards be and was the need for the establishment of standards.

CHAIR MOFFIT-TOBIN: Sarah, could you please repeat it again so everybody can, if they can't see it, they can hear it?

MS. SEXTON-BOWSHER: Yeah, if you need to talk with your eye doctor and have yet to do so, I'll read this for you. Establish a subcommittee to review the need for and scope of establishment of grading standards for hemp seed and hemp oil. The subcommittee will work in conjunction with staff and report findings and recommendations at the 2020 spring meeting.

MR. AYERS: I have just one question. Is this a little premature for the subcommittee when the federal government hasn't even established theirs for us to make comments on?

CHAIR MOFFIT-TOBIN: This was more for, to work in conjunction with FGIS and see what those quality factors would be, and to see if we can establish procedures. What would it look like, what would those, what would those factors be?

MS. SEXTON-BOWSHER: So, not necessarily leading to a recommendation for standards, but still being of, what does standards even look like, quality standards, for this crop.

MR. NEAL: This is Arthur. So, from my perspective, because this sector is so new, someone said it yesterday, it would be best for us to be prepared to take advantage of the opportunity than to have tons of product on the market that need work and we have to be in position to take advantage of the work.

So, based on the agreement between FGIS and AMS from 1997 or '92, I can't remember the actual year, hemp seed and hemp seed oil fall under the jurisdiction of FGIS, under the Agricultural Marketing Act, services that can be provided. We

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

don't have standards for those products but we know those products are currently on the marketplace.

Hemp seed oil out there.

If there are companies that begin to ask for services, what guidance, what instructions or standards have been contemplated that we can provide to official service providers to aid them and take advantage of that market, of that opportunity.

So, FGIS alone probably would be able to take that on immediately. You've heard some of the names we're prioritizing, prioritizing this ourselves will probably take a long time for us to accomplish. And so I think, it may not premature to do it, but if it's something that the committee decides not to do, you know, we'll get to it when we can.

CHAIR MOFFIT-TOBIN: And Ryan, I know that you're the one that brought the hemp seed oil to the table and we appreciate that. So, what are your thoughts about this recommendation?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



MR. KUHL: I do think a subcommittee, it is ready to start, to organize some sort of standard. There are plenty of growers in our area that is starting to wonder how to market their hemp.

CHAIR MOFFIT-TOBIN: Yeah, and we come from inspection and criteria and quality factors, I think that we could do a pretty good job with this subcommittee, you know, and start researching and what can we do.

MR. MORGAN: Arthur, John Morgan, in the deep dark archives of federal grain inspection, is there, were there ever any grain specifications for hemp seed and hemp oil? Because at one time it wasn't legal, correct?

MR. NEAL: To my understanding, the answer is no on that. That agreement between AMS and FGIS, they're just kind of sharing who would be responsible for covering commodities within USDA for graining and inspection services. So, just because it gave us that responsibility, it didn't necessarily mean that we were doing the work.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

So, you know, when this new stuff began to emerge and the states began to change their laws, right now most people have been focused on AMS doing the regulatory work to facilitate the market of hemp. Hemp seed oil is different than hemp and hemp seed is different than hemp.

And AMS' specialty product program isn't right now focusing on those items because they're focusing on production. This is processed product, the hemp seed oil, and the hemp seed, you know, falls into the realm of kind of, well, kind of, I don't want to call it grain, but typical work when we facilitate.

We've already been made aware by receiving some e-mails from official agencies that clients have come to them asking them, hey, can you do moisture tests for us, can you do protein tests for us on hemp seed. And we don't have anything in place for that.

So, if this committee believes that this market may grow, it may be an opportunity to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

begin to get out in front of it and position people to take advantage of another revenue strength.

MR. KUHL: I would tend to agree with David a little bit, simply from a resources side.

While I understand, you know, this would be for a subcommittee to explore it but my fear would be, is with all of the other existing issues and recommendations that are out there and the finite amount of staff time and in budget, that I would not want to, if I don't want to try and get out in front of items, but I think that the marketplace has, you know, everything is still growing.

I think we may be, you know, one year, if that, a little bit ahead of the game, that the industry is still trying to figure what they may need, that I would not want to be spending a lot of resources on that while everybody is still asking questions, I guess.

MR. TUNNELL: Question, would this be better in the category of the task force or the subcommittee?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

CHAIR MOFFIT-TOBIN: Why does that make you want the task force instead of the subcommittee.

MR. TUNNELL: Well, it just requires fewer GIs, task force, I mean, members.

CHAIR MOFFIT-TOBIN: No, I believe you're correct because, and if you could help us with this, the difference between a subcommittee and a task force?

MR. TUNNELL: You have more resource people from a task force. Subcommittee is made up only of members of the GI group.

MR. NEAL: So, one of the things, and we've got Tony, want to make a comment about just this. One of the things that I notice that is missing from the policies and procedures manual is the process of establishing task forces. We say what task forces can do, but we didn't say how it should be established. It's something we probably need to look at.

What has typically happened because,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

if, when USDA typically establishes a task force, we do it similar to how we establish a committee, except there's not appointed by the Secretary. So, we'll look at that. Typically, a task force is led by one or two members of the committee, but is comprised of other members from the industry that represent different aspects of the industry.

So, it may be the processing side, let's use just as an example, processing side of hemp, hemp seed oil, the production side of it, the scientific and testing side of it, to make sure we're capturing all of these different perspectives, getting expertise from the various areas, to inform us of the challenge, you know, the problem, so that we can then learn more about the subject matter to decide how will we move forward.

CHAIR MOFFIT-TOBIN: And just to add on to that, just to clarify for myself, then the task force then would report back to the committee,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

and then the committee would vote from there.

MR. NEAL: The committee would decide, based on the work that was done, where do we go from here, yeah.

MR. TURNIPSEED: Brent Turnipseed, SDSU. I think the task force is a good idea to do with this just because there around, the state of South Dakota, it's not approved there yet, but we're starting to work on it with our own task force from the university side and the state side, just to look at it.

But in our neighboring states, Minnesota, North Dakota, it's already happening and you can bring in a couple of the state officials who are already having to deal with this and they probably wouldn't even have to pay for their travel, and they would probably be willing to do it from the state side with a task force. They already have an answer to these questions.

CHAIR MOFFIT-TOBIN: Is anyone opposed to a friendly amendment to change subcommittee to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

task force? Friendly amendment, meaning that we don't need to vote, any sign of --- okay.

MR. GOODEMAN: Tony here from FGIS. I've got just a quick clarifying question. Is this, this is exclusively focusing on hemp seed and hemp oil, is there any need to look at the hemp plant itself or is it assumed that somebody else would grade that with an AMS or USDA or that grading isn't needed on that commodity? I just want to clarify that.

Because I think that we're all part of AMS now, I think it's, the assignment goes for commodity, is still up in the air for things that are so new and different, you know, especially -- and then also on the seed part of it, just for awareness, FGIS doesn't currently do testing like for purity or germination, stuff that like that occurs there, that is NSDSU.

It was something that, I'm not sure, I don't about commodity or this industry, but that's what we're looking for, that purity testing for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

propagation. That's not something that we typically do now. If it's something worth getting a commodity, like wheat where they just want to know FM content or quality of the seeds that is, you know, maybe more in our ballpark.

I know that we do some oil sampling, hemp oil sampling in the past, maybe Dr. Morgan can help me out on what kind of quality testing they may have done on hemp oil. But, like for example, we have a process commodity handbook now that instructs us how to sample for vegetable oil.

We did a lot of that for government contracts back in the '90s, but I'm not sure to what extent the quality testing on that and it stands.

MR. NORDEN: Well, I'd say it's about hemp seed --

MR. NEAL: You're name, too.

MR. NORDEN: Tim Norden, Tree Scientist. So, we do oil testing for like soy bean oil, so, I mean, the oil is of concern and the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



quality, I mean, obviously, the hemp seed, that could be developed and do a rapid test and accrual, so it seems like that's in our, this wheelhouse.

MR. NEAL: So, this is Arthur again.

So, on the, who would be responsible for the hemp plant right now, if I'm not mistaken, especially crops would be and what we'd have to do on the FGIS side is get more involved into the development of it and having these conversations proves here recently, to get us more involved in what's happening. Charles mentioned yesterday that they hadn't gotten that far down the road on standards for the plants.

Right now, they're figuring out what states and what tribes have to do to get the plans approved and certified and all that other good stuff and I'll be working on that. The other question you had was, and I'm, we currently don't do puree testing and things of that nature, and I think if the committee did establish a task force, one of the things that I think would be asked, what's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

needed. What are the needs in this space, just to learn and gather that information and then we can sort out what type of services could we provide, could we not provide, where do they best belong.

CHAIR MOFFIT-TOBIN: And speaking of types of services, do you look at everything that's covered that our AMA commodities on that list and, you know, for example, mustard seed. We used to sample mustard seed. We don't grade it, but we're involved with the sampling of it, sending it out.

So, is there other avenues that we could explore as well, not just creating quality factors for it, but how can we facilitate the marketing of oil seed, the whole plant. You know, is that something you want just the same, just hemp, not hemp oil and seed. Can we just say hemp? Is that fair or am I way off?

MS. SEXTON-BOWSHER: I think that's fair and I also made proposed edits here, establish and upgrading standards for hemp oil and seed and other ideotypes and uses with commercial need for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

standards. That qualifies it but also gives us broad enough scope, or the committee or task force determines the scope, has applicability to other commercial interest.

MR. WATNE: I was just going to comment on the flag portion and I think you covered it with what you did. And I know we just heard a -- plant over in France that makes flax, straw into linen, and I was amazed at the different quality levels of the fiber that comes in. And a substantial hit to the agricultural world based on the quality that you bring to that plant, the quality closing they have. I'm guessing that this is probably doesn't have a similar impact in the fiber world that the farmers are going to need some way to verify if they're getting graded properly on what the quality of the fiber is.

MR. MORGAN: John, I would just caution as you develop these things to make sure that when you gage the processors, you're not getting into commercial terms. It's more of just a quality,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

here's the quality product, not the commercial viability of the product. Sometimes there's people want to reach into the standards world to affect their commercial business, so I would just caution on this task force. So, whatever we do moving forward takes that into consideration.

MR. AYERS: I have one additional comment. David Ayers from Champaign. And I'm going to reference the DDGS in the ethanol industry.

FGIS years ago went out to ask if they wanted standards set up for it and it was almost a unanimous no. So, maybe the hemp industry will not want standards established. So, that's another reason to maybe curtail this for a while. Everybody thought it was a great idea on the committee back then for DDGS to have standards and then we find out the industry didn't want them. Just a point of fact.

MS. SEXTON-BOWSHER: David, I think that's appropriate, but also the subcommittee could do the work of surfacing, not feedback. So, a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

potential outcome report in the spring would be the industry, at this point in time, does not see a commercial need for facilitation of marketing with standards. I think that certainly should be under scope of the --

MR. AYERS: I would make that the primary scope in the beginning, instead of doing the work and then finding out the industry doesn't want it. Contact the industry and see what their wants and desires are and then proceed from there.

MS. SEXTON-BOWSHER: I was intentional leading with need four as the first question here and then scope of, not to determine and create the scope but what would be the scope of, if there's a need for, what is the scope of, that means.

MR. AYERS: All right, thank you.

CHAIR MOFFIT-TOBIN: Is there any more discussion points from the committee? Can you go to the back mic please, thanks. Don't forget to state your name.

MR. McCLUER: Jess McCluer, NGFA. I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

just want to follow-up what Dave Ayers said. If you recall, it was back in 2007 when the Agency formally known as GIPSA came out with the request for comment on DDGS and comments were submitted and they said no, industry said no to creating a standard for DDGS. They came back again and I believe it was 2013, 2014, somewhere around that time, once again asking, does industry want a standard for DDGS, and the response was once again, no.

So, just over that period of time, once DDGS became, really became a major commodity, came into the market, there was the initial request, the response was no, followed up several years later once it became, I guess you could say, imbedded into the market, and the response was still no. So, I think that's just a good reminder, Dave, and something for the committee to consider. Thank you.

CHAIR MOFFIT-TOBIN: Thank you, Jess.

On the DDG note, too, but look how much we're

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

involved with DDGs. You know, so maybe it's not establishing standards, but maybe there's something else that the task force can come up with that we can facilitate the marketing.

MR. KUHL: Ryan Kuhl. These points are very good and I do think that maybe we should see if industry wants similar to the DDGs, so maybe not for a standard, maybe just to get their interest for possible standard.

MR. NEAL: This is Arthur again. I agree. The standards may not be the work, they may be guidance or instructions to agencies who are getting requests for work. So, it's not all just about standards. Like I said, we're currently getting agencies calling us now, asking us, should they take on this work and if so, you know, how?

And what this is saying, is there a need to review the need for scope of staff's grading standards. Maybe you consider not just standards, but also guidance on how to facilitate needs of this industry that may require services from

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

agencies.

MR. MORGAN: I think the DDGS comments are good, valid. The only thing I would make distinction is DDGS is a byproduct of the process and it's not an engagement with a farmer. I think from talking to the guys at North Dakota, South Dakota here, I think it's farmers asking, how do we know we're growing good hemp from hemp.

Looking for ways that they could be standardized on that front. So, it's a little different in my mind, but you've got to take into consideration the facilitation of an industry, a farmer who's growing a product is going to want something to help him understand when he goes to that processor and the processor tells him you're good or bad.

So, that's my comment on it, and I think this is a little bit of a distinction from the current market, but I do agree, you should engage both sides of that, the growers and the processors, to see how they do it currently and what are their

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



recommendations for, for how to handle it.

CHAIR MOFFIT-TOBIN: And just a reminder, this is just developing a task force to review these needs. They're not coming up with anything, they're not taking any actions. This is just to review. They might spend a week talking to growers, talking to the industry about it, and say this isn't for us. You know, whatever the task forces comes back with, that's the information that they're put before the committee to decide.

So, this is just a pathway to see if this, if there's potential there. Is there any more discussion on this recommendation?

MR. SUTHERLAND: This is Bruce Sutherland. Interesting discussion, but just to point this out. If you are going to serve an industry to see if there's interest in moving forward, I hate to get caught up in this nomenclature, but subcommittees have a lot less requirements. It's pretty general and it's just, you know, two or three members.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

A task force, if you read our policies and procedures manual, it's pretty specific, have a specific work agenda approved by FGIS, have a clearly articulated project deliverable, and include at least one member of the GIC, record and maintain meetings or conference call minutes made available to the committee. It spells out some pretty detailed stuff.

I think perhaps a subcommittee, if you're just going to do a survey of industry, might be maybe more appropriate. Just to make a point of order.

MR. TUNNELL: I agree with what you're saying. I just think the distinction is whether or not FGIS does the research for committee members.

So, the responsibility needs to be whether or not a committee member would want to make these calls on industry or not, or the government agency. That's all I'm saying.

MR. SUTHERLAND: No, no, I understand.

MR. NEAL: This is Arthur again.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

Whatever, whatever is done, whether it's task force or subcommittee, FGIS is going to be involved, so that we make sure we're doing everything in decency all along. Subcommittee and task force still need to make sure they keep a record of things that are happening. The force still alone could come back to the committee, full committee.

Those reports are still going to be available for the public to see them on our website.

It's just a matter of who's involved in the work, that's a big difference. The subcommittee is going to be the most, is going to be all of them. A smaller collection of committee members, task force committee with a smaller collection of the committee members plus others. That's the biggest difference.

CHAIR MOFFIT-TOBIN: Bruce, since you have it right in front of you, I know that he just read off everything that a task force, the responsibilities, was the subcommittees just as intense?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MR. SUTHERLAND: Say that again?

CHAIR MOFFIT-TOBIN: Was the subcommittee's responsibilities just as intense when you said the documentation and reporting in --

MR. SUTHERLAND: No, actually not. The subcommittee holds meetings once or twice a month, yet it's all phone conference calls. Calls are scheduled well in advance. Additional meetings can be held if the subcommittee requests additional time and FGI agrees to provide resource support for additional meetings. The majority of members of the subcommittee shall constitute a quorum for the purpose of conducting subcommittee. There's, the way I read it, it's just not as formal as the task force.

CHAIR MOFFIT-TOBIN: Okay.

MR. TURNIPSEED: I have a question. I see where the subcommittee might be better. Is there anything that would prevent the subcommittee under -- and telephone conference from bringing

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

in some outside expertise?

CHAIR MOFFIT-TOBIN: Absolutely.

MR. TURNIPSEED: The subcommittee may be build a task force eventually.

MR. SUTHERLAND: What did you say?

MR. TURNIPSEED: The subcommittee may want to eventually build a task force for it, on what they find.

MS. SEXTON-BOWSHER: I think the onerous of the conversation here today doesn't, it's captured by this language, but to be captured for the record is that we're wanting to do a preliminary surfacing, I guess, and asking the first entry type conversations of need for and scope of, but we are not looking for outputs and onerous of an entire development to those standards or development of guidance. And so whether or not we use task force, which going back to the protocol that Bruce read off in defining that question, my question can be defined very narrowly and that's really the onerous of this conversation or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

consensus of it.

CHAIR MOFFIT-TOBIN: I agree, and I do agree that we should amend the task force and say subcommittee.

MS. SEXTON-BOWSHER: Is that consensus of the group?

CHAIR MOFFIT-TOBIN: All those in favor of changing task force to subcommittee? Okay, approved.

Is there any more discussion on the recommendation?

All those in favor of approving this recommendation, raise your hand high. Sarah, are you counting the votes?

MS. SEXTON-BOWSHER: Thirteen.

CHAIR MOFFIT-TOBIN: Thirteen.

MS. SEXTON-BOWSHER: And I guess, Kendra, would you mind recording, writing them down? The totals, for documentation purposes.

CHAIR MOFFIT-TOBIN: Kendra, do you want me to do that?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MS. KLINE: How do you want me to mark  
13 yes --

CHAIR MOFFIT-TOBIN: Yes.

MS. KLINE: Okay.

CHAIR MOFFIT-TOBIN: Thank you.

MS. SEXTON-BOWSHER: Do want to -- for  
votes in opposition for the record?

CHAIR MOFFIT-TOBIN: Yes. All those  
opposed? One?

MR. BECNEL: Yeah, I opposed as well.

CHAIR MOFFIT-TOBIN: Abstentions.

MR. BECNEL: You can go on record that  
I oppose.

MS. SEXTON-BOWSHER: Oppose?

CHAIR MOFFIT-TOBIN: So, we have two  
opposed.

MS. SEXTON-BOWSHER: So, I think I  
miscounted. I can't do elementary math. Because  
we have 14 committee members in total, right?  
Fifteen, I'm sorry. And then you didn't vote.

CHAIR MOFFIT-TOBIN: I did.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MS. SEXTON-BOWSHER: You did?

CHAIR MOFFIT-TOBIN: I voted in favor.

MS. SEXTON-BOWSHER: Okay, and so the Chair normally shouldn't vote, correct?

CHAIR MOFFIT-TOBIN: The Chair votes.

MS. SEXTON-TOBIN: Okay, then we're good. Sorry.

MS. KLINE: Thirteen yes, two no.

MS. SEXTON-BOWSHER: One abstained. Chad, did you abstain?

MS. KLINE: No, he said no.

MS. SEXTON-BOWSHER: Okay.

CHAIR MOFFIT-TOBIN: So, we have 13 in favor, two nay. The recommendation is approved. Let's move on to the next.

MS. SEXTON-BOWSHER: The Grain Inspection Advisory Committee recommends that the standing sports members be extended to no longer five years to strengthen commitments of service, foster collaboration, and encourage cohesive acumen of the committee. No member of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



committee may serve successive terms. And the author of this --

MR. BECNEL: Myself.

MS. SEXTON-BOWSHER: Would you like to speak to it.

MR. BECNEL: Well, Chad Becnel, so okay, it's a little wordy. So, I need help on the wordsmithing aspect of it, but this was basically brought about on Wednesday when we got a more advanced course and lesson of the inner workings of this committee as it stands. We have a much, I wouldn't say a broad perspective, but now it's a more focused direction.

And I think it warrants more committee members to stay on for a longer period of time in order to get that cohesiveness that we need to promote what we're here trying to do. And that's by, you know, through learning, mentoring, et cetera, et cetera. It's self-explanatory. The wording might be a little bit off, but in some cases I think members who are serving two or three year

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

terms, depending on what we came on or when others came on, some might only have two meetings.

And just when we're able to get the ball rolling and understand what the mission is here set forth were then going to get off the committee and that momentum gets lost. So, the staggering side of it is still in place. We just feel that the length of time in which we're appointed to this committee extends to a period of five years.

MS. SEXTON-BOWSHER: You have in your language that you submitted extended to no longer than five years, which would put the emphasis on the maximum duration but not the minimum. I hear you speaking to the minimum duration. Would you accept a modification of your first sentence, recommends that appointments are for a five year period of service? Please correct if I'm not, the way you have that is extended to no longer than five years?

MR. KUHL: I think the comments from Wednesday were that were that we wanted to make

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

sure that we maintain a staggered approach, which would extend it out to a maximum of five, but to keep with a continuous rolling on and off, that that could be less than five was the intent.

MR. MORGAN: Sarah, we have a group that was really supposed to be appointed in 2017 that didn't get appointed until 2018, because we missed an entire year for this committee. So, it's just a little bit of a short-term issue in the way it's staggered, so there's really a group that's going to be more four years to keep the stagger in place, five rolling off at a time. So, that's why the wordsmithing was needed for this particular proposal, or recommendation, I'm sorry.

MR. ROBINETTE: This is Rick Robinette. So, does this, are we asking to amend the charter, then? Because in the charter, it says three-year terms. So, does that require us to amend the charter?

MR. KUHL: This was for a recommendation to, because this was put into law

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

that we only have three years, so this is the recommendation to change the law. Once the law would change, we would have to amend our policies and procedures. But we can't amend our policies and procedures if law still says three. So, this is the recommendation to the government to extend the terms out, because I have had them first. But even if we added policies and procedures that's five, we still legally would not be able to go beyond three.

MR. ROBINETTE: But it's still in the charter, too.

MR. NEAL: So, like what Matthew is getting at is that, because pre-authorization discussions are happening now, the committee is having a conversation about a recommendation that could get conveyed to those who are working on the reorganization as the Grain Inspection Advisory Committee was a topic of discussion by Congress.

And so, would you all are discussing now is whether or not you want this to be conveyed

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

to Congress as they're discussing the reorganization. If Congress so chose to establish committee appointments at five years, then we would automatically then change the charter accordingly.

CHAIR MOFFIT-TOBIN: Thank you. And just to add to that, you know, I think it's a good continuity and that's what we're trying to do with this recommendation is to provide better service through the GIAC.

MS. SEXTON-BOWSHER: Can I read the edited version?

CHAIR MOFFIT-TOBIN: Yes.

MS. SEXTON-BOWSHER: Committee recommends that appointments are for a five-year period of service with allowance for shorter terms to stagger appointments. Appointments should be consistent with maintain of staggered terms of service with members eligible to serve multiple terms, but no successive terms. Did that deviate from intent at all? Dave?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MR. AYERS: I understand the intent of what's being written there. I would just be worried about or concerned about the implementation. The ideal situation would be three members go out every five years, so there would be a clear staggering. How would we be able to create that if every member is extended out five years, five members.

So, somewhere down the future, you would need to stagger and somebody would only serve or three, and that does them an injustice that we're trying to correct being done now.

MR. NEAL: This is Arthur. So, right now, everybody is staggering. I think five at a time. Now, that doesn't guarantee, well, we can't figure that out. There have been situations where board members or committee members on other faculty committees have had to exit the board for family reasons, for illnesses, for various things.

What has happened is that USDA would then do charter group to facilitate a special

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

appointment to have someone fill the remaining balance of the member's time versus appointing them for a full five-year term. They would fill that time that's been vacated so that we maintain the staggering that has been established.

Then there's also instances where administration changes again and we could very well be facing not having appointments made because we don't have politicians in place to make the decision.

And we have to have the flexibility to do what we need to do to ensure that that staggering of members still exist.

So, I think that's kind, will still try to make sure that people aren't short-changed, but at the same time we want to ensure that we don't find ourselves in the position where 10 members have appointed to five-year terms and where we're in a position of replacing 10 members at the same time when their five-year term has lapsed.

MR. AYERS: And that's where I would say that I think the, instead of stating a hard

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

five-year term of service, I would say for a, up to five years or a maximum of five years to allow the committee flexibility in creating that stagger, depending on how they are, you know, promoted with administration or whatever may change.

MR. TUNNELL: Is this, this is Tom Tunnell. Is this a unique request? Should this be recommended to Congress or recommends, typically we recommend to the agency.

MR. AYERS: Recommended to the Secretary.

MR. TUNNELL: To the Secretary, well, he can't make a decision.

MR. NEAL: Well, what's happening is that as they held a hearing a couple of weeks ago, you all as individuals, as industry members, you can, you know, make your individual comments to the ag committee. What you're doing now is making a recommendation to the Secretary, so that when they engage USDA and the Secretary on what should they do regarding the GIAC. The Secretary has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



input from you all on what you think should be done.

MR. TUNNELL: Okay, thank you for that clarification.

MR. BECNEL: I think when you wordsmith some things, you took out the extended to no longer than five years.

MS. SEXTON-BOWSHER: So, I did not, then, if you look at that comma, with usage of shorter terms to stagger appointments.

MR. KERRIGAN: I think it's awfully wordy.

MS. SEXTON-BOWSHER: So, that no longer than five years could be a recommendation, not we always have one year appointments.

MR. KERRIGAN: But it would be the flexibility of the committee. So, the idea is that we get in there the verbiage of no more than five years, right?

MR. NEAL: I want to add a point of clarification, Matt.

MR. KERRIGAN: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MR. NEAL: So, what happened is that the committee wouldn't necessarily make a decision of how long a member got appointed, it would be the Secretary.

MR. KERRIGAN: Okay.

MS. SEXTON-BOWSHER: I read the back end of appointments extended, recommends the, extend to no longer than five years.

MR. KERRIGAN: Arthur, do you have a recommendation for how we could word this that would get us what we're looking for, I guess, for the, to try and get a longer term of service while maintaining staggering?

MR. NEAL: I don't know if that changed, but how it was worded before with the comma and having assorted terms for keeping staggering actually would work.

MS. SEXTON-BOWSHER: To qualify, are you speaking to --

MR. NEAL: Right, that.

MS. SEXTON-BOWSHER: -- this, the with?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MR. NEAL: Right. That would work.

MR. KERRIGAN: Okay.

MS. SEXTON-BOWSHER: And have with allowance of, I changed that to usage, to encourage as opposed to consider as an exception. This is our working draft and highlight there, but first and foremost, Chad, I want to ensure you have comfort.

MR. BECNEL: Just the wording recommends or for --

MS. SEXTON-BOWSHER: Recommends appointment of --

CHAIR MOFFIT-TOBIN: Sarah?

MS. SEXTON-BOWSHER: Yeah.

CHAIR MOFFIT-TOBIN: Just a suggestion. If we could delete appointment should be consistent with maintaining of standard terms of service with, and then just period. And then start with members eligible to serve multiple, but not successive terms are eligible.

MS. SEXTON-BOWSHER: So, delete that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

highlighted there?

CHAIR MOFFIT-TOBIN: Yes, and appointments.

MS. SEXTON-BOWSHER: Of service of members, or just start with the in?

CHAIR MOFFIT-TOBIN: Yes. So, it reads, the Grain Inspection Advisory Committee recommends appointment of a five-year period of service with uses of shorter terms to stagger appointments. Members are eligible to serve multiple but not successive terms. And then if we could add in that last paragraph, just to explain why we feel this way. Commitments of service, foster collaboration, and encourage cohesive acumen.

MR. BECNEL: Linsey, does that, does that capture the current membership as well? In other words, it kind of reads, I'm looking from the outside. Maybe future appointments versus standing appointments?

MR. NEAL: This is Arthur. I think

what you're asking is if Congress, through the current re-authorization process accepted or changed the appointment period for GIAC members to five years, is your current question, what would USDA do with the current members?

MR. BECNEL: This is Chad, yes.

MR. NEAL: I think for the purposes of the committee, if that's something you want to address, you probably want to include language that would give the Secretary a recommendation on what he should do should it happen. So, if the 2020 re-authorization does extend GIAC's membership to five years, a five-year appointment, you can, through this recommendation, advise his Secretary on how he should handle current membership.

MS. SEXTON-BOWSHER: Help me out here, folks.

CHAIR MOFFIT-TOBIN: To extend the current members for that allotted time. So, just to keep with the staggering, you know, the ones that we only have one year, you know, we wouldn't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

serve a full five years, we just serve two years.

So, then the staggering goes back into effect. So, we wouldn't serve a full five years, but we'd have two years. So, that way, that staggering can go back in place.

MR. BECNEL: This is Chad. It would be considered time served minus the five years, so I don't know how we word that in there, but ---

MR. NEAL: So, I think what you could do is you could say upon extension of the 2020 re-authorization if committee appointments are extended to a five-year period. The GIAC recommends that current GIAC members be extended according to this policy, yeah, this policy, this recommended policy, or recommended schedule, however. And what that does, it can give, it gives USDA a recommendation. We could follow that with respect to a possible extension of term.

MR. McCLUER: This is Jess McCluer. Just for clarification, it probably should say upon

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

extension of the U.S. Grain Standard Act, 2020 re-authorizations charter, right, because it's in the Grain Standards Act and that's where they extend the charter of the advisory committee, correct? So, it probably would just be good to force that in without sentence.

MS. SEXTON-BOWSHER: Help me. What did I miss in my --

MR. McCLUER: Upon extension of the U.S. Grain Standards Act, 2020 re-authorization, that's, so then, that would be, and subsequent extension of the GIAC charter, something to that effect. Something that, just to work that all in there, because that all ties together.

CHAIR MOFFIT-TOBIN: Arthur's looking it up right now for clarification. Thank you, Jess.

MR. KUHL: I think what we're all after here is more so in the future. So, if we do it this way, it would be a five-year term. The rotation should be more of a three person rotation.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

So, every year, three more people come on in the committee. I would --

CHAIR MOFFIT-TOBIN: Do you think that that doesn't say that in the first paragraph?

MR. KUHL: I would say it would be tough to figure out this rotation with adding on the years to our term, although I think a lot of members wouldn't mind that. But it would almost have to be the new elected members in five years.

MR. NEAL: So, just to give you a possibility, because it's already staggered. Let's say that Congress, you know, they extend the appointments for five years. Some people have a two-year appointment. So, they would be extended probably about another two years instead of three years. Some people have a three-year appointment. They would be extended by another two years with that environment. So, we still have that flexibility based upon that language and ensure that rotation or staggering remains reasonable.

MR. BECNEL: We were, it's Chad. We

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



were appointed in --

MR. MORGAN: We got the '17, but --

MR. BECNEL: We had, it never did happen until '18, so technically we lost a year, but to keep in the natural order and allow us to go off and others come on. We would just serve an additional two years to our term. So, it wouldn't change anything. Us knowing that it's not a lot of years, it's two years for us. Three years for a second group and five years after that, but in respect to your three person on and off, that's something I guess in the future, it's all in how they, you know, bring -- I think they brought 10 already one time.

MR. AYERS: That was why there was two

--

CHAIR MOFFIT-TOBIN: Sarah, can you please read this aloud.

MS. SEXTON-BOWSHER: Yeah. Before I do it, can I qualify that we do want the first version of the language, we want this tightly connected

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

as a directive of the sequence events. So, with that, I created this as a sub and so I'll read that.

In the situation of extended appointments of members upon extension of the U.S. Grain Standards Act 2020 re-authorization and subsequent decision of GIAC's charter, the committee provides guidance to support endurance strengthening and commitments to service, fostering of collaboration, and cohesive acumen of the committee.

The Grain Inspection Advisory Committee recommends appoint of a five-year period of service with usage of shorter terms to stagger appointments. Members are eligible to serve multiple terms but not successive terms. And then I would delete this last sentence. Because I had pulled out language up into the first. Is that accepted by the body?

CHAIR MOFFIT-TOBIN: Is there any change that anybody wants to make to that? Any supporting documentation?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MR. NEAL: This is Arthur. I think what you want first is to make the recommendation that appointments, the appointment period going five years, which is the bottom part here, Grain Inspection Advisory Committee recommends appointment of five year period of service and then with the, well, if he didn't do that, in the situation of extended appointment of members upon extensions.

So, the U.S., it's the re-authorization of the U.S. Grain Standards Act. And what you're trying to do is convey a message to the Secretary that you might, for the re-authorization, to extend GIAC membership for five years. So, you want to convey that somehow.

MS. SEXTON-BOWSHER: So, you want to break it back apart?

MR. NEAL: You just have to order it properly so that you are conveying what you want first. You want the re-authorization, but USGSA re-authorization to extend the appointment terms.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

And if they are extended, we want the appointments to be handled a certain way.

MS. SEXTON-BOWSHER: So, I created this as a titled reference here. Sorry, I'm having some --

CHAIR MOFFIT-TOBIN: No, you're fine. You have added pressure. There's no pressure. So, we'll wait for you.

MS. SEXTON-BOWSHER: I put it on the overhead.

So, this is now recommends, appointment guidance, qualifying this as appointment guidance, and now, in this subsequent, shall follow the appointment guidance. So, that's a way to link but also to allow the first developed language to have more of an evergreen.

CHAIR MOFFIT-TOBIN: Sarah, will you scroll down a little bit. I think what we should start with is the grain inspection, if you could switch those, the Grain Inspection Advisory Committee.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MS. SEXTON-BOWSHER: So, you want --

CHAIR MOFFIT-TOBIN: Right there, Grain Inspection Advisory Committee. Right where your cursor, down, right there, down, down.

MS. SEXTON-BOWSHER: Yeah, I'm having, I can't click on --

CHAIR MOFFIT-TOBIN: Sorry.

MS. SEXTON-BOWSHER: Having problems there. I can't just highlight.

CHAIR MOFFIT-TOBIN: The Grain Inspection Advisory Committee recommends the appointment of a five-year term of service. I think what we're trying to say is that needs to go first.

MS. SEXTON-BOWSHER: And that's what I have. So, here's the first. Is that, so there's one, and this is now qualified as titled appointment guidance. If my mouse was being kind to me, I'd italicize that and then italicize in the subsequent one.

CHAIR MOFFIT-TOBIN: I don't know

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

where that appointment guidance came from. The only thing that I was trying to say, and everybody can disagree, was that I think the first part should say the Grain Inspection Advisory recommends the five-year terms.

MR. NEAL: So, listen at this one for consideration. The Grain Inspection Advisory Committee recommends that re-authorization of the United States Grain Standards Act establishes a five-year term of service for GIAC members.

The GIAC recommends that re-authorization of the U.S. Grain Standards Act establishes, or add establishes, a five-year term of service for GIAC members with usage of shorter terms to stagger appointments. And then you can add -- if it happens.

CHAIR MOFFIT-TOBIN: And just a suggestion. Right after that, I would suggest the reason why, after the five years, because we want this.

MS. SEXTON-BOWSHER: I may need to close out.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

I lost mouse functionality and so that's what my problems are here. So, I can't click and paste to note.

MR. KERRIGAN: I don't know where the microphone is, but does our procedural, policies and procedures allow for voting on the, in the essence of time, I'm pretty sure that we can vote on the essence and then can we still tweak this afterwards? Or it has to be exact when we vote on it?

CHAIR MOFFIT-TOBIN: It does say that we have 30 days for final, but we do have to vote on it. So, how does that work? If you can give us guidance.

MR. NEAL: You could still tweak the language. You want to make sure, though, what would happen is that if you tweak the language, you still need to get everybody to affirm that they are still in agreement with the language. And that means you'd be doing it electronically.

Although you agree to principle, now you're creating additional work, to basically to do this all over again electronically. That's fine, as long as the intent doesn't change from what happened here.

MR. KERRIGAN: Okay, thanks.

MR. BECNEL: Sarah, yeah, I'll let you cut and finish,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

but just please make sure that we put the intent and why we want this to apply, first and foremost.

MS. SEXTON-BOWSHER: So, this is our leading sentence, right? We want this to lead?

CHAIR MOFFIT-TOBIN: It should say the Grain Inspection Advisory Committee.

MS. SEXTON-BOWSHER: Grain Inspection Advisory Committee.

CHAIR MOFFIT-TOBIN: Yes, so take out the second inspection on that top line. There you go. Can I ask you a question? What's the appointment guidance?

MS. SEXTON-BOWSHER: So, that's when I was trying to link where we could have those as separate, so it was appointment guidance, and I'm saying this was our guidance now, and then in this follow, we could say in the event, we'll follow the, we recommend following of appointment guidance.

CHAIR MOFFIT-TOBIN: And this is my opinion, but I think we should lead with the GIAC recommends that the re-authorization of the United States Grain Standards Act establishes a five-year term of service for GIAC members with the utilization of shorter terms of staggered appointments, and then say why. And then I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



feel that we should have the staggering underneath that just for clarification purposes, but I think the meat of it needs to be the re-authorization and then the reason why.

MS. SEXTON-BOWSHER: We're happy with the things that's highlighted right now?

CHAIR MOFFIT-TOBIN: Yes.

MR. KERRIGAN: Yes, other than staggered --

CHAIR MOFFIT-TOBIN: And then right after the appointments, after that first sentence, you know, the reason being for continuity, better service, everything that Chad had stated previously?

MS. SEXTON-BOWSHER: Do we have the staggering in there?

CHAIR MOFFIT-TOBIN: Yes, I feel like that should be the second part.

MS. SEXTON-BOWSHER: Is there anything missing from this?

CHAIR MOFFIT-TOBIN: So, appointment of five years, right? So, right now, we have the GIAC recommends that the re-authorization of the United States Grain Standards Act establishes a five-year term of service for GIAC members with the unitization of shorter terms to stagger appointments. This structure to appointment

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

serves to strengthen commitments of service, foster collaboration, and encourage cohesive acumen of the committee.

MS. SEXTON-BOWSHER: This appointment process or process to appointing?

CHAIR MOFFIT-TOBIN: Yes.

MS. SEXTON-BOWSHER: Does that encompass all of our, did we need to go back and capture the subsequent extension of the charter?

MR. KERRIGAN: The only thing I don't think this has, I mean this is great for the first step, as Arthur had pointed out, and the only thing we don't have in there is kind of the second part, assuming it gets approved of the extension of existing appointments.

CHAIR MOFFIT-TOBIN: Is there any more discussion about the order. I believe that should be the last part as well.

MR. KERRIGAN: Agreed.

CHAIR MOFFIT-TOBIN: Bruce? I'm sorry, I thought you had something to say.

MR. SUTHERLAND: Oh, no.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

CHAIR MOFFIT-TOBIN: Okay.

MR. McCLUER: Excuse me, this is Jess McCluer, NGFA. I just want to get a clarification here. So, this is the Grain Inspection Advisory Committee recommends the re-authorization of the U.S. Grain Standards Act establishes a five-year term. Is that proposing legislative language? You're saying the re-authorization of the Grain Standards Act establishes a five-year term.

The way I read that, so you're saying that's the, you're saying within the Grain Standards Act itself, I mean, is that how they, is that, so the re-authorization of the U.S. Grand Standards Act establishes a five-year term of service. Right, because it's in, it's in the law, so that's written within the Grain Standards Act itself.

MR. NEAL: This is Arthur, and right now, the advisory committee established in Section 87(j) of the USGSA. And the paragraph eight says, establishment, number and terms of members.

And so that basically, what they're saying, this is where --

MR. McCLUER: It's in the regs; it's not in the law.

MS. KLINE: It's not in the regs; it's in the law.

MR. NEAL: It's in the law. This is a statutory thing, so our regulations, USDA doesn't establish this. Congress establishes

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

the GIAC and so --

MR. McCLUER: The three year term is in the law.

MR. NEAL: That's in the law. So, that's why Congress asked the panelists that they had at the hearing, should they re-establish the grain inspection advisory committee. And so, if, you as a committee are trying to convey a message to the Secretary about a recommendation you have for him, that when they ask him what should he do about the Grain Inspection Advisory Committee, you've got something to share with the Secretary that he can share with Congress. That's how this works.

MS. SEXTON-BOWSHER: I did go ahead and change this first language to reflect terms, up to five years instead of five years, be at five.

MR. KERRIGAN: I think Arthur, did you state that you wanted that back to just five instead of up to five?

MR. NEAL: I didn't state it. Let me read this for you all. It says not later than 90 days after October 24, 1988, the Secretary shall establish an advisory committee to provide advice to the Secretary with respect to implementation of this chapter consistent with the declarations of policy in Section 74 of this title.

Advisory committee shall consist of 15 members

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

appointed by the Secretary, who represent the interest of all segments of the grain producing process and storing merchandising, consuming and exploiting industries, including grain inspection and weighing agencies, and scientists with expertise in research related to the policies established in Section 74 of this title.

Members of the advisory committee shall be appointed to three-year terms, except that of the initial 15 members of the advisory committee first appointed following the enactment of this session. Five shall be appointed for terms of one year. Five shall be appointed for terms of two years. No member of the advisory committee may serve successive terms. That's in the United States Grain Standards Act.

MS. SEXTON-BOWSHER: So, I'll go back to the specific question of up to five years or five years.

MR. BECNEL: This is Chad. I think stating up to five years might imply the way it currently is, may be germane in or up to five years. So, when we said it earlier and had it listed, establishes terms of five years but we had some stagger of, shorter terms are staggered, so putting a hard line at five years, I think reflects what we're trying to convey in a more appropriate and direct manner.

MS. SEXTON-BOWSHER: I switched it back there,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

thanks, Chad.

MR. BECNEL: Thank you.

MS. SEXTON-BOWSHER: So, we have two pieces here?

MR. BECNEL: It's like in 1993, they assumed a role, this language as amended. It gave the Secretary broadly way in how you appointed them and how long you appointed them to ensure the continuity of the committee.

MS. SEXTON-BOWSHER: Are we ready to re-read these?

CHAIR MOFFIT-TOBIN: Yes, please.

MS. SEXTON-BOWSHER: Okay. The GIAC recommends that the re-authorization of the U.S. Grain Standards Act establishes a five-year term of service for GIAC members with the utilization of shorter terms to stagger appointments. This process to appoint serves to strengthen commitments of service, foster collaboration, and encourage cohesive acumen of the committee. Second one, the extension of appoints upon extension of the U.S. Grain Standards Act 2020 re-authorization and subsequent extension of GIAC's charter shall follow

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

the appointment of a five-year period of service with usage of shorter terms to stagger appointments. Members are eligible to serve multiple but not successive terms.

CHAIR MOFFIT-TOBIN: Didn't we say most of that in the first paragraph, except for the members are eligible to serve multiple but not successive terms?

MS. SEXTON-BOWSHER: Yes. So, we just need to move the sentence --

CHAIR MOFFIT-TOBIN: And then put 2020 at the top. That one, yes. Or put it after. And then delete that second --

MS. SEXTON-BOWSHER: Yeah, delete.

MR. McCLUER: Put 2020 before re-authorization.

MS. SEXTON-BOWSHER: Thanks, Jess.

CHAIR MOFFIT-TOBIN: And the only other thing I would add here is to establish continuity after commitments of service.

MS. SEXTON-BOWSHER: You want service

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

to be a descriptor of continuity?

CHAIR MOFFIT-TOBIN: No, just put comma and then establish continuity.

MR. KERRIGAN: Yeah, the third line, terms to stagger, there you go. So, this doesn't address current numbers. Do we want to try to write that in there or are we happy with just all new members having a five year --

CHAIR MOFFIT-TOBIN: Could you repeat that, Matthew?

MR. KERRIGAN: I believe that this was the first part we had before cleaned up that authorizes five-year terms, but does not address all that's currently here and the question is, do we want to write that in or are we good with just moving forward?

CHAIR MOFFIT-TOBIN: Sarah, are you ready? Will you write this down and then we'll adjust it.

MR. McCLUER: Just put five-year terms of service for current and future.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



CHAIR MOFFIT-TOBIN: After that, can we say, Sarah, ready?

If the re-authorization of the 2020 USGSA extends the terms of service for GIAC members, the committee recommends that the Secretary extend current GIAC members' terms according to this policy.

I'll say it again. If the re-authorization of the 2020 USGSA extends the terms of service for GIAC members, the committee recommends that the Secretary extend current GIAC members' terms according to this policy.

MS. SEXTON-BOWSHER: The committee recommends the --

CHAIR MOFFIT-TOBIN: That the Secretary extend current GIAC members' terms according to this policy. So, this way, we have established what we want. We want the five years, the reason why, and then what to do with the current membership now. Okay, is there any more discussion on this recommendation?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MS. SEXTON-BOWSHER: It was the most controversial one, I'm sure.

MR. BECNEL: Linsey, I'd like to make a motion.

MR. BURNS: This is just picky. The second sentence, this process of appointing members serves to -- strike that.

MS. SEXTON-BOWSHER:: You want of incentive?

MR. BURNS: What?

MS. SEXTON-BOWSHER: You were asking for of instead of to?

MR. BURNS: Of appointing members.

MR. SUTHERLAND: Bruce Sutherland. Just a matter of point about cohesive acumen. I just want to make sure that's right. Acumen is saying cohesiveness of committee, because, you know, acumen means the ability to make to make good judgments and quick decisions, and I'm not sure that, you know, I don't know, cohesive acumen seems kind of odd. So, just for clarity, I think it's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

just cohesiveness of committee. Strike acumen. That's my opinion.

MS. SEXTON-BOWSHER:: Chad, is that -- we added established continuity, but I feel like we're almost starting to get -- of all the descriptors there, which dilutes.

CHAIR MOFFIT-TOBIN: Of the committee.

MR. BECNEL: The word acumen, when I was putting it in there, clearly was meant to state specifically only, just as you stated, it would allow us to make correct decisions by extending our terms. Those that have less than, I mean, it was clearly spoke about the other day that the longer we have with the current members, current structure, that it would allow our acumen to, you can strike it if you want. I really don't care.

CHAIR MOFFIT-TOBIN: Sarah, will you read it as is.

MS. SEXTON-BOWSHER: Okay. The GIAC recommends that the 2020 re-authorization of the U.S. Grain Standards Act establishes a five-year

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

term of service for GIAC members with the utilization of shorter terms to stagger appointments. The process of appointing members serves to strengthen commitments of service, establish continuity, foster collaboration and encourage cohesiveness of the committee.

Members are eligible to serve multiple but not successive terms. If the re-authorization of the 2020 USGSA extends the terms of service for GIAC members, the committee recommends that the Secretary extend current GIAC member terms according to this policy.

CHAIR MOFFIT-TOBIN: Do we have a motion to approve this?

MR. SUTHERLAND: So moved, Bruce Sutherland.

MR. BECNEL: Second.

CHAIR MOFFIT-TOBIN: All those in favor, raise your hands high.

We have 14 in favor. All those opposed. One no. The motion is approved.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MS. SEXTON-BOWSHER: Okay, I'll read the next one here, and then ask that the author speaks to it.

Recommends that FGIS work with FDA to update their MOU to define a timeline, the shorter the better, to address actionable items, referred to them by FGIS, and have clarification on the problem potential remediation solutions, whether from FGIS, FDA, or the party involved.

MR. TURNIPSEED: I don't know if I need a microphone. I talk pretty loud.

CHAIR MOFFIT-TOBIN: Yes, yes.

MR. TURNIPSEED: In looking at the MOU, it does not define a timeline at all and we've heard there has been delays. I think it would be best if we could get that put in. And when they do have an actionable item referred to them, that it is clarified exactly what the problem is and some potential remediations, remedial solutions, however you want to word it, so that they're addressed quickly or can be addressed.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

And whether the remedial solutions come from the party involved, the FGIS or FDA, it doesn't matter. It could be more than one. And I would recommend that we change the front of it to say the Grain Inspection Advisory Committee recommends that FGIS, I left that out.

CHAIR MOFFIT-TOBIN: Yes. Is there any more discussion? Do we have a motion to approve this recommendation? Yes? Second?

MR. KERRIGAN: Are we done with the wordsmithing here? I don't want to --

MS. SEXTON-BOWSHER: I think that's good there.

MR. TURNIPSEED: Well, I have one question. Should it be remedial instead of remediation? I'm okay with it --

MS. SEXTON-BOWSHER: I think remediation is --

MR. MORGAN: It probably ought to be mediation plan.

MS. SEXTON-BOWSHER: So, solutions for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

mediation and that would the encompass the plans.

CHAIR MOFFIT-TOBIN: Can you say it out loud?

MS. SEXTON-BOWSHER: The GIAC recommends that FGIS work with FDA to update the MOU for inclusion of a defined timeline, the shorter the better, to address actual items referred to them by FGIS, and have clarification on the problem, potential solutions for mediation, whether from the FGIS, FDA, or the party involved. Do we need, I'm not sure we need this qualifying of who remediation will be from, but we're asking for potential solutions for mediation and that should provide that scope.

MR. MORGAN: No, I think when you do an action, when they ask for an, when it's reported as an actual item and you basically heard Tony say we turn it to FDA and it's done. FDA may ask them for guidance, but this is saying, when they find an actual item, FGIS should have the expertise to understand the remediation plan, that should be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

done anyway. So, there should be ability to offer potential solutions in the reporting of the actual item in conjunction with working with the party involved.

So, FDA has something that's more solid, not to sit down and figure out what he's got and what they want to do, how do they want to do it. It's just a plan of action be proposed versus waiting for FDA to come back, ask for guidance on how to do the proposed action. Does that sound right?

MR. GOODEMAN: Mr. Morgan proposed FGIS for the --

MR. MORGAN: I think when it actually gets reported, there should be the availability by FGIS to give FDA guidance on how it should be remediated, given their expertise in the field.

MS. SEXTON-BOWSHER:: We might not need what I added there. I said and offer as agency, qualifying it by the potential actors in the situation.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



MR. NEAL: This is Arthur. I got a point of clarification for me. That last phrase, and have clarification on the problem and potential solutions for mediation and the authorized agency, whether from FGIS, FDA, or the party involved. Is that a phrase, is that something that we need to make a suggestion we include in the MOU?

MR. TURNIPSEED: I think it should be because they, the party involved should be able to suggest a remediation or some solution to that problem that FDA and FGIS isn't giving to them.

MR. NEAL: So, really, you're talking about process? You want MOU to establish a process for helping to --

MR. TURNIPSEED: Timeline and process.

MR. NEAL: Because every situation is going to be different and MOU is not going to have a clarification in there.

MR. TURNIPSEED: No, each time there's an actionable item referred to, the clarification should come from, they're telling the company what

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

the problem is. They need to be very clear about what it is and suggest some possible remediation, whether it's something they heard from the client, what they're dealing with, or the party involved or the FGIS through their expertise.

MR. NORDEN: Doesn't remediation have a very specific meaning in that remediation means you're solving the problem. It may not, it may be a process; they might have to put a seal on something or, you know, it may not be able to mediate.

MR. TURNIPSEED: The reason I clearly said potential --

MS. SEXTON-BOWSHER: So, I added language to update the MOU for inclusion of a process defining, that defines, so we designate that we're asking for a process that defines these things?

CHAIR MOFFIT-TOBIN: Is that what you agree with? Defining a process?

MS. SEXTON-BOWSHER: And then the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

process is --

MR. TURNIPSEED: I think the timeline needs to be, there isn't a process for that. You're given three, four, five days for them to have a timeline to address this with FDA.

MR. MORGAN: The 10-day timeline doesn't exist in the MOU or the directive. It exists at FDA, they'll tell you, if you run into it, you don't know what you're dealing with until you run into it.

MR. NEAL: This is Arthur again. I think, I think for the point of clarity, we should probably put a period behind FGIS at the right, where that comma is, and really think about what it is you're trying to communicate on that second phrase.

CHAIR MOFFIT-TOBIN: We do have 30 days for this, so this is something that, you know, if you want the right verbiage, we can still get an agreement on. So, for the interest of time, put that period and then think about what, exactly what

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

you want it to say. Do you agree with that?

MR. KERRIGAN: Are there other changes? You know, will seem to tell me about the MOU is outdated and I asked some other stuff. While I am 100 percent behind we need to update and make some of these, is it better for us to put it on the agenda at the next meeting, review the entire MOU and make more specific changes to that document for them to try to work with them to implement versus ad hoc-ing a couple items in this meeting. That's just a question to the group.

MR. MORGAN: I'm okay with putting it on our work agenda between now and the next meeting.

I think Arthur is already working on it. I'm just really trying to help guide him a little bit and put in the record so the Secretary understands why he's working on it. That's really what we're trying to do here.

MR. KERRIGAN: Okay, perfectly fine putting the recommendation and continuing the work product in mean time as well.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MR. MORGAN: I would even, I mean, I would even say the GIAC recommends that it just gage FDA, update the MOU to modernize and better define timelines and procedures around actionable items is how and then describe.

CHAIR MOFFIT-TOBIN: Right there.

MR. MORGAN: I don't think I can repeat that.

CHAIR MOFFIT-TOBIN: Can you repeat what you just said? Do we have a motion to approve this recommendation?

MR. MORGAN: You should withdraw that motion and the second you have.

MR. TURNIPSEED: I'll withdraw my original motion then.

MR. MORGAN: I would just change the MOU to modernize, and modernize.

MR. McCLUER: I withdraw my motion.

MS. SEXTON-BOWSHER: The GIAC recommends that FGIS engage with FDA to update the MOU to modernize and better define timelines and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

procedures around actionable items.

MR. McCLUER: Move to approve, motion to approve.

MR. McCLUSKEY: Second.

CHAIR MOFFIT-TOBIN: We have a motion, we have a second. All those in favor of this recommendation, raise your hands high.

All those opposed. Fifteen, zero. Motion is approved. This recommendation is approved.

We're going to suggest a quick five minute break for everybody.

(Whereupon, the above-entitled matter briefly went off the record.)

CHAIR MOFFIT-TOBIN: Sarah, will you read that for the record?

MS. SEXTON-BOWSHER: For the record, the GIAC committee recommends that FGIS maintain transparency and utilize pre-2017 factors when considering the class of grain elevators prior to the completion of a more detailed inceptions

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

policy. The advisory committee supports the non-use of the service exception program allowing the grain elevator to request such service from another provider of official designated inspection and weighing agency outside of the designated service area.

Further, the committee supports the agency's plan to conduct an advance notice of proposed rule-making on exceptions in order to provide a transparent process for non-use of service exceptions.

CHAIR MOFFIT-TOBIN: As a representative of the official agency, I might have to recuse myself because we're supposed to be impartial. So, there are some agencies that don't want the pre-2017 factors considered, and if they did want the pre-'17, '17 factors, considered, those are what caused all the issues and the problems. So, that's the only part that I have a problem with is that if you put the pre-2017 factors back in the way that they were, that's what

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

caused all the problems.

So, I think if we would write something up that was more to the point of having clear, concise language in the regulations, so the director can follow the regulations, it may be establishing a subcommittee that could work with FGIS. I think Dave would be a great person for that to work with as the member of the committee, as a member of AAGIWA, work with FGIS and develop that language. Because if you put in what you had before, you're going to have the same situations come up that caused all that issues.

MR. KERRIGAN: I think because, so the intent here is that there's an 18 to 24 month time gap of getting those regulations in place, and what's going to happen in the dual time. You know, Arthur stated yesterday that he would conduct a transparent process and do those and what I'm trying to do is try and say there were some there. I realize that nobody likes them or there was a lot of point of contention, but there was at least

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



something in place to go off of and hopefully do that in a more transparent selection of criteria to encourage that.

CHAIR MOFFIT-TOBIN: Yeah, and there is the process to place.

MR. KERRIGAN: That again, for the gap.

CHAIR MOFFIT-TOBIN: Yes.

MR. KERRIGAN: So, you know, I think we all support the new regulations and the process, but trying to get some clarity around what's going to happen in the meantime.

CHAIR MOFFIT-TOBIN: Then I think that's what the recommendations should say. Dave, didn't you submit a recommendation on this one?

MR. AYERS: No.

CHAIR MOFFIT-TOBIN: Okay.

MR. AYERS: But I do have comments.

CHAIR MOFFIT-TOBIN: Okay.

MR. BECNEL: I think Jess has a comment he'd like to make on that.

CHAIR MOFFIT-TOBIN: Well, I'd like to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

hear Dave first.

MR. BECNEL: Oh, excuse me.

MR. AYERS: Following up what Linsey said, I do have a concern when you just say pre-2017 factors. The economic impact portion of one of the determining factors is the one that created the problem, because it set it up, it was set up in the changeover of staff that, for FGIS that handled it, that went to zero economic impact. So, to go back to 2017 factors under the current guidelines, you're not improving anything.

It's still, if they follow what they have in place when it was removed, economic impact is the reason why it was requested that the non-use of service be taken out because absolutely nobody qualified for it. So, I'm not opposed to what you're doing, but I think the wording should not go back to the point where you include zero economic impact, and that's what I'm saying.

CHAIR MOFFIT-TOBIN: What is the committee's opinion on developing a subcommittee

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

with one or two members from the committee to look at the possibilities and where the, I don't want to say ramifications, but what are the reactions on both sides. You know, because I do want to remind ourselves that we're supposed to be impartial, you know, so on the good of all agencies. So, what are your thoughts to developing a subcommittee?

MR. KERRIGAN: A notice of advanced, advanced notice of proposed rule-making, you said, is going to go out here in days, right? In days, correct?

MR. NEAL: The end of the year.

MR. KERRIGAN: Oh, that won't be until the end of the year, okay. I don't have any issues with creating a committee, it's just trying to find, I would like a recommendation to provide some clear, some clear structure or at least some recommendation for what to do in that two-year interim.

And if there's an issue with one piece

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

of it, I think we can discuss that. This was a, more of a stopgap that there is criteria that has been out there. We all know that there are issues with the criteria, which is why the last line is in there about the notice of proposed rule-making.

And, you know, but in trying to figure out that we can point, help Arthur, help FGIS point to what they can use in that interim, to where we all know that it's not perfect and there are other items that other groups don't like. And trying to figure out, you know, giving them some guidance in the interim. I agree with the committee for the advance notice. It's what do we do in the middle term.

CHAIR MOFFIT-TOBIN: That middle term, that's for the subcommittee before we meet next, does all the work, does the talking to agencies such as AAGIWA, what are their thoughts. Member, or agencies that aren't members of AAGIWA, FGIS, you know, so there's that work agenda in between now. If we put it on the next agenda, we can work

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

on items and suggestions and then the subcommittee presents what their findings to the committee at the next meeting.

MR. KERRIGAN: But in that, because of the time gap, doesn't that then just roll into more recommendations for the advanced notice, because then you're going to pull off six months out of that timeline, which is more going to go into the advance notice comments versus kind of just figure gap here again. We're just trying to, again, knowing that there's issues, but also knowing that there's going to be a two-year, 18 month to two-year time period that there still could be exceptions come through.

MR. McCLUER: That needs to be out by the end of the year though, right, Arthur? The next meeting is kind of too late.

MR. NEAL: Yeah, well, our goal is to have advance notice of proposed rule-making out before your next meeting.

MR. KERRIGAN: Correct.

MR. NEAL: So, what I hear you're saying, you're trying to give us interim suggestions on how we could put something in place and we get requests for exceptions. The committee would recommend we do, you know, something that was in place prior to guide our decision-making.

MR. KERRIGAN:: Correct.

MR. NEAL: That's what I understand you.

MR. KERRIGAN:: That's what my recommendation is, yes.

MS. SEXTON-BOWSHER: Linsey, as a committee member, can I ask that we hear from Jess?

CHAIR MOFFIT-TOBIN: Yes.

MR. McCLUER: Thank you. I think just for clarification, I think what's being referred to here in the, I'm sorry, Jess McCluer, National Grain and Feed Association. What's being referred in the pre-2017 factor is there's the 2017 directive. They came out, right, that had the I guess you could call it some of the controversial

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

language in that directive. They caused a lot of the issues that led to, you know, the language that was in the Farm Bill that led to the restoration of the exception.

So, what's being referred to here is that you have the 2017 directive and what Karen Guagliardo was referring to during our discussion yesterday was that those are some of the factors, you know, pre-2017 there in the previous directives, right? The 2013 directive, that is something that's going to be referred to, that the agency is going to be referring to if there are requests for future exceptions. So, I think that's where that kind of comes in, that pre-2017 issue, saying, you know, since that directive, there hasn't been anything released yet to replace that. So, that's where, that's the pre-2017. But I understand what you were saying, Dave, that some of those factors were, what we're contributing. But that's what that's referring to.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

I think also the committee should consider that once the advanced notice of proposed rule-making starts, there's very little that the agency can do to provide any feedback to the committee on what's, you know, once the rule-making process starts, is that correct, Arthur, that, you know, once the formal federal rule-making process starts, there's going to be very little that you are going to be able to provide to the committee itself.

Can you provide, you know, there's going to be comments that stakeholders are going to be submitting to the agency in response to the questions on the advanced notice of proposed rule-making. But because it is a formal rule-making process, there's going to be very little that you're going to be able to provide to the committee itself on what, you know, what you're planning to do or what the policy may be, or, is that correct?

MR. NEAL: To some degree. So, when

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



rule-making begins, we enter into this phase called *ex parte*, where we can't, we can't share all that we're thinking and doing. However, the way we operate is that we engage with folks all the time.

Any comments that will come in, we're going to make sure that they're publicly available and accessible.

Two, things, conversations that we're having, you know, there's a way to still say, hey, this is what we're hearing. This is what we understand us to hear. We can share things like that. We can't say what we're going to do. So, just like right now, we don't know what we're going to do, but we're making sure everybody's engaged in this process. So you know where we are and what our current thinking is about what we're hearing.

Now, we may be not say what our decision will be on what we're hearing, but we're trying to always seek understanding about what we're hearing, so that we process and formulate the path forward, we've got as much information as possible

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

and people have been included in that process. And, you know, we did that very extensively when we drafted and finalized the national volunteer rules, we disposed of the rules. We worked closely with NGFA on that one, too.

MR. McCLUER: So, and just to add to that, so I guess in question, I guess the thought on all of that is there's a subcommittee or task force dealing with this advanced notice of proposed rule-making that input. You're going to be able to provide it and you're not going to be able to provide them as you said, you know, what your decision is going to be or anything like that.

You can share the information, the public comments, and so forth, from stakeholders, but you're not going to be able to provide the subcommittee or task group any specifics on the direction that FGIS is planning to go based on those comments, correct? Okay, that's what I just wanted to clarify. Thank you.

CHAIR MOFFIT-TOBIN: I'm going to open

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

it up to the floor for three minutes. If anybody would like to say something. Okay, never mind. Does the committee have any more discussion. Would they like to recommend something? An amendment to your recommendation?

MR. KERRIGAN: Yes, so that's why you've got to ask David. So, if there's one specific item, I know there's a lot of items that are heartburn, but there's one specific item that is a biggest heartburn, is there a different set of dates, different set of criteria that would be amendable to the committee for this recommendation instead of as currently phrased?

CHAIR MOFFIT-TOBIN: Can you say just the non-use of service?

MR. AYERS: We would have to go all the way back to the 2010 program directives. But, that is where, that's the directive where the economic impact came in to affect by. It was, whoever was in charge for FGIS, the compliance division, enacting this program, they were the ones that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

decided that economic impact was a key factor. And so, actually, you have to go back before the 2010 to really have any effective method of changing the way we're operating right now.

Going back to 2017, reinstating the non-use of service would still allow them to utilize the same factors for determining if the exception request was not granted or granted.

MR. KERRIGAN: So, are you stating that if we went to the 2010 directive, minus the economic impact, that that would be what you would propose for the interim?

MR. AYERS: I would propose that any of the factors that they use to determine it be set and not be allowed to, depending on who's sitting in the position, be allowed to deviate.

CHAIR MOFFIT-TOBIN: So, we could say something as far as the GIAC recommends that with the implementation of the non-use of service agreement, state in the regulations, clear, concise, what's the word for non-subjective,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

factor, objectives, sorry, I'm just trying to ramble in my head.

Something less aggressive, and just say this is what the committee recommends. When you do implement the non-use of service, be clear, be concise, and not allow for subjectivity in that.

MR. AYERS: In my opinion, that is the correct way to go forward.

MR. KERRIGAN: So, basically, you're just giving a recommendation for objective criteria in the next 18 to 24 months, but not recommending any defined criteria?

CHAIR MOFFIT-TOBIN: Yes, and that's something that we can also do before the next meeting, before the advanced notice of proposal, is to keep this conversation continuing as thoughts go in your head. We can add to this in the next 30 days, but as far as today goes, I think that that should suffice.

MR. NEAL: And be reminded that the advanced notice is just the first step. That at

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

your next meeting, anything you do still will be able to be considered for our process, as we develop the proposed rule.

MR. KERRIGAN: I saw this as a stopgap.

CHAIR MOFFIT-TOBIN: Okay, thank you.

MR. TURNIPSEED: Brent Turnipseed again. I'm a little bit confused on this non-use, non-use of service or as it's known as, we were told open season. We have geographic boundaries for each official agency, correct?

CHAIR MOFFIT-TOBIN: Yes.

MR. TURNIPSEED: For someone to request to go to a different one, to me, there needs to be clear cut, a real reason why they need to be allowed to do so, and I think that criteria needs to be put in there. For example, the current agency within that geographic area is not able to provide the specific test under the FGIS services they're supposed to have. It needs to be clear cut. You don't do it just willy-nilly, just -- that would people out of business.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

CHAIR MOFFIT-TOBIN: If you wanted to go further and say after that first sentence that we talked about, if there is a reason that the industry wants to go to another agency, that FGIS looks into why that is. Tony?

MR. GOODEMAN: Yeah, it's an interesting recommendation. I understand the interest in wanting to know what FGIS would do right now, since it's in the law, non-use of service exceptions are in the law, what we do if we got a request? And I'm also taking time to go through the rule-making process. I get that.

My concern would be that if we wanted to expedite that without the rule-making process, but do it different than when we stopped with a 2017, then we're going to go back to what Mr. Ayers said, with having career folks making calls, implementing the policy effectively before this rule-making process takes place.

Like it would be fairly easy to implement what we did in say 20, 2015, '16, yeah,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

from '10 to '17, where very few exceptions were approved because of that economic impact. There was almost none approved. It would be easy to go back to that because the, you would still have the stressors of what -- and the law change. If we remove that criteria and granted exceptions, it has the potential of being controversial and again be ahead of this very transparent and, deliberate rule-making process.

So, I would just caution the committee and us. I understand the need to want action, and that's something in place in the meantime, but if anything is in place is it a change, it could prompt more conflicts.

CHAIR MOFFIT-TOBIN: So, would it be fair to say the GIAC recommends implementation of a non-use of service exception be executed in a manner that is transparent, consistent, and non-subjective, and take out everything else.

MR. KERRIGAN: But isn't this, isn't that just leaving it to the career people in the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



interim, exactly what you said we didn't want to have happen? So, there's no set criteria to at least reference?

CHAIR MOFFIT-TOBIN: There is set criteria, correct? They will follow what it is now.

MR. NEAL: So, non-use of service exceptions that were in place, this is from the 2017 directive, non-use of service exceptions that were in place prior to the USGSA re-authorization of 2015 will remain in effect until one or more parties cancel the non-use of service exception.

Significant changes such as change of ownership occur with one or more parties involved and/or they have not been utilized in the past 18 months.

I don't see anything, also, it says exceptions, it talks about time of service, if the incumbent OA cannot provide service within six hours, that's one. Barge probe services, an OA may provide probe sampling and inspection service for barge lots of grain with no restrictions due

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

to geographical locations. And then there's the written agreement. A facility may request additional services be provided by an alternative OA who's geographic area is adjacent to the incumbent OA's geographic area.

If the incumbent OA agrees to allow the alternate OA to provide a service at the facility, at that facility, a written agreement exception request must be submitted to QACD and we'll review the request and provide documented approval of the written agreement exception to all parties.

And what has to be submitted, date of request, documentation naming the location and contact information, names and contact information of the incumbent OA, an alternate OA, and some other things. It doesn't get to the level of specificity that you're looking for. It's the written agreement piece.

CHAIR MOFFIT-TOBIN: I believe when Karen came and talked to us, wasn't it in the 2010, what they used to evaluate that criteria? Do you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

have the 2010 in front of you? Isn't it 2010?

MR. KERRIGAN: Yes.

CHAIR MOFFIT-TOBIN: Sarah, can you read what we have so far?

MS. SEXTON-BOWSHER: I have, well ---

CHAIR MOFFIT-TOBIN: At the bottom.

MS. SEXTON-TOBIN: And I went ahead and added, because I felt there was general consensus, the -- in relation to the rule-making process?

CHAIR MOFFIT-TOBIN: Yes.

MS. SEXTON-TOBIN: So, that is, the GIAC committee recommends implementation of the non-use of service exemption be executed in a manner that is transparent, consistent, and non-subjective.

Further, the committee supports agency's plan to conduct an advanced notice of proposed rule-making on exceptions in order to provide a transparent process for non-use of service exemptions. And say that only, as we continue, I think these sentences in general are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

supported by the whole. The question is whether or not you want to address the interim time period by adding language in between here. But for fitting of it, I think we have consensus of these two.

MR. NEAL: This is Arthur. Tony, help clarify me because I guess anybody on the staff, right now it's based on a written agreement. All parties have to agree that that exception should be granted, right?

MR. GOODEMAN: The written agreement has to be in writing.

MR. NEAL: Right, the written agreement has to be in writing, right.

MR. GOODEMAN: But that's the only avenue in writing, at this moment, aside from the other existing exceptions that have not changed. But the availability of service and --

MR. NEAL: So, that's the current process. In the past, the decisions, from what I've heard, although we have the criteria that was

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

too much subjectivity in how we would interpret it inside the USDA, what those things meant, what was the threshold. You know, and so what the change to the 2015 re-authorization Act did is take that negativity out and place the burden on the parties who want the exception. So, that's our current process. That's kind of where we are.

MR. GOODEMAN: Then it was changed again to reinsert the non-use exception language from 2021.

MR. NEAL: That's right. In the Farm Bill, and so that's where the -- yeah.

MR. McCLUER: I just want to, this is Jess McCluer. Yeah, I just want to make sure we have clarification here. Right, so the clarification is and I think further the resolution with the stopgap measure, right? So, the stopgap measure, so the language that was withdrawn in the 2015 U.S. Grain Standards Act re-authorization is reinserted in the 2018 Farm Bill, right?

So, that language was taken out, that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

led to the 2017 directive that we were talking about that caused all the controversy. That 2017 directive is still out there. That has not been replaced, right? So, that's part of that pre-2017, which led to the 2013, or I'm sorry, 2010, you were saying, directive.

So, right now, if you had a grain elevator such as right next to Bruce Sutherland.

I'm not receiving timely service and I want to make a request for a non-use of service exception for an official inspection agency to come and provide the service to me. What I want to make sure here, and I think members of the committee want to make sure, is what is the process, right?

So, if Bruce were to make a request, what is the process that FGIS, you know, how would that work? What would FGIS be considering as if he were, or anyone else, were to be submitting a request. And I think that's in this, while we're going through this advanced notice of proposed rule-making, which that could take 18, 24, who knows

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

how long. It's, we want to make sure, I mean from the grain elevator standpoint, we're all on the same page with what the considerations are going to be and who's going to be doing what.

MR. AYERS: Jess, I think I can address your questions. Bruce commented in the re-authorization hearing, that he was having some concerns over a service, I believe. Non-use of service. So, there's two different items you're looking at. Timeliness of service and the non-use of service. They are totally separate.

Non-use of service is that they, an elevator request service from the incumbent agency, cannot receive it I believe in six hours, they have, the elevator has the option of going out and requesting another agency come in and provide that service.

MR. McCLUER: That's timeless.

MR. AYERS: That's timeless service.

But non-use of service is something different, where you have to go 90 days without somebody

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

in inspection services --

MR. McCLUER: Correct, it's the timeliness and non-use of ---

MR. GOODEMAN: I was going to say, 90 days, that's how it was defined by regulation, it's not a law. And that's something that we, it's a critical point, so what does non-use of service mean? Is that non-use of service for 30 minutes?

Is that non-use of service forever? Like we never use official services at the -- and that's the part that gets -- it was 90 days -- services, or were stopped for 90 days and then, the idea behind it, as we talked about was give more people in the official system, right?

They remember using services or -- official services to say, well, not really using anybody right now, so they can use somebody else.

But that's the part that I think is really important, to work with all the stakeholders, all the stakeholders and define by regulation, which is transparent, you know, comments and ideas to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



say where that mark should be.

CHAIR MOFFIT-TOBIN: Thank you, Tony.

And for the sake of time, I think this embodies that. You know, and I think that if we want to, that's what we're asking is for those, for the exact language to be transparent, to not be subjective.

So, I think, if we could go back to those two paragraphs that we had, if you could read those aloud and then for the sake of time, we have members leaving in a half an hour and we still have items on the agenda. So, I suggest we vote for this.

MR. KERRIGAN: That's not my recommendation, but if you're changing it then --

CHAIR MOFFIT-TOBIN: So, do you want to, we should vote on your recommendation?

MR. KERRIGAN: You have to have a motion --

CHAIR MOFFIT-TOBIN: Yes.

MR. KERRIGAN: -- so if you want, if somebody wants to motion those two paragraphs, that's fine. My recommendation that I put forward

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

was for the interim, but if not --

CHAIR MOFFIT-TOBIN: We'll start with yours.

MS. SEXTON-BOWSHER: I think it's just a matter of sandwiching or not sandwiching that sentence, or option one and option two.

CHAIR MOFFIT-TOBIN: Separate.

MS. SEXTON-BOWSHER: Yes.

MR. KERRIGAN:: Yes, that's correct.

CHAIR MOFFIT-TOBIN: Do we have a motion to approve the one that is highlighted, that she's highlighting right now.

MR. BECNEL: Can we have a minute to read it?

CHAIR MOFFIT-TOBIN: Yes.

MR. KERRIGAN: There's two of them highlighted.

MS. SEXTON-BOWSHER: The green, I'll read the entirety of the green. I'll read the entirety of the green and I'll define what's not in the yellow. They're exactly the same except

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

---

MR. NEAL: Can you unhighlight one. Some of us get see color that well.

MS. SEXTON-BOWSHER: We'll do one and two.

MR. NEAL: Thank you.

MS. SEXTON-BOWSHER: Number two is, the GIAC committee recommends implementation of the non-use of service exemption be executed in a manner that is transparent, consistent, and non-subjective. The GIAC, this sentence here, it is unique to this recommendation. The GIAC committee recommends that the FGIS maintain transparency and utilize pre-2017 factors when considering a request from grain elevators prior to the completion of a more detailed exceptions policy.

Further, the committee supports the agency's plan to conduct an advanced notice of rule-making on exceptions in order to provide a transparent process for non-use of service. So,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

explicitly the bolded sentence is added in the green or number two. Number one, or the yellow, is everything in the second without the bolded sentence.

CHAIR MOFFIT-TOBIN: Okay, we'll start with number two. Do we have a motion to approve number two?

MR. KERRIGAN: I so move.

MR. BECNEL: I second.

CHAIR MOFFIT-TOBIN: All those in favor for number two?

MR. BECNEL: Can we have a discussion now before we vote?

CHAIR MOFFIT-TOBIN: Yes.

MR. NEAL: I want to call in question to vote on the recommendation. So, it was second. Discussion should happen before you call a vote. It did, got something to say then --

MS. SEXTON-BOWSHER:: We lean on parliamentary procedure rules. Rules of orders would dictate that a motion can be considered in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

discussion with or without a second. If the body starts considering it prior to the second, it means the second is in third because -- to consider it.

So, we can discuss, it's appropriate without --

MR. ROBINETTE: I've just got one question. If this passes, and FGIS uses this, which they don't have to, just because we recommend it, will this change the existing exceptions out there?

Because that's my concern, is you're going to have, we're going to have customers that have been flip-flopped a few times now and if they're forced to change again, that's just going to create a mess. So, that's my only concern is that we don't mess with our customers on this decision.

MR. NEAL: This is Arthur. This is a recommendation. It doesn't bind us to do anything.

This is a recommendation that whatever we do, we try to make sure it's transparent, and it allows, is asking us to use pre-2017 factors. It doesn't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

mean that we have to, it doesn't mean that we even can. But these are thoughts from the committee to us for consideration.

MS. SEXTON-BOWSHER: To further qualify that, it means for new requests you would use those factors, but for currently established, it would have implement, it's only for new requests, am I correct in understanding that?

MR. NEAL: Well, this really doesn't have impact on any request. This is for us to consider as we move forward.

MS. SEXTON-BOWSHER: For new --

MR. NEAL: Yes, trying to make a decision.

MS. SEXTON-BOWSHER: So, it only addresses the window of requests starting today until the rule?

CHAIR MOFFIT-TOBIN: So, we had a motion and a second for number two. All of those in favor for number two, say aye, raise your hands high. All those opposed?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MS. KLINE: So, five yes, eight no.

CHAIR MOFFIT-TOBIN: Five yes, eight no. How many abstentions, abstain?

MS. KLINE: Two?

CHAIR MOFFIT-TOBIN: Kendra, could you please repeat that?

MS. KLINE: Okay, so I have five yes, eight no, and two abstain.

CHAIR MOFFIT-TOBIN: Okay, so the motion is dead. Do I have a motion to approve number one?

MR. AYERS: I will move to approve number one.

CHAIR MOFFIT-TOBIN: Do I have a second?

MR. BECNEL: Second.

CHAIR MOFFIT-TOBIN: All those in favor for approving number one, raise your hands.

MS. KLINE: Fourteen, am I counting right, fourteen? Fourteen and one abstain?

CHAIR MOFFIT-TOBIN: Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MS. KLINE: Fourteen and one abstain.

CHAIR MOFFIT-TOBIN: Fourteen  
approved.

MS. KLINE: Yes.

CHAIR MOFFIT-TOBIN: Fourteen yes.  
Okay, the motion is approved.

MS. SEXTON-BOWSHER: The final one  
submitted, do you want me to go ahead and read?

CHAIR MOFFIT-TOBIN: Yes, please.

MS. SEXTON-BOWSHER: Since FGIS was  
created in 1976, there have been significant  
changes in the number and operations of both grain  
handling facilities and officially designated  
inspection agencies. The amount of grain and oil  
seeds handled and produced within each geographic  
boundary and the number and number of quality  
attributes and other quality tests conducted by  
these agencies.

The advisory committee believes that  
these changes in the domestic marketplace  
necessitate that FGIS comprehensively update

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



information data upon which the geographic boundaries are based. FGIS can make recommendations, if necessary, to modify the boundaries based upon the comprehensively updated information and data gathered through the review in order to provide more reliable, uninterrupted, consistent and cost-effective service to grain handling facilities. And the author of this?

MR. SUTHERLAND: Bruce Sutherland. So, we talked about quality of service and delivering service and that was the objective, and, you know, we have stated a couple of times that we have seen significant changes within the grain industry since 1976. We have seen more qualitative factors, demand of shippers, we've seen shippers get bigger, grain elevators bigger. You know, larger unit trains being shipped.

We got, now we've got container business ramping up. And I think that for FGIS to truly be monitoring the boundaries and official designated agencies in a cost-effective manner and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

efficient manner and delivering quality service, I think we need a comprehensive review. We really haven't seen, at least, unless you go to the Federal Register, you know, notices or penalties or changes or exceptions without, you know, really digging into it.

And I think that if FGIS has that information now that they've done it, they should make it public, they should be transparent with it. If they haven't, they haven't updated it, if they truly need to assess what's in -- within those boundaries, I think now is the time to do it, get it done.

I know sounds perhaps daunting at first, but once it's done and then, you know, a review again with that re-authorization period within five years, it should be not necessarily a formality, but basically an update moving forward. So, that's why I put this on the table for discussion as a current issue.

CHAIR MOFFIT-TOBIN: Discussion?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MR. BECNEL: I'd like to make a motion to call, call for question.

CHAIR MOFFIT-TOBIN: Okay.

MR. AYERS: It is my understanding that FGIS does this when they renew the designations for every agency, they go through the audit, the quality of the service, quantity of the service, timeliness of the service, and all the other requirements that we have to meet to be a designated or delegated official agency.

I'm questioning how much information FGIS can release on a private entity doing business publicly. And that's my question. Now, if there are complaints within the grain industry of quality of service, quantity of service, that should be taken from the grain industry location and directed to FGIS, in my opinion.

I'm not opposed to this because they already do this. Now, what information they release is a whole other story.

MR. SUTHERLAND: Well, this review,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

the geographic boundaries, is not only the officially designated agencies, but it's the shippers, the elevators, the processors within those boundaries. And so are these designated agencies adequately staffed, supplied necessary equipment to be serving these grain elevators and the shippers within that boundary.

And I guess I question if the FGIS really knows, what do they know about MAC and our shipping capabilities. What do they know about, you know, to use another firm, the Andersons within a boundary and their size of shipping and those types of things. So that's, so this is more comprehensive than just the official designated agencies. They should know, those shippers in those territories, what their capabilities are, and what their needs are.

MR. AYERS: Bruce, a comment to that, if I may. When they come out, they do go out to the customer base and talk to the customers during these reviews. So if you have not been contacted,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

you can request to be contacted by them to discuss your concerns and your needs.

But they do, in all honesty, they do do that. They go out and they talk to certain customers, not every customer, but certain customers. And if you want to be included in that list, all you have to do is say so.

MR. NEAL: This is Arthur. So, yeah, the designation process is where this would take place. Now, I heard a comment a couple of days ago that I think we need to, from an FGIS perspective, consider. When we do the designations review, we should probably, as much as we can, we've got to figure out how to do it, go out to all customers and let all customers know that a designation is about to expire and give those customers an opportunity to provide input to us on whether, you know, on the type of service that they're getting from the designated agency.

What I, I'm a little bit concerned about is suggesting that based on data, we adjust

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

boundaries subjectively. That is what the exceptions process is for, in my opinion, where people, if they are not getting serviced, things of that nature, then they make those requests. But I don't think we should initiate the movement of boundaries based on what we think, what we're seeing in data coming in from the industry. That's my only challenge.

That opens it up to another whole level of subjectivity. But I do believe in that designation process, when we're reviewing service, the feedback that's coming in about capacity, timeliness, and all of those things, we need to actively get that information, broader than what we're currently doing, probably.

So that we make sure all the customer base's voices are heard, should they choose to participate in that gathering of data as we conduct that review. Because you're right, we need to know.

MR. SUTHERLAND: Who sets the

boundaries?

MR. NEAL: The boundaries, from my understanding, when FGIS was established in the 1970s, it was established when those organizations were designated. And, so that's how they, what they were handling then is what set the boundaries in motion. That's how, from what I understand, am I wrong about that, Tony?

MR. GOODEMAN: No, you're correct.

MR. NEAL: So, I want to help the Chair for a second. We've got 15 minutes left on the agenda, so we've got to kind of expedite this topic.

CHAIR MOFFIT-TOBIN: And, Bruce, if we could put this on the next agenda, I think that would be a good idea, too. I did hear a call to question, to stop the debate. Did I hear a second?

MR. McCLUER: Excuse me, I had a point to raise, just for clarification on here. Jess McCluer, GFA. So as I understand it, and FGIS, correct me if I'm wrong, if there's going to be a change in the boundary, you publish a Federal

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

Register notice, correct?

So the Federal Register notice, that's where you, because you mentioned they'll announce, like for the designation of an agency or delegation of a state they'll post on there saying, hey, this designation is about to expire. You know, we want to renew, whoever wants to apply can apply.

And at the same time, you also, what I've seen, you'll publish a Federal Register notice saying, hey, we're changing the boundary. We're making an adjustment to the boundary for this officially designated agency. And I look at it and to be honest, I have no clue what it means.

You know, we might be changing, you know, the latitude, longitude, the county. You know, we're moving it here, we're moving it there.

And I look at that and what does that mean? You know, and I guess that's kind of getting back to this entire point, the justification, right?

Why is that boundary being adjusted.

Why is the boundary being made, I think, getting

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



back to the whole point, there's really no, I mean, for public information, if I was to look at, you know, when the boundaries were created in 1976, where is the information to justify, why were these boundaries created.

Because I understand, it's primarily because, well, that's where these agencies have been operating, you know, since they were created.

Well, okay, that's great. But I think that's the point that Bruce is trying to make, is that, well, look how many -- how times have changed and the boundaries have changed as well. That information too, you know, there's the officially designated agencies and the state agencies, right?

So, if you have a state department of ag, the information on what they're handling, that should be public information. That should be out there. So, that's public information for a state department of ag to make public, shouldn't that be information, too, that an officially designated agency should also make available.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

So that's what we're trying to say here is that, you know, this information, you know, if you have a certain boundary, you know, why are these boundaries, how are they, why are they -- I guess, why were they created that way. And if they are going to be changing, shouldn't that be, you know, what's the justification.

And shouldn't that whole process be reviewed so you can have some type of format or process to make it transparent because just as we were talking about Federal Register notices, people aren't going to read that. You know, maybe make it a notice of trade or something to that effect, but just trying to make the whole process more transparent.

MR. NEAL: So just for clarification, what we're going to be doing is making more information available. Legally, we do have to get a review on what we can release. We'll try to do that through our interactive maps so people can look at that themselves. Regarding the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

transparency component, how and why we made decisions, I'm not sure why that was the case in the past, but all I can really address is moving forward, that that information will be conveyed if we make such a decision to quote unquote move a boundary.

MR. TUNNELL: Linsey, I'll second the motion.

MS. SEXTON-BOWSHER: Can you hold that real quick.

So, the two changes are first to make this --

CHAIR MOFFIT-TOBIN: Wait one second. I'm sorry, go ahead. Could you say it?

MS. SEXTON-BOWSHER: So, to make it parallel structure to what we've done, make the recommendation, and then I'd ask first if you would consider, instead of saying FGIS can make recommendations, FGIS can establish a process that's consistent, transparent, and non-subjective, to mirror -- to not open us up.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

So, to ask that they don't just start making modifications to the boundaries. If they see a shift in data where there needs to be a resolving to the market, that they establish a process to do so. So that process would lead any changing of boundaries.

CHAIR MOFFIT-TOBIN: Could you please read it as stated, out loud?

MS. SEXTON-BOWSHER: Okay. The GIAC committee recommends a comprehensive survey of the market and scope -- scope of the market and scope of service -- and scope of service needs in each boundary for official grain inspection services, and the number of official agencies. Since FGIS was created in 1976, there have been significant changes in the number and operations of both grain handling facilities and officially -- and officially designated inspection agencies, the amount of grain and oil seeds handled and processed within each geographic boundary and the number of quality attributes and other quality tests

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

conducted by these agencies.

The advisory committee believes these changes in the domestic marketplace necessitates the FGIS comprehensive update information -- comprehensively update information data upon which the geographic boundaries are based. FGIS can make recommendations, if necessary, to modify the boundaries based upon the comprehensively updated information and data gathered through the review in order to provide more reliable, uninterrupted, consistent, and cost-effective service to grain handling facilities.

CHAIR MOFFIT-TOBIN: Okay, the question has been called and seconded, so that is the debate. So, all those in favor of this recommendation, raise your hands.

MS. KLINE: Thirteen yes.

CHAIR MOFFIT-TOBIN: All those opposed?

MS. KLINE: One, did somebody abstain?

CHAIR MOFFIT-TOBIN: Abstain?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MS. KLINE: Or I missed somebody. Hold them up high, because I can't see.

CHAIR MOFFIT-TOBIN: Okay, all those in favor of this recommendation? Fourteen?

MS. KLINE: Oh, sorry. Fourteen.

CHAIR MOFFIT-TOBIN: All those opposed? One.

MS. SEXTON-BOWSHER: And going forward, it's important to note, if you call the question, we need to vote on calling the question.

It's not appropriate to remove the body's ability to discuss something without a vote on that first and then move to the vote.

CHAIR MOFFIT-TOBIN: And Sarah, from what I understand, to call the question, you have a motion to call the question, and then a second, and then --

MS. SEXTON-BOWSHER: Then you need to vote on calling the question.

CHAIR MOFFIT-TOBIN: Okay.

MR. WATNE: So, the motion is to move

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

to previous question and second, and then you vote to move --

MS. SEXTON-BOWSHER: The body accepted it today, so we can flow with the process, but I think the practice of stopping that without voting, we should correct.

CHAIR MOFFIT-TOBIN: Okay, thank you. All right, so now it's time for our nominations. Kendra, do you have the paper?

MS. KLINE: Just give me paper and I can pass it out.

CHAIR MOFFIT-TOBIN: Okay, we're on the officer elections. So, the first one we will vote for is Chair. Does the committee want to nominate anyone or self-nomination? Sir, can you please use your microphone.

MR. BECNEL: Oh, sorry about that.

CHAIR MOFFIT-TOBIN: Just wait one second.

MR. KERRIGAN: I would like to nominate current Chair, Linsey Moffit-Tobin, for Chair for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

this coming placement. If she would accept the nomination.

MR. AYERS: I have a concern on the people that are scheduled to go off, that we're nominating somebody for an officer position on the committee that may not even be here. I think that's inappropriate. I think if they do go through with the recommendations from the committee, that afterwards and the next time, they could be reinstated, but I think it's important that we establish the Chair, the Vice Chair and the Secretary based on the people that are going to be here for certain. This is a point of order in my opinion.

CHAIR MOFFIT-TOBIN: Just for clarification, when it comes to the Chair, Vice Chair, and Secretary, there are, I believe, five of us that are set to go off in June. So we will still have one more meeting this spring, and we can talk about it then. But just for clarification purposes, we will have one more meeting in the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



spring. Do I have any self-nominations for Chair?  
Okay, write your votes.

MR. WATNE: Do we need to vote?

(Simultaneous speaking.)

MS. SEXTON-BOWSHER: If you could  
modify it to casting --

MR. WATNE: Can she do that? That  
usually happens after the fact. Now you would move  
a motion to casting --

MR. AYERS: So we are going to vote for  
a potential person that may not even be on the  
committee to be chairperson.

MR. KERRIGAN: If I'm not mistaken, our  
policy states that we'll do elections once a year,  
so nothing says that we have to wait for the second  
meeting to run elections for next year, is that  
correct?

MR. NEAL: The other --

MR. AYERS: It says fall meeting.

MR. KERRIGAN: I thought we took fall  
out.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

CHAIR MOFFIT-TOBIN: Yes, I thought we took fall out.

MR. NEAL: We took fall out. Once a year, the thing is, too, if you vote on someone who's not going to be here after the next meeting, the Vice Chair would take the role. If the Vice Chair is not going to be here at the next meeting, you still may have to take up a vote for a new Chair and Vice Chair. So that's, I think that's what they're bringing up. You may have to vote again, and that's okay.

MR. KERRIGAN: I will make a motion since there's only one nominated candidate for Chair, that it be approved by acclimation per the policy.

MS. SEXTON-BOWSHER: Second.

CHAIR MOFFIT-TOBIN: Okay, approved. Thank you. Thank you very much. Our next position will be Vice Chair.

MR. SUTHERLAND: I have a nomination.

MR. BECNEL: Sorry, you go first.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

MR. SUTHERLAND: Are you sure? Bruce Sutherland, for Vice Chair, I'd like to nominate Matthew Kerrigan.

MR. BECNEL: I make a motion the nominations be closed.

MR. AYERS: By unanimous acclimation, you have the vote.

MS. SEXTON-BOWSHER: Second.

MR. NEAL: So, somebody second his motion to close?

MR. AYERS: Sarah did.

CHAIR MOFFIT-TOBIN: Matthew Kerrigan, congratulations, you are Vice Chair.

MR. WATNE: We've got to vote yet.

CHAIR MOFFIT-TOBIN: Sorry, I thought we did.

MR. WATNE: We've still got to vote. We've got to vote for the motion.

MS. SEXTON-BOWSHER: We're making it unanimous.

CHAIR MOFFIT-TOBIN: Okay, it's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

unanimous. Everyone in favor say aye.

(Chorus of aye.)

CHAIR MOFFIT-TOBIN: Raise your hands.  
Thank you. All right, now moving on to Secretary.

Do we have anybody that -- I would like to nominate Sarah Sexton-Bowsher, if she accepts.

MS. SEXTON-BOWSHER: I'd accept, unless there is someone who won't roll off that would have interest. And if that's the case, I would certainly -- I wouldn't accept, and I hand it over.

MR. AYERS: I move that nominations be closed and by unanimous acclimation.

CHAIR MOFFIT-TOBIN: All those in favor, raise your hands. Okay, all those opposed. Okay, congratulations Sarah.

MS. SEXTON-BOWSHER: Thank you.

MR. NEAL: For closing remarks, I just want to say this has been a great experience. I know everybody's got flights to catch. I appreciate the level of effort, attention, work

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

that's been placed into this, my first meeting, some of your second and third. But anyway, I look forward to doing, you know, working alongside you moving forward and agenda items for the next meeting, we can prepare to take those on in the upcoming months. Anything that you need from us, we are ready, willing, and able to assist.

CHAIR MOFFIT-TOBIN: Thank you again, everybody, for coming. This meeting is adjourned.

(Whereupon, the above-entitled matter went off the record at 12:00 p.m.)