

UNITED STATES DEPARTMENT OF AGRICULTURE
Grain Inspection Advisory
Committee Meeting

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Wednesday, August 30, 2023
8:30 a.m.

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USDA AMS FGIS
10383 N Ambassador Drive
Kansas City, MO 64153

PRESENT:

Barbara Grove, Chair
Arthur Neal, Deputy Administrator
Denise Ruggles, Executive Program Analyst
Karla Whalen, Director - Quality Assurance &
Compliance Division
Charles Parr, Acting Director - Field
Management Division
Dr. Ed Jhee, Director - Technology &
Science Division
Dr. Charles Hurburgh
Charles Bird
Philip Garcia
Christopher Frederking
Robert Sinner
Janice Cooper
John Morgan
Shayleen Rambur
Nicholas Friant
Kia Adams-Mikesh
Jimmy Williams
Mark Heil
Curtis Engel

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Adjourn

1 P-R-O-C-E-E-D-I-N-G-S

2 (8:30 a.m.)

3 CHAIR GROVE: It is 8:30 and we are
4 going to head -- go ahead and call our meeting to
5 order.

6 I want to welcome everybody here, the
7 Committee. We've got a lot of people online, so
8 that's really awesome. It's great that we can
9 utilize technology to have more people involved
10 with us. We do have one committee member online
11 also. And again, welcome to everybody in the
12 gallery. Appreciate you being here.

13 I'm going to start off with roll call.
14 And what I would like everybody to do is state
15 your name as we go around the table. All right.
16 And I will start with you, Dr. Charlie.

17 DR. HURBURGH: Charlie Hurburgh. Oh,
18 sorry. Too much technology. Charlie Hurburgh,
19 Iowa State University. I run the grain extension
20 program at Iowa State University. And won't tell
21 you how long I've been at Iowa State, 'cause then
22 I'll date myself. But thank you for inviting me

1 to come.

2 MR. BIRD: Chuck Bird, Neogen
3 Corporation. Been with Neogen 37 years and help
4 represent the technology around mycotoxin testing
5 and other technology.

6 MR. GARCIA: Phillip Garcia with the
7 Washington State Department of Ag.

8 MR. FREDERKING: Chris Frederking,
9 general manager at Zen-Noh Grain Corporation,
10 here representing exporters.

11 MR. SINNER: Bob Sinner, SB&B Foods
12 North Dakota, representing container industry and
13 producer.

14 MS. COOPER: Janice Cooper, formerly
15 of the Wheat Marketing Center, now in California.

16 MR. MORGAN: John Morgan with Supreme
17 Rice in Crowley, Louisiana. I'm representing the
18 rice industry.

19 MS. RAMBUR: Shay Rambur, JD Heiskell
20 & Company.

21 MR. FRIANT: Nick Friant, Cargill,
22 representing exporters, domestic and GFA -- grain

1 industry.

2 MS. MIKESH: Kia Mikesh with North
3 Dakota Grain Inspection, representing official
4 agencies and the American Association of Grain
5 Inspection and Weighing Agencies.

6 MR. WILLIAMS: Jimmy Williams,
7 Missouri Department of Agriculture.

8 MR. HEIL: Mark Heil. I'm with
9 Prairie Central Cooperative in Chenoa, Illinois,
10 and we're a grain -- local grain elevator
11 cooperative that loads shuttle trains of corn and
12 soybeans.

13 MR. ENGEL: Curt Engel, Northridge and
14 Hills, Texas. I'm retired from The Scoular
15 Company.

16 CHAIR GROVE: I'm Barbara Grove,
17 chairing this committee, and I work for Central
18 Valley Ag, a locally owned cooperative in Kansas,
19 Nebraska, Iowa, and South Dakota. And I'm
20 representing NGFA, GEAPS, and the inland market
21 of our industry.

22 And Curt -- Dr. Curt if you are able

1 to unmute online and introduce yourself.

2 Actually, I'm not sure I see Curt's
3 name online, so when he comes on, you just go
4 ahead and let us know. We do have a quorum to
5 complete our business today. Thank you all for
6 being here.

7 A few quick clean-up items, or meeting
8 protocol items. As we just heard one, please
9 make sure you have your cell phones shut off, in
10 silent mode. That way we aren't interrupting the
11 proceedings today.

12 Also, if you happen to -- we all know
13 our businesses do go on, so if you have to take a
14 call, please don't answer it till you have
15 stepped out, cleared the -- the closed door.
16 That way, again, you aren't interrupting the
17 meeting. And this is a public forum. It is
18 being recorded, so somebody else talking may --
19 may just kind of put a little bit of a mess in
20 what -- what we're trying to do here and what
21 should be on public record.

22 During the meeting today, again,

1 everybody is part of the Committee. Obviously,
2 we will be using our mics, so please press your
3 mic. The red will come on when you are live.
4 And then when you are done, make sure to click it
5 off so that it doesn't disrupt somebody else
6 being able to talk.

7 Those that have joined us online,
8 again, thank you. You can put in the chat to the
9 National Grain Center if you have a question or
10 comment. And I will try to watch the comments,
11 or they will make sure to signal me that there is
12 somebody online. And if it is an appropriate
13 time, we may let them unmute you to ask your
14 question verbally, or we will handle it through
15 the chat.

16 Those of you that are in the gallery.
17 We do have a public comment section at the end.
18 But if you have something that is very relevant
19 to the conversation or a topic and you would like
20 to comment, please raise your hand and until
21 addressed to be given the floor, please hold off.
22 But come over to the mic. We don't have our mic

1 there yet? Okay. We will have a mic there. And
2 when you come to the mic, please state your name,
3 and please spell it for the record, and who you
4 are representing. And then proceed with your
5 comment or question after you've been given the
6 floor.

7 So this morning, we are going to go
8 ahead and start our agenda with FGIS program
9 updates. So Arthur if you would like to go ahead
10 and lead us off.

11 And I will, again, any speaker today,
12 please make sure to state your name and your
13 purpose, or who you're representing for the
14 record.

15 MR. NEAL: Good morning everyone.
16 It's good to see you. It's been since December
17 we've last gathered together. Some of us have
18 been running into each other in different
19 meetings and conferences, and so it's good to be
20 back here at the National Grain Center for
21 another Grain Inspection Advisory Committee
22 meeting. Our goal was to have two meetings this

1 year. We'll see what happens. But for this
2 meeting we are grateful because we do have some
3 business to attend to.

4 Want to get right into it with FGIS
5 updates. I'm going to kind of kick it off with
6 updates regarding Grain Inspection Advisory
7 Committee recommendations, as well as some other
8 general activities that are happening in the
9 program.

10 One of the things that has transpired
11 since we've last gathered is that we've published
12 a review on geographic boundaries. It was one of
13 the recommendations that came from the -- the
14 Committee back in 2022. And it's birthed out of
15 the U.S. Grain Standards Reauthorization Act.

16 And so we've completed this by taking
17 a look at all the geographic boundaries that --
18 under which all of our official agencies operate
19 and provide service. To ensure or assess whether
20 or not any changes need to -- needed to be made
21 to boundaries and how we're facilitating the
22 review, and the assignment of those boundaries.

1 One of the things we've also done as
2 a result of this particular report. We published
3 an online map that identifies where each official
4 agency is operating their territory, as well as,
5 you know, some of the customers that they serve.
6 Not all, but some. Based on the data that we
7 have available to us.

8 Another recommendation that we've
9 closed out is we've published a final rule
10 regarding soybeans of other colors. I think
11 everybody's aware that over the past several
12 years -- well, over the past year and a half,
13 rather, we've had a presence upsurge, in the
14 presence of soybeans of other colors.

15 Didn't quite know how to deal with it
16 in the immediate presence of it. However, we
17 worked collaboratively with the Grain Inspection
18 Advisory Committee, as well as the industry, to
19 figure out a path forward on how do we address
20 this occurrence, such that it does not impact the
21 grade of soybeans and contracts that have already
22 been established. And so what we've done is

1 we've removed soybeans of other colors as a
2 grading -- official grading factor for yellow
3 soybeans. It remains a criteria that can be
4 requested and evaluated upon request by the
5 customer. But it allows us to still trade our
6 soybeans without them being impacted by this
7 factor. Until it crosses the threshold of 10
8 percent, which it becomes mixed soybeans. And so
9 that becomes effective tomorrow. We wanted to
10 make sure that we got that completed before this
11 year's harvest. Is it tomorrow? No. On Friday.
12 Sorry. I'm thinking today's the 31st. On
13 Friday.

14 So this has been closed out. We're
15 going to be working with Foreign Agricultural
16 Service to ensure that they've got all of the
17 attaches fully up to date on the changes that
18 have been made in case any countries have any
19 questions. And Byron will probably provide some
20 updates. 'Cause we have had some conversations
21 with countries like Indonesia, just wanting to
22 make sure that this change will not affect them

1 if they buy a lot of food grade soybeans. But to
2 date, we've heard no concerns about the changes
3 that have been made.

4 We also published a final rule that
5 changes how, or clarifies how we make decisions
6 regarding requests for exceptions to geographic
7 boundaries. This has been a longstanding issue
8 from what I understand. And when I came in in
9 2019, this is one of the first issues that was
10 brought to me.

11 It took us a minute to figure out what
12 was the problem. But I think we figured out what
13 was the problem. I think it was transparency.
14 How do we understand the process works. And so
15 what we've done is we've built a process that --
16 that specifies when official agencies, when
17 customers can request changes to their
18 boundaries. And so this rule does that. Carla
19 will probably share a little bit more about that
20 in her updates from the Quality Assurance and
21 Compliance Division. That rule became effective
22 August 1st.

1 The directive on FDA action levels.
2 This is another issue that came to us in 2019.
3 Kind of took us a minute to figure out the right
4 approach, and then the various impacts of it.
5 I'm happy to say that we're making progress. I
6 think the last conversation we had with industry
7 about this was in end of May of this year. And
8 FDA was present for our exporter meeting down in
9 New Orleans in terms of virtually. They were
10 virtually present.

11 And Barry Gomoll, who's been the point
12 of contact for FDA, has been working very closely
13 with -- with -- he's a point of contact for FGIS.
14 He's been working closely with FDA on this issue.
15 And we're hoping to have a draft directive on
16 this updated, probably by the end of this month,
17 early next month that we can begin reviewing.

18 The finalization of that draft may
19 take us a little while. But we'll be consulting
20 with you all as we get it in our hands, so that
21 we can see if we can kind of take this down the
22 road further, close it out, and have a little bit

1 more clarity around how we will deal with issues
2 like animal filth being called in in lots,
3 response times. If we've had any flexibility on
4 preapproved methods to remediating those before
5 we have to engage with FDA, just to try to
6 streamline the process, make it more efficient.
7 So I -- I consider that progress since May of
8 this year.

9 There was a recommendation also from
10 the Committee regarding the user fee cap that's
11 been placed on the Federal Grain Inspection
12 Service. For every annual appropriation that we
13 receive, there's a cap put on our collective user
14 fee line items. That's our grain. That's our
15 rice. That's our commodities, and our
16 supervision account from our official agencies.
17 And that cap says -- or the language says that
18 FGIS cannot spend more than \$55 million of its
19 user fees.

20 What we have done with respect to
21 this, we've made a formal request to Congress to
22 adjust this language to only connect it to our

1 user fees collected from our grain activities.
2 Instead of all of our user fee activities,
3 including rice and commodities. And what that
4 would do is give us the opportunity -- not that
5 we're spending at this level -- but it does not
6 unnecessarily include activities that -- that
7 don't have anything to do with grain.

8 We've also asked that the cap be
9 lifted to \$60 million. Not sure if it's going to
10 be accepted. One of the reasons why we need to
11 have this cap modified -- part of our discussion
12 today is going to around the budget and fees. If
13 we -- right now, FGIS is not collecting the
14 revenue that it needs to cover all of its costs.
15 When we do start collecting the fees to
16 adequately cover our costs, that means that our
17 revenue will increase, and we'll probably need to
18 spend more to cover all of our costs. And we
19 need to make sure that we've got the flexibility
20 to do that without being hindered by that
21 particular cap.

22 Another update I'd like to share is

1 around technology. The Grain Inspection Advisory
2 Committee did make a recommendation around
3 technology and asked us to develop a strategy by
4 which we would explore new technology and work
5 collaboratively with industry to do so. We did
6 publish a process for evaluating new technology
7 last year. That has been very helpful. You'll
8 hear a little bit more about that from Ed Jhee
9 during his update for technology and science
10 division.

11 But what we've done since our last
12 meeting, we've collaborated with all of our
13 grading programs within the agriculture marketing
14 service. Because we're -- FGIS is not the only
15 grading program that has a need to innovate. And
16 so in November -- around November the 8th and
17 9th, we're going to be gathering at Lubbock,
18 Texas, at Texas Tech to have an innovation summit
19 for all of our grading programs. And that's going
20 to be Federal Grain Inspection Service. That's
21 going to be cotton and tobacco programs. It's
22 going to be livestock and poultry. And our

1 specialty crops program, which is basically
2 fruits and vegetables, tree nuts and the like.

3 Meeting with various customers who
4 have implemented grading technology in their
5 operations. For instance, the livestock
6 industry's using cameras for grading beef
7 carcasses. Fruit and vegetable industry, they
8 use 360 degree cameras -- the customers are --
9 for grading and sorting their commodities before
10 they ask USDA to grade it.

11 We're going to be learning from
12 industry partners. And also having a
13 conversation with industry. We're going to be
14 asking, you know, certain members of industry to
15 participate. It's going to be a small group so
16 that we can learn from each other, and figure out
17 where do we go from here. Because things are
18 changing all around us. Markets are changing.
19 We have to change as well to become more
20 efficient. To be more accurate. Also to reduce
21 the burden that comes from the manpower that we
22 currently pull on. And so these are some things

1 that we're going to be discussing at this summit.

2 And I think we're going to also, for
3 us, for the grain industry, look at how we can
4 use -- and we've talked about this in the past --
5 how can we use imaging technology for our coarse
6 grains. And that's soybeans, corn, and wheat.
7 Those are -- are our largest commodities that
8 we're exporting that we're grading. And the more
9 we can do to lean on technology to support the
10 work that we're doing, we want to explore that as
11 soon as we can. And I don't think we've been shy
12 about that.

13 I'll pause here, and just take
14 questions before I move on to the next slide. No
15 questions.

16 Other general updates. The Grain
17 Inspection Advisory nomination process is
18 currently open. We opened it on August 8th. It
19 closes on September 22nd. We are still looking
20 for nominations to come in. We have five at
21 present. Which is good. Some people applied
22 before we even opened the nomination. I want to

1 thank Nick and Barb for helping us with our
2 outreach efforts. We've done some different
3 things this year. We did a webinar that we
4 published and -- and promoted. And we had about
5 roughly close to 30 people that participated in
6 that. Names that I've never seen or heard of
7 before. So that was positive. I've been out on
8 the road attending producer events, educating
9 them about the Grain Inspection Advisory
10 Committee. And encouraging them to -- to submit
11 an application for consideration. So for those
12 who are online, we thank you for being a
13 participant in today's meeting. But if you're
14 also interested in serving on the Grain
15 Inspection Advisory Committee, we ask you to do
16 so. I extend that same invitation to those in
17 the room today that are eligible.

18 Staffing. There have been some
19 changes that have recently been made. One of the
20 biggest changes I think is that Mr. Tony Goodman.
21 Tony Goodman has served in the field management
22 division of FGIS, I think, for his entire career.

1 We've made a transition with Tony a couple of
2 weeks ago. He's going to be working out of the
3 office of the deputy administrator as my senior
4 policy advisor. So that will be a change. What
5 that does, it vacates Tony's old role as the
6 field management division director. Currently,
7 Mr. Charles Parr is acting in that position.
8 We'll be announcing a new acting director this
9 week. His name is Mr. Jorge Vasquez. And while
10 Jorge is acting, we're hoping that that vacancy
11 announcement for the field management division
12 director will be announced so that we start
13 receiving applications for it.

14 We also had a change down in our
15 largest field office. The New Orleans field
16 office. We had hired Ms. Sherry Williams to -- to
17 lead that field office. I guess last year, she
18 reported around November. She left us last
19 month. That was not anticipated. However, we
20 are working feverishly to get that job announced
21 so that we can begin receiving new applications
22 to fill that vacancy. Mr. Andy Ping, who's

1 associate deputy administrator for FGIS. I don't
2 think I see Andy. But he's acting in New Orleans
3 until we fill that vacancy.

4 You know, I -- I said this yesterday
5 to AGUA, and I'll say it again today. One of
6 things I -- and I'm not exaggerating -- I get
7 teary-eyed every time I think about it. Is that
8 Mr. Pat McCluskey, who served FGIS for over 20
9 years -- he's planning on retiring this next
10 month. And if anybody's met Pat, you know Pat is
11 a class act. He's a -- he's a different kind of
12 fella that gives you his best in every room. His
13 smile changes the -- it just changes the dynamic.
14 His perspectives are always thoughtful, fresh,
15 thorough. He's always helpful. And he's -- he's
16 got some big shoes to fill. Or we've got big
17 shoes to fill when he leaves us.

18 And so Pat's going to be leaving. And
19 so we've announced his position to be filled. We
20 have had some applications and some interviews,
21 and so we're hoping that we can soon announce who
22 that next person will be.

1 But I just want to say publicly, Pat
2 McCluskey, you have been a integral part of FGIS.
3 We value you. We will always value you. We
4 appreciate what you've done for this industry and
5 for this service. We wish you nothing but the
6 best as you go on to do great things with your
7 family.

8 Our current field office status in
9 terms of staffing, we're about 85 percent
10 staffed. This year we've not hired many people at
11 all. And a lot of that is because of our
12 financial posture. We did not want to make
13 commitments to hire more staff. Long-term
14 commitments, that is, to hire more staff, not
15 knowing what's going to happen in terms of
16 adjusting our fees. And so the -- the largest
17 number of vacancies that we really have are down
18 in our New Orleans area where we have the
19 greatest demand. But we've got about 60
20 vacancies that we need to fill. That our field
21 office, or our field offices want to fill. But
22 we are trying to be as careful as possible in

1 terms of extending ourselves. And it -- it kind
2 of hasn't helped that we've had a -- a decline in
3 -- in volume this -- it has helped from the
4 standpoint we've not hired. Because if New
5 Orleans was running full blast as it typically
6 would, we'd need more people. And with our fees
7 being set so low, we still wouldn't be -- we'll -
8 - we'll be paying out more than we're recovering.
9 So we're hoping that through this dialogue we
10 have today and tomorrow, we can get some insight
11 in terms of how we can move going forward with
12 respect to our -- our hiring posture.

13 A new venture we will be exploring
14 this coming fiscal year '24, is we're partnering
15 with our national organic program within the
16 agricultural marketing service. One of the
17 things I think that we're going to have to start
18 doing as a Federal Grain Inspection service is
19 potentially diversifying what we do. 'Cause
20 we're not quite sure how things are evolving.
21 And so we're going to be exploring how we can
22 help the National Organic Program strengthen

1 their organic enforcement.

2 One of the things that's been
3 experienced here in the United States is organic
4 grain fraud. Folks how are purchasing non-
5 organic grain, but marketing it as organic grain.
6 And it's coming in from overseas. It's also
7 happening -- happening here domestically. And so
8 the organic program has asked us to help them
9 with a sampling protocol and program that we can
10 begin to help them monitor. And these monitors
11 will be sent to another lab for evaluation
12 regarding organic integrity. So that's something
13 we're doing at a very small level. It's a --
14 it's a pilot. And we're only going to start when
15 we have FGIS field offices. That may expand if
16 it's successful. We'll be bringing more
17 information to you about that initiative over
18 time.

19 Cyber security threats. This is a
20 kind of ongoing effort. Lee Capper, who's our
21 chief innovation officer, has been working
22 closely with USDA's information technology staff.

1 As well as talking to a number of the grain
2 elevators that we work with. Cyber security
3 attacks are growing every day. Even on our own
4 systems. USDA and FGIS were successful in
5 warding them off. However, it brings into
6 question other aspects of our operation. We have
7 a lot of official agencies that are connected to
8 the work that we do. And questions are being
9 asked of us. How well are we connected to their
10 systems. The security about those systems,
11 security about the elevators, and more. And so
12 we're working closely with USDA to begin
13 developing a strategy to strengthen the current
14 position of our information -- of our cyber
15 security related to our information systems in
16 the collective body of the official system. So
17 stay tuned about that. I think our information
18 technology service is looking at doing surveys
19 sometime in the future of our customers and our
20 official agencies to learn more about how things
21 are set up. So I wanted to share that as -- I
22 want to say a project -- but a goal that's

1 occurring. And we want to make sure everybody's
2 aware.

3 And that is it for me in terms of
4 general updates from my level. Before you come,
5 Karla, are there any questions? No questions.
6 I'll bring Karla Whalen up to the microphone, who
7 is our director for quality assurance and
8 compliance.

9 MS. WHALEN: Okay. Good morning. As
10 Art just said, I'm the division director for
11 quality assurance and compliance division. I've
12 been with FGIS for about the past two years.

13 Just a quick briefing about QACD.
14 There are four divisions within FGIS, which many of
15 you know. But QACD division primarily focus on
16 the field office and official agency audits. We
17 also administer the quality programs. SIMS and
18 STEPS, which many of you will be familiar with.
19 We are the ones responsible for the designation
20 and delegation opportunity notices, applications,
21 recommendations to ODA, and assistance to
22 official agencies. We regularly field and

1 research regulatory questions for other parts of
2 FGIS. Also support the office of the deputy
3 administrator in that area. And my staff is also
4 responsible for investigations.

5 On the investigations front, we
6 primarily are focused on the USGSA violations.
7 If there is a criminal matter, we do refer that
8 out and work with AMS CARS (phonetic) branch.
9 And in addition, any kind of personnel matters,
10 we generally are going to work with the broader
11 AMS investigators.

12 Arthur had mentioned there was not a
13 lot of hiring in most of FGIS to fill certain
14 needs. We were the aberration to that situation.
15 So I wanted to pop this up here. In the last --
16 less than the last year, we've hired 75 percent
17 new staff. They are coming from very diverse
18 backgrounds. It's a very eager, skilled, and I
19 would say, very diverse group that we're pulling
20 together. And I'm actually thrilled with what
21 I'm seeing out of this group. So out of eight
22 compliance officers, six of them are brand new,

1 with less than a year's experience. We are
2 making tremendous strides on many needs within
3 FGIS with this group.

4 I also want to mention Silvey Parker.
5 Many -- many of you have probably known her from
6 the past few years. She's been doing a -- a
7 national detail on sustainability grants with the
8 department. So she will be in that role, we
9 expect, until next April. I have had Jacob Tyne
10 (phonetic) act with me. And currently, we have
11 Micah Malbroux, who is the AFOM from New Orleans,
12 and he is assisting me right now.

13 We also brought over Jennifer Hill.
14 She normally works for Byron in the international
15 affairs division. She is on detail with us for
16 the next six months, till December, helping us on
17 export registration needs.

18 During COVID, the staff had to do
19 their audits virtually, so that was a massive
20 shift that occurred before I came to FGIS.
21 However, we will be returning to what we're
22 terming "hybrid audits" in the fall. That's

1 where we're going to do portions of our audits
2 that are much better done onsite with hands-on
3 equipment, procedures, some processes. We will
4 do those onsite, and then the parts of the
5 virtual audits that worked very well and were
6 very efficient, we are going to keep that. So
7 we're terming that a "hybrid audit." We will be
8 testing and trying out that process starting in
9 the fall.

10 This is the schedule that we intend to
11 get through for official agency and field office
12 audits in the coming fiscal year. Obviously,
13 this can shift a little bit depending on needs
14 and other issues that might crop up. But once we
15 get through this cycle, we should be caught up
16 from staffing challenges, COVID delays, et
17 cetera. And then we'll start a new five-year
18 cycle. So this upcoming year is a really
19 important one for QAC to get FGS -- FGIS back
20 online with audits.

21 Okay. When we were at the annual
22 meeting. Some of you that were there, this is

1 going to be a repeat. But we had the staff do a
2 -- kind of look at what were the audit trends,
3 where the challenges that we were seeing. I'm
4 going to pull my notes up on this one. What we
5 want to highlight for you is, they pulled out
6 some details for the last four years of audits.
7 And we're going to highlight just the top three
8 areas of challenges. The top three areas of
9 challenges, in the blue color, what we are
10 representing is official recordkeeping. The
11 orange color represents issues in regards to
12 facilities, testing, and equipment. The gray
13 color is certain compliance issues. Most of them
14 minor with USGSA, the regs, and FGIS
15 instructions.

16 The next slide digs into those three
17 areas, with a little bit more specificity. And
18 again, this is representing four years of audits.
19 On this particular slide, we did pull out
20 findings where there were less than three
21 findings on a particular matter over the course
22 of four years. We did that so any areas of issue

1 were much more prevalent in the way we
2 represented this to you.

3 So by again, looking at the official
4 recordkeeping requirements, this chart breaks
5 down and shows that most of the issues in this
6 area were related to stowage examination.

7 Twenty-five percent of the time there was an
8 issue. Not maintaining FGIS 944s, approximately
9 16 percent of the time there was a non-
10 compliance. And the third area there was
11 fumigation records not being maintained. And
12 that occurred about 11 percent of the time.

13 The orange is the next largest area.
14 And that's facility, equipment, and personnel.
15 In this area, the subcategories where there was
16 most of a challenge is the testing value to the
17 10th or 100th value. That's an issue that we
18 have addressed a number of times over the past
19 two years. F&D is working on getting the
20 instructions corrected there. So right now we do
21 not count that as a non-compliance, but that is a
22 issue and confusion that we regularly see.

1 And the next two areas in that are
2 equipment not being tested in time and recorded
3 in the system, as well as lab scale tapes not
4 being attached when there is a -- such equipment
5 testing.

6 To assist the official agencies, we
7 also presented this at AGUA, and then later sent
8 out a message to all official agencies. This is
9 taking those problematic areas and trying to give
10 a quick educational or instructional reference
11 back. So that it's easier for OAs to retrain on
12 the areas that we're kind of seeing across the
13 country in challenges. So we've just put that --
14 these two slides in your packet, which obviously,
15 you can look at in more detail if any is needed.

16 FGIS, over the past year -- more than
17 a year -- had worked with a serious situation
18 with one official agency, Northeast Indiana Grain
19 Inspection based out of Decatur, Indiana. This
20 is a longstanding official agency that had a
21 rapid change in operations due to, I would say,
22 personal and professional challenges, that kind

1 of imploded on that company. FGIS started to
2 receive complaints from customers. We started to
3 look into that situation more -- in more detail.
4 We conducted a number of site visits. We offered
5 assistance to that OA to try and get their
6 challenges turned around. But ultimately, that
7 was not successful.

8 As a result of that, FGIS went through
9 the process to suspend their designation. USGSA
10 designation. And we also filed a litigation
11 complaint against NEI, as that is the mechanism
12 that we have under that statute and another
13 statute, of how we can actually try to revoke a
14 designation when there is a problem with an
15 official agency.

16 So we have gone through that entire
17 litigation process. And as of last -- I don't --
18 I forget what date, what day it was -- but as of
19 August 21st, this revocation of their USGSA
20 designation has become final and effective. So
21 there will be a notice to the trade coming out
22 about this. It's -- it's going through clearance

1 right now.

2 If by any chance someone wants to know
3 more details on that, we would refer you to the
4 hearing clerk, 'cause they have the complete
5 litigation record. I -- I'm not really able to
6 provide that to you, but I can get you to the
7 judge's office that can. And again, this is just
8 mentioning the NTT.

9 One other thing I want to mention
10 about that. When the designation is revoked, we
11 will go through the process to readvertise that
12 area. So we do have a opportunity notice for the
13 Decatur, Indiana geographic area, which will be
14 coming out as soon as we can get it through
15 clearance.

16 Two other areas I don't have slides
17 for definitely want to mention to you are the
18 exceptions. Arthur had mentioned that became
19 effective on August 1st. If you need more
20 information on that, I know some of you were on
21 the webinar that occurred. You can go to the
22 website, and we've -- we've uploaded the webinar.

1 There's helpful guidelines. There's new forms.
2 Instructions that you can look at how -- how that
3 process works. We -- to date, as of yesterday --
4 I don't know about today -- as of yesterday, we
5 have not had any requests for exceptions. So
6 that's where we are right now. We have had a
7 couple interesting questions come in. And two of
8 them I'm going to share.

9 One of the questions that came in was
10 can the challenge feature be applied to previous
11 exceptions, or exceptions that are already in
12 place. And we have answered that "no." There was
13 not a mechanism to do that at the time. So any
14 challenges on exceptions would have to be
15 something that's coming in prospectively.

16 Secondly, there was a question to us
17 -- another interesting one -- can someone get a
18 non-use of service exception to try and get a
19 lower fee. And how we want to answer that one is
20 it depends. Right? But it does depend. It's
21 going to depend on all the circumstances of that
22 exception request. What is the need? Where --

1 where is the service? What are the different OAs
2 able to provide, et cetera? So we would look at
3 that in a holistic manner. And that's really the
4 only way we can answer that at this time.

5 The other area I want to mention that
6 we don't have a slide for is Arthur had mentioned
7 the congressional geographic boundary study that
8 was done. About, I'm going to say, three-plus
9 years ago, prior to my time coming into QACD, the
10 staff had started to look at the geographic areas
11 of each of the official agencies. Some of those
12 are quite dated. They might even go back 40, 50
13 years. Consequently, some of the landmarks, some
14 of the street names, some of the items that kind
15 of describe these territories out in the rural
16 area, don't exist anymore, or have been overtaken
17 by other development events, et cetera. So there
18 was a pretty detailed process over the last, I'm
19 going to say two -- I'm going to say about 18
20 months of working with the official agencies on
21 our suggested updates to those descriptions. I
22 would guess we had about 60 percent participation

1 rate from official agencies on our updated
2 language, but not 100 percent. We have decided
3 it's best -- again, Arthur speaks about
4 transparency -- it's best if we put that national
5 view out to the public for comment. So we will
6 have an FR coming out. I anticipate that will be
7 in the fall. We've got -- we -- we did have
8 staff member that had good mapping skills, but
9 they have moved on to other items. So that new
10 crew, I've got a couple of them getting trained
11 up, and we'll get there. But that FR should be
12 coming out. We'll provide a national view to
13 everyone at the same time in regards to the
14 changes that we're recommending. In addition,
15 once we deal with those comments, put out that
16 final FR, it's going to help all of us for
17 efficiency purposes because we'll only have one
18 FR, not, honestly, 30 or 40 from the past that we
19 have to reference in future FRs. So I'm really
20 happy with that project and hopefully, it will --
21 will help to iron out and bring some issues that
22 maybe we don't know about that we can actually

1 deal with.

2 So that's my update. Last thing is,
3 if anyone wants more information on compliance,
4 we did do a pretty detailed email out. So that
5 has all of things that this new staff has been
6 able to accomplish over approximately the last
7 year. I'd be happy to share that if you give me
8 a email, and you can take a look at that. But
9 TMI for this format. Okay? Good? Questions?

10 MR. FRIANT: Karla, Nick Friant with
11 Cargill. On the Northeast Indiana revocation,
12 what's the plan to cover facilities that are in
13 that designated area?

14 MS. WHALEN: Okay. Great question.
15 So at the time of the suspension, FGIS has to
16 take over that territory. Right? So we had
17 preplanned all that when we knew what was coming.
18 So at -- at that moment, when that company was
19 served with the suspension letter, Dial, as the
20 overseeing official FGIS office, overtook that
21 office. They worked with Toledo. We had staff
22 preplaced to take care of any customer needs at

1 that moment. That went pretty seamless, I would
2 say. We were pretty happy with how that worked.

3 And then, subsequently, as soon as
4 Dial could, they worked with surrounding official
5 agencies that were in good standing, to -- to --
6 for us to deal service agreements. So that the
7 official agencies could assist that area. And
8 that is how it has been operating since the
9 situation started. So at the point of
10 suspension, on through the litigation, up to
11 today. We will readvertise that through the FR.
12 That's the legal process that we have to try and
13 get someone else back in there.

14 Janice?

15 MS. COOPER: I have a question about
16 your audit schedule. Very aggressive, and looks
17 --

18 MS. WHALEN: Yes.

19 MS. COOPER: -- looks really good.
20 How would that be affected by various funding
21 challenges, including a government shutdown?

22 MS. WHALEN: Well, government

1 shutdown, we -- we -- our -- our portion is
2 appropriated. We are not a fee-for-service
3 portion of FGIS. But we would be shut down
4 during a government shutdown. You don't see the
5 exact dates on there. I have built in about
6 three weeks in October, just in case that
7 happens. But we -- we would not be able to work
8 and it would delay us some. Thank you.

9 Okay. So Charlie Parr is up next.
10 Thank you for your attention.

11 MR. PARR: First of all, I'd like to
12 say good morning to the Grain Inspection Advisory
13 Council and express my gratitude for the
14 opportunity to address you this morning. I'd
15 also like to express my thank you to Mr. Neal,
16 who has given me the opportunity to serve as the
17 acting field management division director for
18 FGIS.

19 My name is Charles Parr. My normal
20 position within FGIS is the deputy director of
21 the technology and science division under Dr. Ed
22 Jhee. I am not new to grain inspection. I

1 joined FGIS in 2016 as a quality assurance
2 specialist for a domestic inspections operations
3 office. But prior to that I had 16 years a
4 licensed inspector for an official service
5 provider. And I've held various roles within
6 FGIS.

7 Getting into our field management
8 division updates. Arthur briefly touched on some
9 of our -- our staffing changes. He mentioned the
10 New Orleans field office manager. That position
11 is now vacant, but it is being held by our
12 associate deputy administrator Mr. Andy Ping.
13 Andy has a lot of experience as a export field
14 office manager. He previously held a position as
15 the FOM in -- in our Portland field office. So
16 it's nothing new for him to -- to take on those
17 operations management duties.

18 As Arthur also mentioned, we will be
19 having an upcoming vacancy for our policies,
20 procedures, and market analysis branch, thanks to
21 the retirement of Mr. Pat McCluskey. And for me,
22 personally, I like the fact that I have the

1 opportunity to go on public record and express my
2 thanks and gratitude to Mr. McCluskey. Since I
3 first met him, even prior to being an employee of
4 -- of FGIS, Pat has served as a great mentor for
5 me personally. And he's a great friend.

6 We have other various acting details
7 throughout the agency. We mentioned briefly our
8 -- one of our assistant field office managers,
9 Micah Malbroux, who normally serves our New
10 Orleans field office, is on an acting detail with
11 the quality assurance and compliance division.
12 It's a wonderful development opportunity for him
13 to get some leadership experience in a -- in a
14 different direction under Ms. Whalen. It'll be a
15 -- a good opportunity for Micah and we all look
16 forward to -- to seeing that play through.

17 We've recently had some policy
18 reorganizations within PPMAB. Probably of most
19 note is our policy bulletin boards. If you're
20 relatively unfamiliar, policy bulletin board
21 notices are kind of our fastest instruction that
22 we can get out there. Historically speaking, most

1 of the time, those policy bulletin notices have
2 been kind of internal to the agency. They're not
3 really -- they haven't historically been shared
4 too much, but now we are posting those on our AMS
5 public website. There's a couple that are -- are
6 going to remain behind the FGIS firewall, and
7 it's simply because it has content that needs to
8 stay -- some of it has example forms and things
9 like that, that we need to -- to keep behind the
10 -- the firewall just for security purposes.

11 We have 23 policy bulletin boards that
12 are being posted to the AMS website. And at the
13 same time that we were conducting those updates,
14 we identified 24 other policy bulletin notices
15 that were retired. And by retired, that doesn't
16 mean that they -- they went away. A lot of those
17 instructions were rolled up into higher-level
18 instructions, handbooks, directives, et cetera.

19 Just some basic data on our U.S. grain
20 exports. This chart here shows this information
21 is in metric tons and it is approximately a week
22 old. This is the information that comes out.

1 Mr. Rob Dorman, from our policies, procedures,
2 and market analysis branch makes this information
3 publicly available every Monday morning. And you
4 can see that our export levels are down across
5 the board, with the exception of Canola. Canola
6 is having a -- a -- I would assume a record
7 export year with those percent changes. Next
8 year's projections are unfortunately expected to
9 be about the same or potentially even lower.

10 FGIS released our directive for
11 detection of fecal matter. Our biotechnology
12 branch developed a fecal determination assay for
13 verifying the detection of fecal matter outside
14 of a -- it's basically a reference method to
15 verify the presence of fecal matter in grain
16 samples. Large animal filth, especially, is FDA
17 actionable under our memorandum of understanding.
18 As Arthur previously mentioned, we've got Barry
19 Gomoll with our policies, procedures, and market
20 analysis branch, currently engaging with FDA to
21 update that directive. We expect the -- the
22 draft of that update to -- to be in our hands

1 fairly soon.

2 When we went out with the -- the
3 directive for actually performing this fecal
4 determination assay, after the first couple of
5 requests, it was -- became very apparent that we
6 needed to make some updates to the directive. So
7 we went back out with a -- a revised version. We
8 worked with our -- my FGIS group to include a
9 service request. That service request allows us
10 internally to kind of track the -- the lifecycle
11 of that -- that request. It also initiates a lot
12 of our -- our billing activities. And it's our
13 mechanism for capturing all the data related to
14 the -- the requested test.

15 The updates to the directive also
16 provided a little bit more clarity on the roles
17 and responsibilities of what individuals were
18 going to do at the field office to that sample
19 being sent here to the National Grain Center,
20 where the fecal determination assay is to be
21 performed. And then, also the roles within the
22 technology and science division on how to receive

1 that sample, perform the analyses, and then for
2 us to certify the final results. We also added
3 clarity that the test is to be used as the
4 reference method for it being a board appeal. So
5 it's part of the review inspection process that
6 we've already have for the review inspection of -
7 - of grain. It also clearly defined what
8 accompanying documentation needed to be included
9 with the -- with the samples.

10 I don't have a -- a number of the
11 total number of -- of determinations that we've
12 made. But so far, we have not overturned any
13 results from the field. So as of today, 100
14 percent of the assays that have been run have
15 substantiated the -- the visual determinations
16 made by the field.

17 Arthur also mentioned our soybeans of
18 other colors update. What we have here is a --
19 just a screenshot of a soybeans of other colors
20 resource page that Ms. Cline has worked to -- to
21 have posted. This page will eventually expire,
22 go away. As we -- I believe he said by the end

1 of the calendar year, this page will probably
2 come down. By then, the -- the final rule will
3 have -- have been enacted, because that comes
4 into play, as we previously mentioned, on Friday,
5 September 1st.

6 And what that final rule did, is it
7 eliminated SPOC as an official factor. But it is
8 still utilized for classing soybeans. The -- so
9 it's qualitatively used to determine class, and
10 then SPOC is still available, upon request, as
11 official criteria, should it be needed by
12 applicants for service.

13 And that is all I have for your
14 updates for the field management division.
15 Again, I'd like to express my thanks for the
16 opportunity to -- to speak this morning. And
17 again, to Mr. Neal for the opportunity to serve
18 as the -- the acting director of field management
19 divisions.

20 And I'd be open to have any questions
21 that you may have at this time. Hearing none,
22 thank you very much.

1 And now I'd like to introduce our
2 director of international affairs, Mr. Byron
3 Reilly.

4 MR. REILLY: Good morning. Good
5 morning. It's a pleasure to be here again and
6 see familiar faces that I've known for many
7 years. I have been with FGIS now for 47 years,
8 going on 48. So my boss says I can't retire
9 anytime soon. So I'm still hanging in there.

10 First line I'd like to talk about is
11 updates to China Decree 177 that you've heard
12 from me for many years now. We have recently
13 made progress with regards to exporter
14 registration. China Decree 177 used to be
15 covered under China's GACC, general
16 administration for customs. And there was also
17 Decree 248, which was covered by GACC under the
18 food safety office. So a lot of the programs, a
19 lot of the grains related, that were used for
20 food, such as edible sorghum -- the new
21 administration in China, the animal and plant
22 quarantine, APQ, has transitioned any of the

1 grains that are even edible, from 248 back to 177
2 registration. Which then falls back onto FGIS
3 registering them, versus a direct registration to
4 GACC with the -- from the exporters.

5 We still provide a list with the list
6 of exporters from annual registration, going
7 through QACD process. We have established a
8 streamlined method of getting that electronically
9 from the source, FGIS online, and registration.
10 It includes, also, export facilities where FGIS
11 does our inspections. We have also gotten
12 requests from several exporters to "Oh, can you
13 also register these following facilities, because
14 those names of those facilities appear on the
15 export documents." So that there'll be less
16 confusion and interruption on China, we have
17 honored those requests. We also include
18 exporters that register under the 15,000 ton
19 metric exemption, particularly, containerized
20 shipments.

21 So we want to be all-inclusive. So
22 help facilitate the trade and not disrupt any

1 imports. Recently, GACC has removed the pulses
2 from 248; put that back under 177. Then became a
3 big question working with FAS "Well, gee.
4 They're under our Agricultural Marketing Act,
5 which we have no requirements to require
6 registration with these exporters." So working
7 back and forth with FAS Beijing, FAS decided to
8 become the quote "competent authority" to
9 register these applicants, exporters. Currently,
10 there are 50. China had asked for unique
11 identifying numbers for these companies, and they
12 have chosen to use the last four digits of their
13 tax identification number.

14 So I heard that we are having a record
15 number of pulse inspections this year. And the
16 list has just become -- I got notice today that
17 it has been officially published on the GACC
18 website. So get ready. We anticipate a lot more
19 inspections of pulses going over to China.

20 FAS has requested FGIS, if we're able
21 to, to also register exporters of various oil
22 seeds, such -- particularly in cottonseed,

1 popcorn, mustard seed, sesame, and a few other
2 miscellaneous items that are covered under our
3 Agricultural Marketing Act. So we're still
4 having internal conversations with FAS and
5 amongst -- here in FGIS.

6 Now I'll move on to some of our
7 outreach activities. Mr. Neal mentioned that
8 dealing with the SBOC issue, my office has been
9 in contact with FAS here in DC and with USEC
10 (phonetic), and the soybean industry. And we had
11 a general conference a couple months ago. And
12 then recently, had one specifically with
13 Indonesia importers, who seemed very concerned
14 about the effect of removing these as a grading
15 factor. "Oh, this is just giving exporters the
16 opportunity to really load it up with the
17 discolored coat soybeans." I found out that
18 Indonesia is one of the only Asian countries that
19 does not require -- that requires the removal of
20 the soybean hulls to make tempeh. All the others
21 will just go ahead and grind it up.

22 But we had a good conversation.

1 Answered their questions, and suggested, you
2 know, there's virtually no difference, no worry
3 about it. Just put your specifications in the
4 contract as you normally would, and we'll inspect
5 it accordingly.

6 We have worked this year with other
7 USDA agencies and our customers to talk about
8 FGIS services that we have to offer. I had
9 conference calls with FAS field offices. We had
10 particularly AFIS, who took very much interest in
11 that and learned a lot about FGIS. You'd think
12 they would know about us, other than just doing
13 their inspections. But they were very
14 interested. And because of our meeting there, we
15 had requests from their offices in Asia to come
16 visit them. Barry Gomoll from FGIS is leaving
17 this Saturday to start his trip -- one-month
18 detail in Asia. So particularly in Japan and
19 Korea, they had questions they wanted to ask him
20 about FGIS and some trade issues. These will
21 still be internal discussions, not involving
22 industry while he's in-country.

1 We've conducted briefings this year
2 with 13 visiting trade teams from 13 different
3 countries. We've updated and translated numerous
4 presentations into Arabic, Chinese, French,
5 Japanese, Korean, and Spanish. And these are
6 available to anyone of our customers asking for
7 particular information on various subjects.
8 Whether it be mycotoxins, or container
9 inspections, or stowage exams, we have all these
10 separate in different languages. They are only
11 available upon request through my office because
12 they take up too much server space. So -- but
13 those are available to anyone interested.

14 We have worked this year -- because
15 we've lost a lot of qualified inspectors that did
16 international travel for us and were familiar
17 with the -- what goes on with involving
18 international travel. Safety concerns, et
19 cetera. So we conducted a FGIS training session.
20 We went out and requested -- you know, announced
21 that we had positions for study. So we developed
22 six different training modules that were

1 available to them online. For in their off times
2 when they could go ahead and take the training.
3 We then had interviews and gave practice sessions
4 for their presentation skills. So we have
5 developed a cadre of -- we had 14 applicants and
6 we're getting ready to send out passport
7 applications to those people.

8 And what we have done to get them --
9 get their feet wet, so to speak, is when Barry
10 goes over to Asia, we have one of the new
11 applicants, who will accompany him on the last
12 week of his trip, which will be in the
13 Philippines. The Philippines always has a wide
14 diversification, as far as who they speak to.
15 And they'll make numerous stops with different
16 customers. So this is the greatest experience
17 for a new traveler. So then next year, that
18 person will then go out on their own, again to
19 Asia for a month. And we'll select another new
20 applicant to accompany them on the last week.

21 U.S. Wheat Associates has asked us to
22 go to Panama. They are working with Venezuelan

1 millers that they're trying to get visas for to
2 go to Panama. As well as train the Panamanians,
3 millers there. It was scheduled for October, but
4 because of possible shutdown and continuing
5 resolution, we've convinced U.S. Wheat to see
6 about doing it later in September. So they're
7 working on that, and they said if they can get
8 the visas for the Venezuelans, that'll be great.
9 And U.S. Wheat is picking up the costs for FGIS.

10 Likewise, we got a request from U.S.
11 Wheat to send a person over to Kenya, Nigeria,
12 and South Africa to give a talk. So -- but they
13 wanted that in November. I told them that was a
14 no-go. And I did a recorded video presentation,
15 which I sent to U.S. Wheat and I suggested that
16 they try using that in a virtual conference. I
17 was only supposed to go there for a one-hour
18 presentation, which didn't make sense to travel
19 all that distance for one hour. Thanks to modern
20 technology, we're able to handle those requests.

21 Now with -- I mentioned Barry Gomoll's
22 going to be going to Asia. He's leaving

1 Saturday. It was for four weeks to meet with
2 importers, millers, processors, and government
3 officials. This year is the first year that
4 we've expanded. Typically, it's been to just
5 countries in Southeast Asia. We had that program
6 going since 2002. We've been doing it every
7 year, and then COVID hit. So now this is the
8 first year that we're -- it's reactivated. So
9 this year, we went and contacted AFIS officials
10 and the other overseas offices, as well as FAS
11 offices, to say "Hey. Do you have issues? Would
12 you like for us to come visit?" And prior to
13 this, we only talked to the USDA cooperative
14 groups; wheat, corn, soybeans. And they arranged
15 the conferences. So this year, we're going to
16 North Asia as well. We're visiting China, Japan,
17 Singapore, South Korea, Philippines, and Vietnam.

18 As I said, we had a request from AFIS
19 to go to Japan to talk about Japan's new request
20 for phytosanitary certificates and their concerns
21 on costs for fumigation using recirculation. We
22 are very anxious to go to North Asia and include

1 them in our training. This is the first time
2 we've did a training in China in all those years.
3 So this will be in Guangzhou, and it'll be a
4 three-day training session with U.S. Wheat.
5 We're holding seminars on grain standards, our
6 services offered, and grain grading workshops.

7 I just met with the Chinese group last
8 Thursday where the FAS people that were there
9 with the group, as well as USEC, learned about
10 the roles of FGIS where they were unaware of it
11 before. And we mentioned the SBOC; there were no
12 questions or concerns from the Chinese.

13 Some of the other activities that my
14 office participates in internationally. We hold
15 a position with the Codex Alimentarius executive
16 and technical committees. Recently, there's been
17 no activity dealing with grains, but we're
18 talking about aspartame and other products, as
19 well as concern with Codex to get any movement
20 with a proposal moving forward. There's several
21 conflicting bodies within FOA and other
22 international agencies that want to have their

1 say on it. Where we're saying "no," it should
2 only be one agency to review it. Because
3 authority was pretty much outside the
4 jurisdiction of these other groups. So we're
5 meeting in Geneva to present our paper to them.

6 We're a member of the sanitary,
7 phytosanitary, and technical barriers to trade
8 committees. Every week, there's a meeting. A
9 member of USDA biotechnology coordinating group.
10 We are actively involved in the interdepartmental
11 coordination committee on international affairs,
12 with FAS sponsor. And we're also a member of the
13 global- level president's initiative on the
14 acceptance of biotech grains at low levels. So
15 we actively involve private sector to get their
16 input and recommendations.

17 Wherein complaints, we've had a total
18 of six this year so far. Ends today. And those
19 complaints are China. We had one on soybean and
20 three on corn, involving damaged kernels. We had
21 an Algerian wheat ergot complaint, and a Vietnam
22 wheat protein complaint. Barry Gomoll is going

1 over to the flour mill in Vietnam during his
2 visit to talk about the differences between
3 Kjeldahl versus NIRT.

4 Thank you. Any questions? Okay.
5 Appreciate it.

6 Next up, we have Dr. Ed Jhee with the
7 FGIS Technology and Science Division.

8 DR. JHEE: Okay. We're not ready.

9 All right. Well, this morning, I'm
10 going to talk a little bit about TSD's efforts to
11 promote greater inspector alignment. I'll talk a
12 little bit about technology and some of the
13 activities that TSD undertook this fiscal year.
14 A little bit about expanding our testing services
15 in a couple of different areas, as well as some
16 numerous process improvements to become more
17 efficient and effective.

18 In fiscal year '23, the Board of
19 Appeals and Review, or the BAR, created and
20 distributed referee samples, or training samples,
21 for corn, soybean, and wheat. The samples were
22 produced to promote inspection alignment between

1 quality assurance specialists, or QAS, and the
2 BAR, and were created with common damages
3 typically found in corn, soybean, and wheat. The
4 data collected from the referee are used to
5 determine the QAS's ability to identify damage in
6 these grains, and recognize opportunities for
7 improvement, to insure alignment across the
8 official inspection system.

9 This year, the BAR, as well as our
10 digital media group, updated FGIS's online wheat
11 variety library with 24 new varieties that are
12 grown and inspected in the Pacific Northwest
13 region. The library is a collection of multiple
14 varieties for three different wheat classes. And
15 this update included varieties for hard red
16 winter, hard red spring, and soft white wheat.
17 Each variety is photographed from multiple
18 angles, and are supported with descriptive terms
19 to assist inspectors with identification.

20 The BAR and digital media also issued
21 new visual reference images for lentils. The new
22 image was create with input from the lentil

1 industry. And the VRI was created to give
2 improved guidance on how to assess insect damage
3 more accurately in lentils. And the new VRI was
4 well-received by the Dry Pea and Lentil Council.

5 And now to transition over the
6 technology. There are as many as 2,000 licensed
7 and authorized inspectors in the official grain
8 inspection and weighing system that have to
9 maintain agreement with the board of appeals and
10 review. TSD has explored the use of new video
11 microscope technology in support of increasing
12 the number or quality of inspections performed in
13 the official system -- in the official system and
14 support quality assurance specialists in
15 maintaining the quality line standards
16 established by the BAR.

17 New procedures are in draft, or
18 instructions are completed, and a pilot project
19 is actually underway at FGIS's largest field
20 export office in New Orleans. The goal is to
21 enhance communication remotely with the BAR
22 through the use of these ten megapixel video

1 cameras. It is important to note that the
2 microscopes are not intended to make remote grade
3 determinations, as they do have limitations in
4 achieving color and standardization.

5 All right. Mycotoxin test kits. In
6 this past fiscal year, FGIS evaluated 16 test
7 kits, and 15 were approved for use in the
8 official system. FGIS also incorporated two
9 improvements to the test kit evaluation program.
10 The first is to promote transparency in the
11 verification process. We announced the option
12 for representatives from the test kit
13 manufacturers to participate in the verification
14 studies, alongside FGIS personnel here at the
15 National Grain Center. And to improve robustness
16 of the test kit evaluations, we now require the
17 verification study to use three separate
18 instruments to account for variation between the
19 instruments of the same model.

20 Now the fun stuff. All right. GE is
21 not CRISPR. Since the commercialization of the
22 first genetically engineered crop in the U.S. in

1 1992, there've been over 130 GE crop products
2 deregulated for cultivation in the U.S. To
3 facilitate U.S. trade of these grains, accurate
4 detection and quantification techniques are
5 needed. However, more exquisite gene editing
6 techniques have been developed in the past few
7 years, challenging existing detection platforms.

8 FGIS needs to develop technical
9 expertise in new detection platforms to
10 accurately detect and quantify trades derived
11 from new technology such as CRISPR. Currently,
12 no USDA lab has the capability or the capacity to
13 identify and quantify CRISPR products. The
14 ongoing uncertainty about the acceptance of
15 CRISPR could lead to trade disruptions, as in the
16 previous decade with GE rice and GE wheat.

17 Over the past 20 years, PCR, or
18 polymerase chain reaction-based detection has
19 been the most widely used DNA-based detection
20 method. This method allows us to identify and
21 quantify specific foreign DNA. A sensitivity of
22 PCR detection has been challenged, as more

1 complex products enter the market. Stacked
2 traits, with as many as eight different traits in
3 one crop plant, and CRISPR-derived traits are
4 also on the horizon.

5 All right. CRISPR stands for -- you
6 ready? Clustered regularly interspaced short
7 palindromic repeats. Say that three times fast.
8 All right. CRISPR gene editing technology --
9 actually, let me pause for a second so you guys
10 can take a look at this slide. CRISPR gene
11 editing technology works similar to antivirus
12 software in your computer. It searches and
13 destroys target DNA that matches the CRISPR
14 reference molecule. So if you look at the far
15 left, you've got a target DNA on the lefthand
16 side, and a created CRISPR molecule that is a
17 complimentary strand to that target DNA.

18 Scientists have modified the system to
19 make precise modifications, or edits, in many
20 organisms. This is done by replacing the native
21 DNA sequence with the CRISPR molecule. An
22 example of this is -- is a commercial salad blend

1 that contains a CRISPR-edited mustard green like
2 kale. Only the bitterness has been removed.
3 They were able to find the target DNA that
4 confers bitterness, cut the DNA out, and which,
5 effectively, was the kill switch to that
6 bitterness flavor. Currently, CRISPR products
7 can't be detected by traditional methods to
8 detect genetic events, such as typical herbicide-
9 tolerant varieties of corn and soybean.

10 We've been collaborating with the
11 University of Missouri, who has the most current
12 technology to sequence DNA, called next
13 generation sequencing. FGIS is exploring next
14 generation sequencing, which is a powerful
15 technique, with thousands to millions of
16 individual DNA sequences can be analyzed from a
17 given sample. Unlike traditional PCR, when using
18 next generation sequencing, the precise -- excuse
19 me -- the precise mutation doesn't have to be
20 known, providing that the gene that has been
21 modified has been identified. In fiscal year '23
22 we were able to detect the presence of CRISPR

1 edits using next generation sequencing. Our next
2 step is to determine if this method can be used
3 to quantify the amount of gene-edited material
4 present.

5 All right. Imaging technology. In
6 fiscal year '22, FGIS solicited manufacturers of
7 imaging systems applicable to grains to determine
8 if a commercially available instrument could
9 support the California medium grain rice
10 industry. In this past fiscal year, we entered a
11 cooperative research and development agreement,
12 or CRADA, with the company Sea Grain, based out
13 of Sweden, to determine if their grain imaging
14 instrument could effectively and efficiently
15 analyze medium grain rice brokens. The first
16 step was determining proof of concept, and
17 building the library of images into what's called
18 an artificial neural network, which is database
19 or a catalog of images. This is cool. Great.

20 All right. This is a figure for
21 duplicated data that shows both the repeatability
22 and reproducibility of the instrument when

1 compared to the reference, which in this study,
2 was the BAR. Notice that the samples that
3 contain -- 85 to 95, or greater than 95 per
4 sample kernels are very, very tight along the
5 zero. Also please make note of the Y axis in the
6 scale. So based off of over 40 samples, we have
7 very, very tight alignment at the higher end.
8 All right? We did have about ten to twelve
9 samples as part of our study on the lower end of
10 average, so we actually see additional variation
11 there, which is actually -- all right. A
12 statistical treatment was applied to determine a
13 range in which 95 percent of individual
14 measurements between the Sea Grain instrument and
15 the BAR would fall.

16 Our statisticians in this case used
17 what's called a Monte Carlo simulation to model -
18 - excuse me -- a model Monte Carlo simulation
19 that's based off of 100 single measurement
20 comparisons between the board of appeals and
21 review, and the test instruments. The data
22 analysis of the study indicated that 95 percent

1 of the time, the maximum difference between the
2 two measurements would be plus or minus 1.7.
3 Again, please note that the difference --
4 differences decrease with the higher percentage
5 of whole kernels increasing.

6 All right. Here's a simplified
7 version of the last figure. Again, the data
8 wasn't distributed normally, so a statistical
9 treatment was applied to the data set in order to
10 properly establish a tolerance limit. And the
11 estimated tolerance limits are curved to account
12 for the change in variation over the range of
13 whole kernels. So the plus/minus 1.7 maximum
14 difference that one would expect between two
15 measurements occurs 95 percent of the time. When
16 I also looked at data going back to 2021, over 80
17 percent of our inspections were within the 80 to
18 95 range.

19 Now this is what's cool. Even though
20 it's handwritten, it's -- a fancy little graph.
21 So this is a monitoring program for an existing
22 instrument that's out in California. All right?

1 I want you guys to focus on this third line,
2 which is called "hand-picked." All right? So
3 these four samples were hand-picked by the board
4 of appeals and review. We had two Sea Grain
5 master instruments in our basement -- instrument
6 one, instrument two. We took several
7 measurements and took the average. I want you
8 guys to look at the alignment. Just to prove a
9 point.

10 All right. With all of this data
11 considered, we are granting approval for the use
12 of this instrument in the official system, with
13 some conditions. Which includes sending samples
14 back to TSD as part of an ongoing monitoring
15 program, to collect additional data to ensure the
16 performance meets our expectations.

17 And now about expanding testing
18 services. I mentioned last year that the U.S.
19 Agency for International Development partnered
20 with FGIS to expand our testing capability and
21 reliability of our services. Under this
22 agreement, FGIS stood up a suite of analytical

1 testing services for grain based commodities. We
2 validate over 16 analytical methods for
3 determination of various factors, such as
4 pesticide residues, mycotoxins, heavy metals, and
5 fortified nutrients across various commodities.
6 These testing services are now available to all
7 USAID producers to ensure the food-aid products
8 meet specifications and contracts. And some of
9 these new methods developed can actually be
10 applied to grains under the USGSA, and serve as
11 market opportunities for fee-for-service testing.

12 And lastly, in fiscal year '23 we
13 began the process of improving our operating
14 procedures and work constructions in various lab
15 to TSD. This year, the biotechnology group
16 achieved another year of ISO 17025 accreditation.
17 And in addition, the commodities testing lab,
18 trace analysis lab, and mycotoxin labs will begin
19 -- they began -- excuse me -- conducting internal
20 reviews of their processes and procedures, with a
21 goal of identifying areas of improvement, as well
22 as streamlining processes and insuring operating

1 procedures generate reliable and consistent
2 results.

3 Our ongoing efforts will go into
4 fiscal year '24, where we'll be conducting a gap
5 analysis of what do we have, and what else do we
6 need in order to achieve an expanded ISO 17025
7 scope.

8 With that, I'd be happy to take any
9 questions. I knew you --

10 MS. COOPER: I know you're very
11 familiar with the impact on trade of unexpected
12 GE events in, for example, wheat. How would you
13 characterize the current acceptance of, or
14 resistance to the use of CRISPR technology in
15 grain such as wheat, or rice?

16 DR. JHEE: You know, I think the
17 possibilities out there are endless. When I was
18 taking some time for this presentation to even
19 learn what CRISPR stood for, the technology
20 that's being explored right now includes
21 everything from agronomic properties to herbicide
22 tolerance. I think most of what we've seen so

1 far is primarily in specialty crops. Not so much
2 in row crops yet. At least that's based off of
3 what I've looked, in terms of some research.

4 You know, market acceptance, I think
5 because it's not adding foreign DNA, seems to be
6 more of an acceptable approach. I think another
7 challenge that any organization would face is
8 that if you delete something, how do you find it?
9 So I think that's an unanswered question that
10 scientists are going to be trying to figure out.
11 Organizations such as ours, I think we're doing
12 our best to partner with other universities,
13 other leading experts in this industry, to find
14 ways to be able to kind of maybe assuage
15 concerns.

16 MS. COOPER: A question on a separate
17 topic. Last year you published a method for
18 evaluating new technology. Have you received any
19 applications from any companies to evaluate
20 devices for use in the official system?

21 DR. JHEE: Not new applications or
22 proposals, but we have engaged with two

1 manufacturers on some preliminary discussions.
2 Primarily, they've been asking us about the data
3 submission requirements. What is the length of
4 time? What are some of the additional data and -
5 - and verification and validation studies that
6 they should be conducting? We've had these types
7 of conversations with a couple of grain analyzer
8 industry -- or manufacturers, hoping to receive
9 some proposals maybe in the third or fourth
10 quarter this year.

11 Yes, sir.

12 DR. HURBURGH: A few years ago --
13 sorry. A few years ago -- ten, I think. FGIS --
14 GIPSA then -- funded a study on the equivalence
15 of NIR machines. And I'm biased. We did the
16 study in the day. But -- but what happened to
17 the results? I think the results showed that
18 with all practical effectiveness, you could get
19 makes and models of instruments to read alike.
20 What happened to that?

21 DR. JHEE: That's a good question.
22 I've have to look into that a little bit more.

1 But my understanding about the challenge between
2 having multiple instruments --

3 DR. HURBURGH: Right.

4 DR. JHEE: -- is the potential for
5 variation and indifferences. One of the most
6 important factors that we look for when we're
7 looking at, or evaluating an instrument is the
8 reproducibility.

9 DR. HURBURGH: Yes.

10 DR. JHEE: And -- and I think that's
11 what's most important. And then when you're
12 comparing one instrument against another, how
13 well are they aligned in terms of any type of
14 bias? And -- and do adjustments need to be made?
15 We've been pretty successful with moisture meters
16 in a couple of these grain analyzers that are on
17 the market. But I do know that there's other
18 technologies out there. Other ways of going
19 about this. And so we fully anticipate looking
20 at these instruments as well.

21 DR. HURBURGH: Ours was done with NIRT
22 machines.

1 DR. JHEE: Mm-hmm.

2 DR. HURBURGH: We got to within .01
3 agreement among -- among makes and models with a
4 small standard deviation. I just wondered what
5 happened. Anyway.

6 DR. JHEE: And a lot of these
7 instruments go through the, what's called the
8 national type evaluation program as well.

9 DR. HURBURGH: Yes. I'm on the
10 Committee --

11 DR. JHEE: Anything else? All right.
12 Thank you very much.

13 CHAIR GROVE: I do have one here
14 quick. Just -- I'm very interested in some of the
15 -- the imaging technology. But actually, kind of
16 the -- the camera in use that you were talking
17 about. So that -- you are using this technology
18 for training purposes. Correct? I think you
19 have to -- about 30 slides back. Yeah. So
20 you're using that for more training and
21 verification --

22 DR. JHEE: Correct.

1 CHAIR GROVE: -- of your QAS --

2 DR. JHEE: Correct. Correct. It's --
3 it's intended to support, augment, and really,
4 enhance communication. I think what the BAR, and
5 actually, this is -- this effort's being
6 spearheaded by Charlie Parr here, our deputy
7 director. And I think we had initial concerns
8 about, you know, would this be used for grading.
9 Nah. We can't use it for grading.

10 But with the number, and the
11 importance of alignment, and -- and when we look
12 at who we've been able to bring onboard into the
13 FGIS family over the last couple of years, the
14 QASs are relatively new. I don't say new, as in
15 new in their position, but they're -- well,
16 they're new in their position. And we've had a
17 number of, I guess you could call, experienced
18 QAS that retired. So that institutional
19 knowledge left with them. So this is an
20 opportunity for us -- at least the BAR -- to be
21 able to connect with all of these new QASs,
22 answer questions. You know, you can take a look

1 -- you can take some tweezers into a 3D
2 rendering, take a look at the kernels, and be
3 able to explain the damage a little bit better.

4 CHAIR GROVE: I -- I think that's a
5 good use of technology. As we talked, obviously,
6 the -- the next topic, or you know, on our
7 program is about our budget. An efficient use of
8 our people. And again, getting to people in a
9 timely manner. When you have new people, I -- I
10 find in -- in our system, people get left behind.
11 And so I -- I think that's a very good use.

12 DR. JHEE: And I believe the -- these
13 microscopes are relatively affordable. Charlie,
14 what was the price point?

15 MR. PARR: Sorry. Trying to follow
16 the -- trying to follow the rules here. Charles
17 Parr.

18 The cost of those microscopes is very,
19 very insignificant. They're like 50 bucks a
20 piece.

21 DR. JHEE: Pretty high resolution.
22 Ten megapixels?

1 MR. PARR: Yes.

2 DR. JHEE: So -- a little bit less
3 than an iPhone, but still pretty good.

4 MR. PARR: And the -- the big thing
5 with those, is that they're -- they're really
6 meant to facilitate a conversation around the --
7 the samples. The -- a lot of times when you're
8 inspecting grain, it's not necessarily a color
9 determination that you need to make. It may be -
10 - you could be having a discussion with somebody
11 about the -- kind of the nomenclature of the
12 kernel. Maybe some of the things that you're
13 observing, you can describe. These video
14 microscopes can be used via Microsoft Teams, so
15 they're actually having a -- a live conversation
16 about those kernels.

17 They can be used in in-person
18 training. We have -- the board of appeals and
19 review has training boxes, where normally, during
20 alignment opportunities, people can answer which
21 -- whether they think it's -- it's damage or not.
22 And then, they have conversations later on about

1 the results of those boxes. And when you can put
2 that image up on the screen and everybody can
3 look at it at the same time, instead of having to
4 pass a box around, it just helps dramatically.

5 Another use that the New Orleans field
6 office -- the QAS staff there -- they're really
7 excited about the use of them. They're using
8 them to also conduct outreach with their -- their
9 stakeholders. So when they give, kind of those -
10 - those grain grading classes for people taking
11 in, you know, inbound grain at elevators, if
12 they're offering training opportunities, it's a -
13 - a good use of technology there as well.

14 DR. JHEE: Thanks, Charlie.

15 CHAIR GROVE: Yeah, thank you for
16 that. Again, you know, I think, you know, in
17 numerous meetings in this room, we've talked
18 about that technology piece. You know, most of
19 the time, we think about, you know, that imaging
20 technology that you were using. But utilizing
21 any type of technology to, just make our industry
22 more efficient, FGIS is part of that industry.

1 So making yourself more efficient, that's very
2 good.

3 DR. JHEE: Well, Arthur mentioned the
4 technology and innovation summit that's going to
5 be in Texas this -- this fall. Exciting
6 opportunities there, especially, from what we've
7 been able to learn from the cotton and tobacco
8 program, and what technologies are available.
9 We're going to definitely be open to hearing what
10 some of the industry manufacturers have to say,
11 and see if there's an opportunity to partner with
12 them for FGIS and this industry.

13 MR. PARR: And I just wanted to add
14 one more minor thing about the use of the video
15 microscopes, is that it also enhances some of the
16 current procedures that we have. Right now, all
17 licensed inspectors and authorized inspectors at
18 FGIS can submit opinions to the board of appeals
19 and review. So now they can kind of have a -- a
20 conversation around those suspect kernels, and
21 then immediately next-day air those kernels for
22 that final determination. So we're not making

1 that final determination remotely. But we are
2 expediting the -- to see if the -- we need to do
3 -- go through that opinion process.

4 DR. JHEE: Okay. Yes.

5 CHAIR GROVE: Any other questions?

6 Thank you very much. And we are going
7 to go ahead and take our break at this time. And
8 that way, we can put Denise on ice a little bit,
9 and have her think -- till she brings her
10 presentation. So thank you. And 15 minutes, be
11 back in the room.

12 THE REPORTER: Off the record at 10:05
13 a.m.

14 (Whereupon, the above-entitled matter
15 went off the record for a brief recess.)

16 CHAIR GROVE: We are back in session,
17 for everybody online.

18 MS. RUGGLES: Hi. I'm Denise Ruggles.
19 I'm going to go over FGIS's financial overview.
20 This year marks 30 years with FGIS. I've gone
21 through two reorganizations. So just to kind of
22 give some of my experience.

1 So we will jump right into it. I'm
2 going to go kind of slow on each slide, so
3 everybody can ask their questions as we're going
4 through it. So we can -- we can always back up
5 if we need to if there's some more questions as
6 we go forward as well.

7 FGIS's funding. We are comprised of
8 actually two components. One is of the
9 appropriated funding that we receive, as well as,
10 we have user fee funding. The user fee, as
11 described this morning, we have a cap in the
12 appropriations bill, the 55 million on our user
13 fee cap that applies to all of our user fee
14 accounts. It's not limited to just grain
15 exports. We have submitted that request. We --
16 and we've also asked to increase it to 60
17 million.

18 Of the 20 million in appropriations
19 that we receive annually, we only get about --
20 this last time was 17.45 million of that
21 appropriation. In the U.S. Grain Standards Act,
22 you will see that we are authorized up to 23

1 million, but we have not received those since the
2 reauthorization in 2020. We've only been getting
3 about 20, and of that, we've been getting between
4 16 and 17 million for FGIS use.

5 PARTICIPANT: Denise?

6 MS. RUGGLES: Yes.

7 PARTICIPANT: -- just a basic question.
8 Where's the difference going between 20 and
9 17.45?

10 MS. RUGGLES: Overhead costs. So part
11 of it is related to GSA building rent for the
12 south building, the National Grain Center
13 facility, some overhead costs for the
14 administrators group, the department, and things
15 like that, that come out of AMS's budget.

16 MS. COOPER: And then you and I have
17 worked on the user cap -- the user fee cap
18 allocation issue for, I would say, decades. And
19 this committee has -- has weighed in before.
20 What was the result of, kind of that effort to
21 raise and -- and modify that cap? Can you just
22 give a little historical background? Because

1 this -- not a new issue, in other words.

2 MS. RUGGLES: So the reason we went --
3 we were requesting 60 million?

4 MS. COOPER: Well, just --

5 MS. RUGGLES: To do the U.S. Grain
6 Standards Act limitation.

7 MS. COOPER: Yeah. What -- what
8 happened to previous efforts to try and -- and
9 give you more flexibility with that -- with that
10 fee cap?

11 MS. RUGGLES: So -- did you want to
12 take it, Arthur?

13 MR. NEAL: Arthur Neal, for the
14 record. So we've gone through couple
15 administration changes. So Denise and I both
16 tried to work a department budget -- office
17 budget and program analysis to get that lifted
18 through Congress, but there's a extensive
19 education process. Everybody doesn't understand
20 the fee process. Everybody doesn't understand
21 the cap.

22 By the time we got people educated,

1 administrations changed. So you start all over
2 again. So we're going directly to Congress. And
3 so part of our update was to ask Congress to
4 decouple the rice, the -- the pulses from that
5 cap so they were only focused on grain. I think
6 the intention was always grain. And so we're
7 waiting to hear back from Congress on whether or
8 not they will accept that request for a technical
9 change.

10 MS. RUGGLES: So on our user fees
11 programs, we have the -- the user fee accounts
12 for the U.S. Grain Standards Act. We have the
13 inspection and weighing program, often called the
14 export program. We have the supervision of
15 official agencies program, which is our
16 supervision account. We have our AMA rice
17 inspection program, and our AMA commodity
18 inspection program.

19 For our user fees for the USGSA, we
20 have actually three components. We have the
21 grain inspection weighing, which has the
22 hourlies, the unit fees, and the tonnage fees

1 associated with the grain market for FGIS
2 services performed. We have the grain
3 supervision account, which is services performed
4 under grain for delegated states and designated
5 agency, which also includes the -- which includes
6 the supervision metric tonnage fee that we have.

7 And we have the USGSA miscellaneous
8 fees for other services. That component is our
9 registration -- export registration program, as
10 well as our designation amendments program.

11 Those fees were just updated April 1st for our
12 annual review. And that's the current fee
13 schedule we're under right now.

14 This is an historical graph of the
15 supervision of official agencies program. As you
16 can see, the yellow is the operating reserve,
17 where we were in 2014, how it continued to climb
18 in '15 and '16. And then, we implemented, as you
19 can see, there's no green. We implemented a
20 freeze on the assessment of the supervision fee
21 at that time in 2017. So as you can see, there
22 was no revenue brought in in '17, '18, '19, and

1 '20. That -- that supervision fee assessment was
2 expired. And so then it was reinstated at its
3 1.1 cent.

4 So in the next fee change, we were
5 able to change the metric -- the supervision
6 tonnage fee amount. So then, the revenue, we
7 were able to drop it down to a lower level to
8 still continue to build -- to burn those --
9 operating reserve resources, to try to bring it
10 to the -- we're trying to four and half months.

11 Where we are right now for quarter
12 three, is the 2023 level. We have brought in \$88
13 million -- or \$88,000 of the 1.2 in expenses we
14 had. And the reserve was down to \$85,000. That
15 is only through quarter three. So the
16 obligations are often higher by now because we
17 have booked entire years of some expenses, such
18 as rent, agreements that we have with our HR
19 services, IT services, et cetera. Those are
20 booked for the entire year by now, by third
21 quarter.

22 So here we are with the revenue. As

1 you can see, we had '18, '19, and '20 -- as I
2 said, we didn't bring in any revenue. We brought
3 in 1.6 -- almost \$1.7 million in '21. We were
4 able to bring that fee down, so we only brought
5 in \$390,000 in '22. And as of quarter three,
6 we've only brought in \$90,000. Those will
7 continue to come in as we bill -- after a month
8 closes. So right now, we're preparing in
9 September to bill for August supervision fees.
10 So we have continuing revenue coming in on those
11 streams.

12 Is there any question about third
13 quarter? We -- we're at one month of operating
14 reserve by the end of third quarter this year.
15 Okay.

16 Here's the historical graph for the
17 inspection and weighing program. As you can see,
18 the revenue -- we were bringing in '14, '15, and
19 '16, and '17 was extremely high. We were doing
20 the reduction in fees, starting with the
21 reauthorization in 2015, but they actually didn't
22 -- the fee change didn't happen till 2017 fiscal

1 year. And the -- the reduction started
2 occurring. And you can see the costs remained
3 pretty steady, but we did have some increases,
4 and we did have to compensate with other
5 resources.

6 As of the end of quarter three, with
7 the tonnage dropping -- is dropping
8 significantly, we were at a negative 4.8 million
9 in the reserve amount for the grain account
10 alone. Again, as I mentioned before, some of the
11 obligations are booked for an entire year. So we
12 have agreements -- maintenance agreements and
13 rent, et cetera, that are all booked up for the
14 whole year. So those will - the costs will stay
15 stagnant on those amounts, as the revenue
16 continues to come in for those months.

17 Any questions on this graph?

18 MS. COOPER: Just interested in
19 historical export tonnage. Whether -- what
20 percentage of the annual comes in in that fourth
21 quarter?

22 MS. RUGGLES: It is harvest for fourth

1 quarter. I don't know exactly how much of it.
2 Usually, between August to January, is usually
3 our largest portions of the year of tonnage. But
4 this year, with the -- the tonnage is already --
5 is been less this year, than it has been in
6 previous years. So I'm not sure how that --
7 exactly what our outcome's going to be.

8 MS. COOPER: So it did --

9 MS. RUGGLES: We're still down 21
10 percent.

11 MS. COOPER: It may improve, but not
12 enough to bring it up? Okay.

13 MS. RUGGLES: Yeah. Yeah, we're down
14 21 percent compared to last year alone.

15 DR. HURBURGH: What is the contingency
16 if that number stays negative?

17 MR. NEAL: That's part of this
18 conversation, Dr. Hurburgh, is that --

19 DR. HURBURGH: Okay.

20 MR. NEAL: This -- this presentation's
21 going to talk about way forward -- potential way
22 forward.

1 DR. HURBURGH: Okay.

2 MR. NEAL: Great question.

3 MR. WILLIAMS: Denise. So what was
4 the actual balance -- the fund balance at the end
5 of 2022?

6 MS. RUGGLES: I think there's a graph
7 in here for that. You mean for the --

8 CHAIR GROVE: She's going to get to it
9 --

10 MS. RUGGLES: Yeah. The operating
11 reserve. I think I have that as another slide.

12 MR. WILLIAMS: Okay. That's fine.

13 MS. RUGGLES: So -- so history of
14 fees, I just wanted to give a -- questions have
15 come up about when did metric tonnage fee come
16 into play, some different things like that. So
17 in October 1st of 1996 is when they broke the --
18 the fees for this inspection and weighing program
19 into three categories. They had the hourly rate,
20 which covered our direct labor costs. The unit
21 tests and service type rates, which is like our
22 stowage rates, aflatoxin testing, et cetera. And

1 then our metric tonnage administrative charge to
2 recover indirect costs for field offices and
3 headquarters.

4 They would publish that and it would
5 be a set amount for everybody across the board.
6 Then in October 1st of -- also in October 1st of
7 1996 till 2004, the administrative tonnage was
8 based on a six-tier tonnage rate. Meaning, after
9 you ship so much it was a certain rate. After
10 you shipped more, it was a lower rate, and it
11 continued down for six levels. So the more you
12 shipped, the lower your tonnage rate went.

13 Then in 2004 there was a review done
14 and they wanted to change the fee based on a
15 regional rate, so that certain areas weren't
16 supplementing other areas for their tonnage
17 levels. So that's when we broke it down to be,
18 like, the Pacific Northwest, Toledo, League City,
19 and New Orleans. All had their own local tonnage
20 rate. As well as, we had a national rate for all
21 the other exports coming out of the domestic
22 market.

1 That went on until 2016, when the
2 reauthorization rule went into effect, which
3 changed in 2017, January 1st, with the
4 implementation of the five-year rolling average
5 for tonnage. And using only prior-year national
6 local costs in that formula that was created.

7 So here's the annual review that we
8 often talk about. So the annual review, with the
9 2020 reauthorization, we dropped it back to it
10 doesn't have January 1st as the effective date
11 anymore. It just has a year. So in 2021, we
12 published -- I think it was February 1st -- the
13 new fees that went into place.

14 The first thing we do is we look at
15 our tonnage rates. We take the national tonnage
16 and we figure out what the national costs were,
17 and we do a formula calculation on what the
18 national tonnage rate would be. That's our first
19 component of the fee review that we do annually.

20 Then the second component is when we
21 talk about the local. So I'm going to go into
22 the national first. Oh, and I want to mention

1 that when we talk about tonnage -- export
2 tonnage. Land-based carriers to Canada and
3 Mexico shipped by official agencies are excluded
4 from the national tonnage rate. Those are covered
5 under the supervision program's supervision fee.
6 So those land-based carriers to Canada and Mexico
7 are not assessed the national tonnage rate for
8 what official agencies are doing. Just wanted to
9 bring that clear, so -- yes?

10 MR. NEAL: Hey, Denise, I just wanted
11 to also add a -- a comment on the -- you know,
12 for each calendar year, starting with 2021, the
13 service will review fees, including the section,
14 and publish fees each year, according to the
15 following.

16 So what was happening -- and we've
17 talked about this in other settings -- every
18 year, our fee schedule -- fee schedule was
19 getting approved and posted later and later. And
20 so we were in automatic violation of our own
21 regulation, that we couldn't control. So our
22 goal is still to get the fees published at the

1 beginning of the year. It may not be January 1,
2 but by January, February. That's still the goal.
3 And that still has to be communicated. But what
4 we didn't want to be is in a position where we
5 are knowingly not meeting our own regulation.
6 And so I just wanted to give context for that.

7 MS. RUGGLES: Thank you. And also, we
8 ran into a challenge where there was a question
9 about whether we should be retroactive. And we
10 didn't want to do that industry. To -- to
11 publish late, and then go back and charge the fee
12 as of an earlier date.

13 So the national tonnage rate in the
14 2023 review that we did for the national tonnage
15 rate has the five years of -- the tonnage for
16 each of the years, and what the rolling average
17 was. This was all published in the Federal
18 Register. It also has what our national cost is
19 for a historical purpose.

20 So you can see where we were for a
21 national cost for each of these years, and where
22 we were in '22. As of right now, we don't have

1 the final numbers for '23. But this is where the
2 calculated fees were each of those years for the
3 national tonnage.

4 Also mentioned is the effective
5 national tonnage fee. This was the last time we
6 published under the prior formula before we
7 implemented the five-year rolling average. So
8 this was published. Then we did the five-year
9 rolling average, and then we had -- the decision
10 was based on the reserve amount, that we had a 5
11 percent maximum reduction. So here's what the
12 fee calculated. And this is what the fee
13 actually was.

14 So each year, we would calculate, and
15 then we would have to do a reduction based on the
16 operating reserve portion. Which I will discuss
17 the operating reserve part of the fees. But I
18 wanted to show why -- what calculated versus what
19 people were paying doesn't always seem to match.
20 It was always a question. So the calculation,
21 then we did a reduction. Calculation, and we did
22 a reduction.

1 This year, we only did 2 percent.
2 This year, we had to do a maximum 5 percent
3 increase. So with calculation, then the 5
4 percent increase. The calculation; the 5 percent
5 increase. This year was the calculation and a 5
6 percent increase. So this is what we implemented
7 on April 1st, this 3.3 cents for the national.
8 Any questions on the national part?

9 Here's the local. So the local fee --
10 tonnage fee -- as you can see, is the tons for
11 the five years for each of the office. The
12 Pacific Northwest, formerly known as Portland
13 office, with the merger that we did of there,
14 between the Olympia office closing and the North
15 Dakota office closing. We renamed it to the
16 Pacific Northwest. Toledo, New Orleans, and
17 League City. Here's their five years. And here's
18 what the five-year rolling average for each of
19 those offices was. For this 2023 local tonnage
20 review.

21 Here's what their '22 local
22 administrative costs for each of those offices.

1 And here's what the calculated fee was prior to
2 the operating reserve adjustment. So Pacific
3 Northwest calculated at the -- the 11.9 cent per
4 ton, but then we had to adjust that to add 5
5 percent. Is there any questions on that?

6 This is just the local. That's not
7 what you would pay -- if you were going to League
8 City, you wouldn't be paying seven and half cents
9 because this is just the local. The local and
10 the national get added together when the fee is
11 actually assessed. Any questions on the local?

12 Okay. So here's the portion -- the
13 section of the regs where we do the operating
14 reserve. And one of the areas I wanted to point
15 out is the -- that we are adjusting the fees
16 based on each million dollars by 2 percent,
17 rounding down if we need to. Rounding down,
18 meaning -- so if it's like 1.1 million, it's 1
19 million. If we're excess of -- of four and a
20 half times -- if it's less than four and a half
21 times, we have a maximum increase of 5 percent.

22 What that means is if we are at \$3

1 million under our four and a half reserve amount,
2 we can still only go up 5 percent. Even though
3 the calculation would be -- three million would
4 be -- would be 6 percent. We are maxed at 5. We
5 cannot go more than 5.

6 Same with when the reserve is greater
7 than four and a half months. For each million we
8 do 2 percent, but with a maximum of 5. So if we
9 were over by three million, we still could only
10 reduce by 5 percent. Any questions on that?

11 MR. NEAL: So John Morgan's in the
12 room and I have to be very careful how I say
13 this. Just kidding. So we did something very
14 similar with the rice industry couple of years
15 ago. We had an excess in our operating reserves
16 for the rice account. But what we did for the
17 rice account -- we reduced -- we had two years of
18 a 20 percent reduction, and then we -- we started
19 gradually right-sizing their fees.

20 So they didn't drag on five, six
21 years. We tried to do it quickly, and return it
22 back to a regular operating state. And I think

1 their last increase should go into effect
2 starting in October. But this was a little
3 different for us.

4 MS. RUGGLES: So here's the historical
5 levels of the operating reserve that was asked.
6 So here's where we were for revenue in '16, '17,
7 '18, '19, through '22. This is where are
8 estimating '23 to be at. We're just putting in
9 some estimates, 'cause it was part of the fee
10 rule conversation we're going to have later about
11 this periodic fee review that we've did.

12 Here's where the obligations were for
13 the program. As you see, we have some notes. In
14 '21, we did adjust the obligations by 2.471
15 million, with using some Cares Act funding. That
16 helped offset some of the staffing that had
17 gotten ill. Some additional costs we had
18 involved with people having to travel to cover
19 areas where we had some shortages in staffing,
20 and things like that. So we used the CARES Act -
21 - CARES Act funding to offset some of those costs
22 for this program.

1 And then in 2022, we had some
2 additional appropriated funds that we hadn't used
3 because of some staffing that didn't happen,
4 travel was restricted, things like that. So we
5 were able to offset some of our overhead
6 obligations with those resources we still had
7 available. Such as IT, some service level
8 agreements that we had, some other items as well.
9 This year, we're doing the same review for
10 staffing, where we had some staffing shortages,
11 where we didn't fill some positions, where we
12 were able to move people around. We're looking
13 to see if we have some extra resources that we
14 can rebalance this account, so we don't close at
15 this serious four and a half million dollars. So
16 we're looking at seeing what funds we have
17 available. So this is still ongoing. That's --
18 'cause we're still in the year.

19 So here's where we were with our
20 surplus or deficit. So we had a surplus in 2016.
21 So that caused -- the fees were at five -- five
22 months -- 5.7 months, so that triggered the next

1 year to have a 5 percent reduction. In '17 we
2 had a surplus again. This brought the reserve
3 even higher. And of course, that was because we
4 had that already defined fee revenue. So then,
5 by the time we implemented it on January 1st,
6 we'd already three months, which was our busy,
7 you know, harvest. October through December
8 brought in a lot more tons under the old rate.
9 So then we had another 5 percent, 'cause we were
10 at seven months of reserve.

11 In '18 we were at 6.6, which triggered
12 another 5 percent reduction. But in '19, we were
13 down to five. So we were only a half of a month
14 too high from our trigger. So we only did a 2
15 percent adjustment.

16 Then in '20, we -- we were -- dropped
17 below. We were down to 3.4 months. And we had
18 to increase by 5 percent. That didn't cover our
19 costs, so we had a further drop. We were down to
20 2.2 months, so we needed to do another 5 percent
21 increase. In '22, we dropped down to having,
22 like, just one month, so we did another 5 percent

1 increase.

2 This triggered our periodic review,
3 because we can't -- the 5 percent is not going to
4 cover it. And I'm going to go into some of the
5 challenges we've had on what's causing some of
6 these increases. Any questions on the chart?

7 MR. FRIANT: Nick Friant with Cargill.
8 So on the -- I just want to better understand
9 your footnote B. So obligations in the chart
10 show thirty- five eight. So does that mean --
11 that number would have been bigger if you hadn't
12 rebalanced with appropriated funds?

13 MS. RUGGLES: Correct.

14 MR. FRIANT: Okay.

15 MS. RUGGLES: And this year would be
16 higher if we didn't rebalance as well.

17 MR. FRIANT: Okay.

18 MS. RUGGLES: Yeah.

19 MR. NEAL: So our objective has been
20 to slow down the hemorrhaging. And so we --
21 we've tightened our belts into the appropriated
22 areas and we've moved overhead costs and

1 administrative costs that are not necessarily
2 being directly experienced at the field office
3 level, but are coming from other areas. And
4 we've been paying for that with appropriated
5 funds so that we could take some of the pressure
6 off of the user fee account. And we've been
7 doing that since '20 at least. So that -- that's
8 kind of been our method until we could figure out
9 how to get the fees adjusted.

10 MS. RUGGLES: And those funds have
11 become available because of the staffing
12 shortages we've had. We've had a reduction of
13 some positions that use appropriated funding.
14 Travel restrictions, things like that. So we've
15 had some of those resources. We've also had
16 people move on details, which freed up some
17 funding as well. So those resources have come
18 available towards the end of the year. We see
19 those resources and we can redo that rebalancing.

20 So here's where we are at the end of
21 the third quarter. This is published on our
22 public website. We publish each quarter, just so

1 you can monitor how we're doing in our user fee
2 programs. This is where we were with revenue at
3 the end of our third quarter, which was June
4 30th. Obligations, where our losses were, what
5 our operating reserve is for each of the
6 accounts.

7 So this is the supervision account,
8 the rice program, the commodity program. And
9 this is our entire account as a whole. So the
10 entire user fee program as a whole, is \$1.98
11 million in the hole at the end of the third
12 quarter. Any questions on that?

13 MR. MORGAN: So that's -- that's nine
14 months into --

15 MS. RUGGLES: Yes.

16 MR. MORGAN: -- you have three months
17 to go? Okay.

18 MS. RUGGLES: The supervision account
19 is actually -- the revenue is -- is not nine
20 months, it's eight months because we bill a month
21 later. So it's actually the -- so the
22 supervision revenue is short an extra month.

1 MR. MORGAN: Okay.

2 MS. RUGGLES: So here's the breakdown
3 of costs to help you understand how our spending
4 is occurring. So here's what the five-year
5 rolling average tonnage would have calculated as.
6 We put that up here just to give you an idea.
7 Where we are right now at third quarter, compared
8 to the previous year. And then our metric tons --
9 that's -- no. Excuse me. Let me back up.

10 This is the five-year rolling average
11 calculation for the fee reviews. This is what
12 '23 calculated that it should be for the fees
13 that we implemented on April 1st. Here's where
14 we are by third quarter. So the only year that
15 the five-year rolling average and the fiscal year
16 matched was '22.

17 So if you look at all these other
18 years, in 2016, the five-year rolling average
19 that we should have been at 105 million, we were
20 actually at 122. In '17, it said -- the fee
21 review said we should be at 107. We were
22 actually at 135 million. '18, the one hundred --

1 114 million, but we were actually at 129 million.
2 So you can see what's -- how some of these shifts
3 have happened.

4 Then in '19, because we had these big
5 years of -- of tonnage, it drove up what our
6 rolling average is going to be, but in actuality,
7 we actually had lower years. So then we dropped
8 down to actually only bringing in on 107, 110.
9 This year was a -- an -- the opposite. And then,
10 this year, we were only matching. So this year,
11 we're anticipating 21 percent lower than the
12 previous year. So 21 percent lower than this --
13 this year -- '22.

14 MR. SINNER: Denise. How do we
15 explain this? How -- how do -- how do we explain
16 this lower tonnage? Where is it? What's
17 happening? Is it crushing? What -- what's going
18 on there? Do we -- do we know?

19 MS. RUGGLES: I don't know. Maybe
20 Arthur can explain it, or --

21 MR. NEAL: I mean, honestly, I think
22 the -- the export -- exporters in the room could

1 probably explain it better. But the reality is
2 that we're just moving less. Some of it is going
3 to domestic markets. China's cancelled a lot of
4 contracts. They're purchasing from Brazil. And
5 so we're just moving less grain. There are more
6 refineries going up across the country. So
7 domestic grain is moving to those refineries.

8 Part of the conversation we had with
9 some industry yesterday was about, you know, how
10 do we look moving forward. If -- if markets
11 don't realign to what they used to be. So these
12 are some conversations that we'll have to have
13 down the road.

14 MS. RUGGLES: So then, below is all
15 the categories of our expenses. So as you can
16 see, of 17, 39 -- 39 and a half million dollars -
17 - 33.6 of that was just salaries and benefits for
18 FGIS staff. So of our categories, it shows you
19 where our expenses are for the total balance of
20 our -- our total obligations. Where those
21 categories are. And as you can see, salaries and
22 benefits is our largest category for all of our

1 spending.

2 Travel can come in about -- come in
3 high sometimes, depending on how much travel we
4 have to do. A lot of those travel costs are
5 reimbursable. Some of them are related to maybe
6 relocation costs. And then our other services are
7 related to -- that's our ticket item where our
8 overhead obligations are placed. Maintenance
9 agreements, service agreements that we have with
10 other departments, like IT, et cetera. Those --
11 those categories fall under other services. So
12 any questions on that?

13 MR. FRIANT: Where -- so -- so first
14 of all, thank you. Thank you for providing the
15 breakdown of costs. We've been asking for more
16 clarity on that. And absolutely appreciate having
17 -- having this information.

18 How does -- how does what's on this
19 chart, breakdown of costs -- where do the
20 national admin costs factor into this?

21 MS. RUGGLES: The national tonnage
22 costs?

1 MR. FRIANT: Yeah. The -- yeah --
2 yeah, that's used to calculate national tonnage
3 fee?

4 MS. RUGGLES: Yes. So -- so that does
5 fall under salaries and benefits. That would be,
6 you know, our -- our directors, our associate
7 deputy administrator, my expenses, FGIS online.
8 We're in that salaries and benefits category,
9 along with the direct service labor as well. But
10 -- but our component is a part of that.

11 We also have travel expenses for
12 different industry meetings, et cetera. We have
13 other services, which is the administrator's
14 office, their support staff, central charges,
15 which are departmental. Green Book fees. I'm
16 trying to think what other things could be out of
17 there -- kind of help you understand some of
18 those items. So those are categories that would
19 go against the -- the national tonnage rate, as
20 well as if we had any supplies for our local
21 groups.

22 Oh, the IT for FGIS online falls in

1 the other services. We're not really in the rent
2 and utilities, 'cause as I explained, the south
3 building is under the appropriated portion that
4 we don't get. And I'm housed at the National
5 Grain Center, which is also covered under the
6 appropriated. So a lot of that isn't -- we don't
7 have any rent.

8 So the largest portion -- there's a
9 portion here under salaries and benefits for,
10 like, FGIS staff. And then, like I said, the
11 administrator's office for AMS, departmental
12 charges, Green Book fees, et cetera. And those
13 service level agreements we have. Does that
14 answer --

15 MR. FRIANT: So it's spread across
16 multiple --

17 MS. RUGGLES: It can be. Yeah.
18 Different categories -- we have different
19 components.

20 MR. FRIANT: Great. Thank you.

21 MS. RUGGLES: Any other questions on
22 this one?

1 Okay. So challenges we have with the
2 annual fee review. I know that's come up. Why
3 can't we post faster. One of the challenges I
4 have is the fee review cannot start until all
5 tonnage is reported. We have a delay of up to two
6 weeks with industry deciding, are they done
7 loading? Have they figured out all of the
8 services that they're finishing on those
9 shipments? And once they finalize that, then
10 they finalize the tonnage billing.

11 So if a ship finishes and they've
12 decided that September 30th services is the last
13 time any new services are going to be done on
14 that load, they will put it in the system. I --
15 I have the tonnage coming in up till October 15th
16 as industry's deciding how they want to finish
17 those loads.

18 If they add more to it or add more
19 services, then it shifts to the next fiscal year
20 because then the ship is not completed in this
21 fiscal year. It doesn't complete till the next
22 fiscal year. So then that ship moves. So it

1 might have started in one year, but it doesn't
2 actually finish till the next year. So we're
3 kind of in a two-week holding pattern on that.

4 The second challenge is the fiscal
5 financial reporting is not completed until
6 October 31st. We close the books on the 30th,
7 but then there's a lot of documents that they
8 finish up through October completing the process.
9 It's called period 13. They're finishing that
10 up. So we get final financial numbers, not until
11 November 1st. So we're dealing with tonnage and
12 those financial numbers not coming in till -- so
13 we can start it on November 1st.

14 Then the other challenge we have is
15 that the Reauthorization Act of 2015 -- the
16 regulation that was put in place only lets us
17 look backwards. Doesn't let us look forward. So
18 we are in -- and I'm going to talk about this
19 coming up -- COLAs. We've already had been given
20 -- and we're supposed to estimate our COLA, our
21 increase of staffing for January 1st.

22 (Off-microphone comments.)

1 MS. RUGGLES: Cost of living
2 adjustment. That's coming up -- it's -- I'm
3 going to explain it a little bit further here --
4 about those different adjustments that we -- so
5 we know that's coming. We don't know exactly the
6 amount, but we can't figure that into those
7 annual fee reviews. So when we do know
8 something's happening, we're only looking back.
9 We don't look forward.

10 The other challenge we have is the
11 limitation on the 5 percent increase or
12 decreases. That's a challenge. You know, you saw
13 on some of those categories, we should have done
14 larger decreases, we should have done larger
15 increases with the changes in costs. Or with the
16 reserves being too high.

17 And the other challenge is, often
18 times, some people are looking at our export
19 tonnage rates that we're publishing each week.
20 And they don't understand that you need to remove
21 the -- the rail and the land-based carriers to
22 Canada and Mexico, which is our rail and trucks

1 being services by official agency. So those are
2 reported in our export numbers, but they do not -
3 - are not assessed the national tonnage rate or -
4 - so that's another challenge.

5 Historical hourly rates. I wanted to
6 go over that to show you where we are for the
7 different contract and non-contract. Oh, do you
8 need me to go back?

9 MR. FRIANT: On the -- on the delay in
10 tonnage reporting. I know that there's been --
11 and I -- I don't know all the correct terms. But
12 I know there's been some challenges in the
13 reporting system that is used by -- help me,
14 Chris. The -- watching post -- I know there's an
15 electronic reporting system and there's been
16 challenges with that reporting system being
17 rolled out. I think it's through ERS? I'm
18 wondering if that would -- if that impacts the
19 reporting that you're getting for tonnages?

20 MS. RUGGLES: Well, our delay is
21 because they can't close out those inspection
22 logs until all final --

1 MR. FRIANT: Okay.

2 MS. RUGGLES: -- and that builds the
3 tonnage.

4 MR. FRIANT: Okay. So it's FGIS
5 inspection logs --

6 MS. RUGGLES: Yes.

7 MR. FRIANT: Not an external report.
8 Okay.

9 MS. RUGGLES: Now but I don't know
10 what challenges on why the decision, or delayed
11 on making decisions on when to close those ships
12 out. I don't know if they're still really
13 evaluating, can they get more grain on? Should
14 they take grain off? I'm not -- you know, I
15 don't know if there's more inspection services.
16 Maybe they want to do aflatoxin. I don't know
17 what's delaying the -- up to two weeks for those
18 ships to finish.

19 MR. SINNER: Denise. One -- one other
20 question. On that last point, why are land
21 carriers assessed? Explain when that change --
22 or when that was implemented, or what -- why is

1 that?

2 MS. RUGGLES: It was implemented at
3 the time they did the breakdown for the regions.
4 So when they decided they were going to do
5 national and local tonnage back in -- I'd have to
6 back up -- prior to the rolling tonnage average
7 that we put into place. So on that first chart
8 we talked about it, when they talked about
9 regions. It was decided at that time to not
10 assess it on land-based carriers to Canada and
11 Mexico. They were separated out in that
12 rulemaking.

13 MR. SINNER: Okay.

14 MS. RUGGLES: Containers, though, are
15 -- are assessed export tonnage, regardless if
16 they're offloaded domestically. Because the
17 intention of using that conveyance is to export.
18 But there might be a challenge where you loaded
19 and it didn't make grade, so the container cannot
20 leave the country. We still charge the export
21 tonnage, 'cause the intent was to export it.

22 Historical hourly rates. So this is

1 the component of the direct service rates. This
2 is your contract and non-contract. We used to
3 have three months, six months, and we dropped it
4 down to just one-year contracts, and no
5 contracts. So here's the historical view of
6 where we were in 2016 before the regulations were
7 implemented with the Reauthorization Act of 2015.
8 And then these are the rates that were a part of
9 those components.

10 So what I'm saying by that is we
11 calculated the tonnage fees and everything, and
12 then we looked at our operating reserve. And
13 then we adjusted this rate up or down 5 percent.
14 So that's where this 5 percent is coming into
15 play, up or down. So we figured out where the
16 reserve was. We reduced the hourly rate by 5
17 percent. We figured out what the reserve was.
18 We reduced it by 5 percent. You can see that
19 here. So this was prior to the formula change.
20 These are the reductions that we implemented each
21 year. Or increases.

22 So this shows you the trend of where

1 we were. The last time this was our highest
2 contracted rate at the time before we
3 implemented. The other we want to point out is
4 that I don't know if anybody's noticed, but our
5 one-year holiday -- contract holiday has always
6 been the same rate for all non-contract rates.
7 Meaning, there is no adjustment done if a non-
8 contracted facility wants to work holidays. They
9 pay the same rate whether they do it Monday
10 through Friday during regular time. They pay the
11 same rate. There's no -- there's no incentive for
12 them to work during regular hours. The rate is
13 the same, regardless.

14 MR. NEAL: Denise, and just to also
15 clarify, or illustrate. If our employees work on
16 the holiday, we pay them double.

17 MS. RUGGLES: So is there any
18 questions on this historical of what our rates
19 have been, and what we implemented on April 1st?
20 This is what our rates are right now. So as you
21 can see, right now, as of '16 -- as of our April
22 1st, we still haven't brought ourselves up to

1 even what the '16 level was yet. Any questions?

2 So here is a comparison to the other
3 AMS programs that are under a different model of
4 fee adjustments. So here's where we were in '16;
5 here's where we are in '23. Here's where the
6 dairy program is for contract; here's where the
7 fruit and vegetables for processed -- they don't
8 have a contract rate for their fresh vegetables -
9 - fruits and vegetables. They only have it for
10 processed. The meats program, which I would
11 suspect is livestock and poultry, but they call
12 it meats. And then the egg and poultry -- or
13 livestock, I guess. So there's where they are in
14 their contracted rates versus their non-
15 contracted rates.

16 As a comparison of FGIS's 2016, '23,
17 our current rates, and where those programs are
18 at this time. And this was as of the fees that
19 are in place right now. They are having a fee
20 adjustment done on October 1st. They publish at
21 the same time we publish our rice ones. Any
22 questions? Just trying to give you a concept of

1 where FGIS is standing compared to some of the
2 other programs.

3 So for the periodic fee review. This
4 year we implemented the periodic fee review. We
5 brought together a team that was assembled with
6 FGIS staff, that included division
7 representation, field office representation from
8 all of the different areas in the country. And
9 they brought -- they brought together what their
10 costs are, locally, for doing various services.

11 To give you an example. How long does
12 it take -- what kind of grade level are you using
13 to do an aflatoxin? What -- what's the cost of
14 the -- the equipment you're using? What are your
15 consumables? Is there any training you have to
16 do? We had them put that all together for all the
17 different services that they offer in their area.

18 And then we weighted it and compared
19 it. I'm not going to those comparisons in our
20 scenario as to what we did, but that's what we
21 did. We brought together the groups across the
22 country, and they all put in their input. Even

1 the BAR participated. Different labs here
2 participated that do grain testing. They all
3 participated and brought back feedback on what it
4 would cost to recover their costs of doing these
5 services.

6 That was scenario one. And then we
7 adjusted it because we -- you know, they were
8 just covering what their costs would be. Then we
9 have to add in for all the other costs. You
10 know, different groups overseeing it. Like Ed
11 Jhee's costs for being the director of the
12 building, the AMS -- the admin staff for TSD,
13 things like that.

14 Scenario two that we did. We
15 implemented AMS's standard formula with a
16 reduction in the rates. Because the original
17 calculation, which is what we did in scenario
18 four -- we did do a reduction for the calculated
19 rates based on that formula. The formula we're
20 talking about, I will describe later what that
21 AMS formula is. It is a formula that the AMS
22 implemented for all of their AMA programs. We

1 implemented it with rice two years ago. This is
2 the third year we're using it for the rice
3 program. We will also implement that on the
4 commodity program when that one gets completed.

5 The difference between scenario one
6 and scenario two with the standard formula, with
7 the reduction of the rate calculation, is related
8 to the overtime and holiday calculations. The
9 formula, as written, says that the overtime rate
10 will be one and a half times the regular
11 calculated rate and the holiday is two times. We
12 have a little bit of lenience on that, and we did
13 do some adjustments for that in our rice program
14 as well. So the scenario three is actually
15 taking the overtime at one and a quarter, with
16 holiday being one and a half times the regular
17 rate. Any questions on those scenarios that we
18 did, how we came together?

19 MR. NEAL: And part of the reason why
20 we modified the overtime and holiday rate is
21 because we knew that the industries that we're
22 servicing -- they had not been experiencing these

1 type of wide swings in fees. And so we wanted to
2 mitigate some of the impact on the rates. And so
3 that's why we modified those overtime and holiday
4 pay rates.

5 MR. MORGAN: John Morgan. I -- I
6 believe rice is using scenario two.

7 MS. RUGGLES: Correct. But I -- I
8 would have to look.

9 MR. MORGAN: I'm looking at them right
10 now. It's definitely scenario two.

11 MS. RUGGLES: Yeah. But I don't think
12 we reduced the regular rates. I think we
13 actually calculated the rate, and then we did one
14 and a quarter and one and a half.

15 MR. MORGAN: It looks like one and a
16 half and two.

17 MS. RUGGLES: Oh. Did -- it is
18 scenario three?

19 MR. MORGAN: Yeah.

20 MS. RUGGLES: Or scenario two, I mean.

21 MR. MORGAN: Yeah. Just --

22 MS. RUGGLES: It -- I think the second

1 year, we did -- stuck with the --

2 So here is the AMS formula -- standard
3 formula that's published -- and there's -- and I
4 have the federal rice -- 'cause we have it in our
5 regulations now. 'Cause we are following that
6 same formula with the rice. So this is out of
7 our regulations for the rice. So this is the
8 steps.

9 So each year we calculate the regular
10 rate based on the person performing -- the
11 personnel performing direct services, divided by
12 the number of direct hours. And then we multiply
13 it by the cost of living increase for the next
14 year. So that takes consideration what's going
15 to happen for next year. And then we add a
16 benefits rate to it. We also add an operating
17 rate to it, and we also add for bad debt
18 allowance.

19 FGIS's bad debt allowance is really
20 small, because we have three components on making
21 sure we get -- are collecting our fees before we
22 have to refer somebody to U.S. Treasury. So we

1 have a lot of efforts put in on debt management.
2 So our allowance for bad debt is like nothing,
3 really.

4 And then we don't include travel
5 expenses in our hourly rate, because our -- we
6 charge for travel. It's a one-to-one
7 reimbursement for those costs. The overtime
8 rate, again, is the calculation of -- and you're
9 right, John -- we did do one and a half, and the
10 two. So that takes the regular rate calculation
11 and takes it by one and a half. And then we do
12 the holiday rate and take it times two. That's
13 the standard formula.

14 In addition to that, it also looks at
15 how you calculate a benefit rate. There's a
16 formula for that. And then there's the operating
17 rate, how you calculate that. And then the
18 allowance for bad debt. It talks about those
19 components that were mentioned before. And then
20 we also adjust for economic factors that are
21 released by OMB, for inflation and -- and other
22 factors that are used. The cost of living is

1 figured in the hourly rate part. Any questions on
2 the formula? Yes, Jimmy.

3 MR. WILLIAMS: Denise, I have a
4 question. Could you go back a few slides? Back
5 to that slide where you show the salary and the
6 salary costs for like the last six or seven
7 years? So here's what I don't understand. So
8 that -- that chart shows that salary and benefit
9 costs were over 33 million in FY16? Is that
10 correct?

11 MS. RUGGLES: Correct.

12 MR. WILLIAMS: Okay. And in FY23
13 they're -- or at this rate, anyway, they're at
14 21.9 million. What -- how do you explain that?
15 How -- what's -- I mean, have you all reduced
16 your staffing to that extent?

17 MS. RUGGLES: Significantly. You saw
18 all the vacancies we have. Plus, we are
19 rebalancing. So you're seeing these rebalances
20 we're doing. It's 'cause to offset some of those
21 cost of living increases as well. We're going to
22 talk about what all those cost of living

1 increases we've been absorbing over the years,
2 that have been implemented on us every year by
3 budgets -- the President's budget.

4 MR. NEAL: Denise if you can go to
5 volume.

6 MS. RUGGLES: Go back to volume?

7 MR. NEAL: By -- by office -- field
8 office. Just to give you some perspective.
9 We're working our people extremely hard. This --
10 you know, I wish we weren't. And I was sharing
11 earlier, that -- you know, our employees would
12 love for us to hire, so they wouldn't have to
13 work seven days a week. You know, almost 12 to
14 16-hour shifts. That's been the sacrifice that
15 folks have been making so that we do not continue
16 to add additional burden on the program. But we
17 can't operate like that any longer, 'cause people
18 are burning out.

19 And so it -- it's -- and if you look
20 at where the work is happening the most, it's --
21 it's New Orleans and -- and League City. And --
22 and look -- look at 2021. Seventy-two million

1 metric tons flown out of New Orleans. That's a
2 lot of work. And -- and those are the folks who
3 are asking for help. But we've got to get
4 ourselves in a better position so we can give
5 them help in a responsible way.

6 MS. RUGGLES: And we've been trying to
7 adjust to hold those costs down, just because --
8 where we can to help the industry.

9 Try not to make everybody dizzy
10 scanning back through these. So here's the
11 financial impacts that we've been absorbing. So
12 the financial impacts since the reauthorization
13 of 2015. So the cost of living adjustments that
14 we've experienced was 2017, we had a 1 percent,
15 '18 was a 1.4, '19 was a 1.4. And then in '20 we
16 got a 2.6. Then we got a 1 percent in '21. In
17 '22 we got a 2.2. And then last year we got a
18 4.1. Well, we're only adjusting fees by 5
19 percent. A 4.1 is a huge increase on -- and when
20 you saw our categories. Our largest cost
21 category is salaries and benefits.

22 This year's President budget --

1 presidential budget request is 5.2. So you can
2 see, a 5 percent increase wouldn't even cover the
3 COLA alone. Not even talking inflation, or any of
4 the staffing that has occurred that's going to be
5 paid full-year next year, some of those items.
6 So that's one of the challenges we're dealing
7 with.

8 And as I wanted to show again, is --
9 here's our salaries and benefit category, and
10 this is the percentage that that category is of
11 our total obligations. These years, again, we
12 have assisted by offsetting some of those costs
13 with CARES Act funding or available appropriated
14 resources where staff can be rebalanced. Any
15 questions on this one?

16 And -- and also, our -- we have
17 payroll distributors for TSD, FMD headquarters,
18 the two branches of that, the director's office,
19 PPMAB, and then the office of the deputy
20 administrator. So we also look at those to
21 rebalance if we can.

22 The rate fee categories. I wanted to

1 show these. What are the challenges in our fee
2 reviews. So the -- so the rate, fees, revenue
3 categories. We have our hourly rates to recover
4 direct costs. Those unit tests and service rate
5 types and our metric tonnage. As you can see, in
6 '22 our hourly onsite and applicants facility is
7 64 percent of our revenue to cover our costs.
8 Sixty-four percent comes from our contract and
9 non-contract onsite hourly rates.

10 One percent is for our other -- other
11 hourly rate category, which is where we're doing
12 testing, not an applicant's facility. That would
13 be for, like, the labs here where they have an
14 hourly rate. It only makes up 1 percent. So of
15 our revenue, 65 percent of it is all just from
16 hourly rates.

17 Then we have our unit and service
18 types. Which is our services per carrier, which
19 is your weighing per carrier, stowages per
20 carrier, those kind of fees. As well as
21 aflatoxin texting. Grading factors like a factor
22 -- factor only, board appeals, appeals, et

1 cetera. As well as export registration. The --
2 that component in 2022 was 6 percent of our
3 revenue resource.

4 And then our direct amount
5 reimbursement. Those are services like travel,
6 mailing costs, et cetera. Those are our straight
7 hourly reimbursements. Not hourly. Actual cost
8 reimbursements. That only made up 1 percent of
9 the revenue resource.

10 Metric tons. For our national and
11 local tonnage, that brings in 28 percent of our
12 revenue. So our two largest revenue components
13 is the hourly onsite, contract and non-contract,
14 and our tonnage rate. The rest of those units
15 are not -- they don't bring in the revenue
16 resources as those other two components. Just
17 wanted to break that out on where the revenue has
18 to come from to cover a lot of the costs. Any
19 questions on this? Yes.

20 DR. HURBURGH: How does the COLA
21 percentage that you listed there match with the
22 actual wage settlement changes with your

1 employees? Are the -- are the employees'
2 salaries going up at the -- does that reflect the
3 increase in the employee salaries, or are they
4 going up faster than -- than what you are allowed
5 for COLA?

6 MS. RUGGLES: The COLA is our -- our
7 cost of increase. That's what everybody makes.
8 That's what we get.

9 DR. HURBURGH: Okay. So that's an
10 actual number?

11 MS. RUGGLES: That's an actual number.

12 DR. HURBURGH: Okay. All right.

13 MS. RUGGLES: When they publish our
14 new salary tables on January 1st, it has those --
15 whatever's been approved, and all of --
16 everybody's wage table increases by that amount.
17 And then we have a little bit of locality pay
18 adjustments.

19 DR. HURBURGH: All right.

20 MS. RUGGLES: Any other questions on
21 this?

22 So here was our period review

1 scenarios that we talked about earlier. The
2 scenario one, the scenario two, three, and four.
3 I -- and I put down below to -- I don't know if I
4 killed the little thing here -- where the
5 scenario would bring the operating reserve, and
6 the number of months the scenarios do.

7 So here's where we were in '16 again.
8 Here's where we are right now at '23. Here's
9 that scenario one, where we had that team that
10 came together, said here's what it costs us to do
11 this business. This is what our, you know, unit
12 -- our equipment is, our maintenance agreements,
13 our consumables, and then we increased it for all
14 the components that we need to assist with that.
15 So -- such as staff like Ed's group, the
16 director's office administrative staff to do
17 TNAs, et cetera, all that stuff. We adjusted
18 that and inflation.

19 Scenario two was the one and a half.
20 Taking the regular rate calculation, applying one
21 and a half, and two to the holiday. So you can
22 see, 60 times 2 is 120. This is the contracted.

1 And then scenario three, we -- we changed it to
2 be one and a quarter versus one and a half. And
3 then scenario four is -- unmodified, this is what
4 the AMS formula calculated that the hourly rate
5 should be to -- to recoup our costs.

6 So as you can see here -- and then I'd
7 put in a comparison for the low program and --
8 the low program and the high program are the AMS
9 programs. Where they are right now, today,
10 compared to FGIS on these scenarios. If we
11 implemented scenario one, the reserve would still
12 be at a negative \$1 million, with less than .3
13 months. We wouldn't even get out of the hole
14 that we're going to be in when we close '23.

15 Scenario two would bring the reserve
16 up to 2.8 million, or only .9 months. Scenario
17 three would bring us up to .3 million, or .1
18 months of reserve. And scenario four would bring
19 us completely out of the hole, and put us at 13.7
20 million and 4.4 months. So that was the scenario
21 that -- to do it all at one time, in one year.
22 And it actually only would be, like, nine months

1 of the fee adjustment, because you know, we can't
2 get the fees in place October 1st. So we would
3 lose, though, that busy season of October,
4 November, and December. So this is a nine-month
5 increase. Any questions on these scenarios?

6 Okay. So also, in the same scenario
7 basis we did the tonnage rate. What would the
8 tonnage rate be on each of those scenarios. So
9 as I explained earlier, about how the actual
10 payment is always based on a component of local
11 versus national. So here's what the published
12 rates were in '16. Here's what the fees are
13 currently in place. Right now, as of April 1st,
14 the national is 3.3. This was the calculated
15 rate for League City with that 5 percent
16 increase, plus the national. This is what the
17 League City customers pay for national -- or
18 their tonnage fee, regional tonnage fee. Here's
19 what you'd pay in New Orleans. Here's what they
20 pay at Pacific Northwest. And here's what they
21 pay in Toledo, currently.

22 Scenario one. This is what it

1 calculated to be. Scenario two, the same thing.
2 Scenario three, and then scenario four. Scenario
3 four would be bringing the rate -- so we would
4 get the full four, almost four and a half months
5 of reserve. This is based on the five-year
6 rolling average of the tonnage and what we're
7 anticipating the costs are going to be for the
8 national and local amounts. So this is following
9 the similar process of the calculation of the
10 tonnage fee and the five-year rolling average.

11 So there really is no change between
12 these three scenarios on the tonnage rate if its
13 tonnage rate change is here. And that's to dig
14 us out of the hole and bring us to the full,
15 almost four and a half months of reserve. Any
16 questions on that?

17 MR. FRIANT: Sorry, Denise. I need to
18 go back to the previous slide. I wasn't able to
19 catch up with you. Can you explain -- well, I --
20 I have two questions.

21 MS. RUGGLES: Okay.

22 MR. FRIANT: One question, two parts,

1 Arthur.

2 MS. RUGGLES: Okay.

3 MR. FRIANT: So my first question --
4 so you -- the -- you've got the proposed change.
5 The one-year contract, regular Monday to
6 Saturday, 6 a.m. to 6 p.m.

7 MS. RUGGLES: Correct.

8 MR. FRIANT: And then, the -- the
9 proposed overtime change. So my question is, if
10 -- to Arthur's point, we've been working people
11 12 and 16- hour shifts. So -- so if a person
12 works, for example, a six to six shift -- 6 a.m.
13 to 6 p.m. shift, they'd get eight hours regular
14 time and four hours of overtime?

15 MS. RUGGLES: So you would assume
16 that, but we have three different scheduling
17 components. So some people can be first 40. So
18 then they don't -- they don't get overtime till
19 that. And then we have -- Andy or Arthur
20 probably could explain some of those other ones,
21 but we do have, like, three different scheduling
22 items.

1 We are removing -- so right now, you
2 would pay -- so if we had a person work 16 hours,
3 the industry pays eight hours at the regular
4 rate, and then they pay the next eight hours at
5 the overtime rate. That's what it is right now.
6 We're looking to move to a time of day, not the
7 person specific.

8 So whether -- so meaning, you wouldn't
9 need to worry about Billy working 16, versus
10 Billy working eight, and Tommy working eight.
11 You know, you're only -- you're going to pay
12 based on a clock. We are also moving Saturday to
13 become a regular day, which right now, it's not.
14 Right now, it's an overtime day. So anybody
15 working anytime on Saturday is automatically
16 overtime right now.

17 So we're looking to move to more -- to
18 automate, so -- to automate the process where the
19 system is calculating based on when somebody is
20 working, not who the person is, how much time
21 they've already worked, to calculate the rate.
22 Does that make sense what I'm trying to say,

1 Nick?

2 MR. FRIANT: Yes --

3 MS. RUGGLES: We're trying to move so
4 that in our online system for service requests,
5 you would be able to see what that's doing in
6 calculating your bills, based on a clock.

7 MR. FRIANT: Yeah. Okay. That --
8 that makes more sense now. And then, based on
9 what you just said, regardless of the time of
10 day, Sunday is overtime?

11 MS. RUGGLES: Correct.

12 MR. FRIANT: And then holiday is --

13 MS. RUGGLES: Holiday.

14 MR. FRIANT: -- also separate?

15 MS. RUGGLES: Correct.

16 MR. FRIANT: Got it. Thank you.

17 MS. RUGGLES: Yep.

18 So we took these scenarios, and we
19 gave -- we picked one, and we picked scenario
20 three. Scenario three is the one we picked. It's
21 going to leave us at the end of '24 at the .3
22 million reserve, with .1 months. We picked that

1 scenario and we forecasted going forward.

2 So this is an outlook of what we think
3 would happen if we implemented that. So here's
4 where we are right now. And where -- what we've
5 estimated we think this year's going to look like
6 when we close. I am still addressing the
7 rebalancing of the appropriated, 'cause I --
8 we're still trying to figure out what resources
9 we have available right now. So we're still
10 doing that.

11 So this could be lower. And then, of
12 course, revenue could be higher if something were
13 to suddenly change that I -- you know, we
14 suddenly get a lot of ships all at one time, we
15 don't know. And then with the reserve amount.
16 So this is that calculation -- what we're
17 anticipating this year's going to be.
18 Estimating, to implement the -- the scenario
19 three, with the hourly rates and the unit rates
20 and the tonnage rates. Which we didn't share
21 every unit rate. There's a lot of them.

22 What -- what it would bring in for the

1 reserve for the nine-month increase that we would
2 be implementing. We would bring in this much
3 revenue. This is what we're anticipating our
4 obligations are going to be with the 5.2 cost of
5 living adjustment that's in the President's
6 budget. If we were to get something less, of
7 course, that adjusts our costs. It totally
8 changes the forecast. And then, what our surplus
9 would be, where our -- we would end at the .3 for
10 million reserve, with the .1 month reserve.

11 If we continued on the next year for
12 the rates, with doing a minimal increase just for
13 cost of living of 2.9 percent, and holding the
14 rates, we were looking at this amount. We would
15 be at three months, and then we would be at 5.5.
16 That's holding, only getting cost of living
17 raises of only those amounts. If they're less,
18 we would have to implement something different.
19 But this was just a outlook, to see how it would
20 look, looking forward. Where would we -- so it
21 would take almost two years to get back to where
22 we needed to be.

1 MR. SINNER: Denise, what did you do
2 with tonnages -- projections?

3 MS. RUGGLES: We held them.

4 MR. SINNER: Okay.

5 MR. NEAL: But when I -- when I've
6 said this -- we left the tonnage fee calculation
7 alone. So whatever the -- whatever the result
8 from the tonnage fee formula is, we didn't
9 manipulate it.

10 MS. RUGGLES: Yeah. The five-year?

11 MR. NEAL: Right. Using the five-year
12 rolling average. We didn't add on any operating
13 costs reserve recovery. We didn't add on any
14 cost of living increase. We didn't do anything
15 like that. We just let the calculation be what
16 it is for tonnage fee.

17 MS. RUGGLES: So this is what the
18 rates would look like for those scenarios. For
19 scenario three, if we did it in the out years.
20 So this does have the 5 percent increase for the
21 hours, and we held the 5 percent here. And then
22 we held the tonnage with the calculation for

1 those two years.

2 MR. FRIANT: And -- and that's just
3 the straight calculation?

4 MS. RUGGLES: For scenario three.

5 MR. FRIANT: Yeah. Not -- not taking
6 the calculation and adjusting it up? That's
7 scenario four.

8 MS. RUGGLES: We adjusted for the 5
9 percent, 'cause we know we're going to be under,
10 so we're going to do a 5 percent for the hourly.
11 But that was it.

12 MR. FRIANT: But not the tonnage.
13 Sorry -- I meant --

14 MS. RUGGLES: The tonnage is
15 calculated based on what we think the five-year
16 rolling average is, and what -- and we were
17 holding the cost for the -- the administrative
18 tonnage -- the national tonnage rate and the
19 local fees. We were -- we were holding them,
20 except for the 2.9 percent increase. And then we
21 held them. We didn't adjust them again.

22 'Cause if we'd allowed them to adjust

1 again, 'cause we know we're going to be in the
2 negative here. 'Cause we're still going to be
3 under the four and a half. If we adjust the
4 tonnage rates again, it -- it would be way too
5 much. See how we're going to -- if we hold them,
6 we're going to be at 5.5. But again, this is
7 assuming, you know, the 5.2. If we don't get a
8 5.2 and we get less. If we get more than 2.9.
9 Those things can affect it.

10 MR. FRIANT: Yeah. Okay.

11 MR. NEAL: One thing I'd like to
12 share, too, for consideration. So our current
13 reserve target is four and a half months. Other
14 programs have a six-month target or a year
15 target. And it's to help them deal with these
16 wide swings in volume. Because to -- to let
17 people go if we don't have enough to cover shifts
18 in -- in export volume, it's hard to get people
19 back. And I just wanted to -- you know, as we
20 think about ways to move forward, you know, are
21 there opportunities to adjust the -- the reserve
22 target? Or -- 'cause we continue to monitor it

1 closely. We'll just have to keep making these
2 type of shifts to -- to ensure that we don't
3 exceed it, or have less than enough to cover our
4 -- our goal.

5 MS. RUGGLES: Yes Chris.

6 MR. FREDERKING: Yeah. Chris
7 Frederking with Zen-Noh Grain. So certainly
8 appreciate the background and -- and all the
9 information that -- that has led to these
10 different scenarios that were proposed. And I
11 guess, as I'm sitting here thinking of probably
12 being the tip of the spear as far as shouldering
13 the expenses from the industry side, even
14 scenario three, in a average year, probably for a
15 regular export elevator, specifically down in the
16 Gulf is probably somewhere in the neighborhood of
17 a million dollars of extra expenses at the
18 elevator level.

19 So as we're looking at length of time
20 to -- to get these new fees added in, or to
21 right-size that operating reserve, sounds like
22 you're projecting more of a three-year approach,

1 versus what I had heard, maybe with the rice
2 industry, was a five to six-year timeframe. And
3 just, maybe a little bit more perspective on
4 what's the urgency with this scenario, or the
5 scenarios proposed here, with the three-year
6 versus a longer-term six-year -- five or six-
7 year?

8 MS. RUGGLES: So the rice, we
9 implemented quickly. They had two rejection
10 years, and then went increases really quickly --
11 the opposite direction. That industry is like
12 our third-sized program, or second-sized program
13 when you look at our expenses. The grain is the
14 bread and -- you know, it's our biggest program.
15 It -- it's very large.

16 So just -- a little bit of cost
17 increase, really, it's -- it affects us
18 significantly, because it is such a large
19 program. \$33 million, you know, is this program.
20 Where the rice isn't that large.

21 MR. NEAL: And the other thing, too,
22 Chris. This is a proposal, like I said, we are

1 anticipating tolerability. What can -- what
2 could industry tolerate. Well, not what can.
3 What will they tolerate. We're trying to propose
4 a way forward that is reasonable. We're not
5 trying to recover all, knowing that the costs
6 could be -- the expense that you have to carry
7 would be far greater.

8 The other thing, too, is the approval
9 process we discussed. How do we make sure that
10 we're taking something forward through the
11 briefing process that has to get approved by the
12 Secretary, that seems to be reasonable to him as
13 well. So we're -- we tried to balance it. You -
14 - you may have other thoughts of how we should
15 approach it. We're just sharing with you what we
16 think we can go forward with to potentially get
17 us into a better place.

18 MS. RUGGLES: And one of the other
19 areas that I heard all the other presentations
20 talk about, you know, staffing challenges. We
21 have vacancies. As those get filled, you know,
22 it does affect costs. QACD being at their full

1 level now. Some of those resources we've been
2 using, we won't have those available next year.
3 And also, updating technology. You know, the
4 cost involved in updating technology. We're
5 investigating technology as well. So some of
6 those resources won't be available.

7 CHAIR GROVE: John, I'm going to have
8 you hold your question. In keeping with the
9 schedule that we have -- and we have some very
10 specific timeframes we need to meet this
11 afternoon because of online speakers, we are
12 going to go ahead and break at lunch at this
13 time.

14 If you have questions, write them
15 down. We still know there's a lot of people who
16 want to talk about this. And we also then have
17 an industry issue that attaches to this. So I
18 would like to make sure everybody -- again, bring
19 your questions yet.

20 But we're going to break for lunch.
21 And we have a very specific schedule at one
22 o'clock. We have somebody coming on and

1 presenting for fumigation. So when we come back
2 from lunch, one o'clock, we will start regardless
3 of who's in the room. We're not -- because we
4 have somebody online, and then after that -- and
5 then that discussion, we will come back and start
6 again with user fees. Okay? So gives you lunch
7 to mull over some other questions. So again, at
8 this time, online, gallery, and -- and committee,
9 we will break and be back in here to start right
10 at one o'clock with our online presentation.

11 (Whereupon, the above-entitled matter
12 went off the record for a brief recess.)

13 CHAIR GROVE: All right. We were
14 going to start with Dr. Walls here at one
15 o'clock, but he's not on yet. So what we are
16 going to do --

17 MR. NEAL: He's on.

18 CHAIR GROVE: Oh. Okay, so he is on.
19 So we will -- we will have Dr. Walls present.
20 And then we will go into Chris presenting with
21 the fumigation piece. And after that, we will
22 then move back to any other questions we have for

1 Denise. And then, into FGIS user fees that Nick
2 will present. If everybody's fine. So our AV
3 team -- if you want to go ahead and bring up Dr.
4 Walls.

5 DR. WALLS: Hello. Can you guys hear
6 me?

7 CHAIR GROVE: Yes, we can. Do you
8 have a presentation to share?

9 DR. WALLS: I -- I really don't have
10 a -- a presentation to share. I, you know, was
11 asked to revise Table 3 of the FGIS manual. And
12 it was my understanding that -- that that's what
13 we were going to be reviewing. I'd be happy to
14 do so.

15 MR. NEAL: Yeah. Thanks, Dr. Walls.
16 This is Arthur. I don't know if you can see me.
17 So this may be a great opportunity for us to kind
18 of let Chris kind of give a summary of the -- of
19 the fumigation issue brought to the Grain
20 Inspection Advisory Committee.

21 Chris, you think you're ready to do
22 that? And then after that, we can turn to Dr.

1 Walls.

2 CHAIR GROVE: Okay. So if -- AV team,
3 you want to bring up Chris's policy that he
4 submitted? Can we do that side-by-side? Okay.
5 Chris, you go ahead and go. We do -- we do have
6 it --

7 MR. FREDERKING: Yeah. Absolutely.
8 Thank you. So recently, because of changes with
9 phytosanitary certificate requirements for -- in
10 the country -- designation country of Japan, we -
11 - we have ran into a bit of a nuance issue with
12 fumigation practices, and what is required to get
13 proper fumigation per the fumigation policy
14 handbook. To get a clean phytosanitary
15 certificate on bulk shipments.

16 So specifically, this applies to
17 scenarios where the cargo depth is between 12 and
18 20 meters, which a lot of times can be -- can
19 result in a slack hold situation. That slack
20 hold situation is a -- creates some -- some
21 risks, some dangers for fumigators accessing the
22 top of that cargo. So getting down into a hole

1 to apply subsurface fumigation in accordance with
2 the handbook Table 3 creates those safety
3 challenges. Additionally, because of the
4 destination -- the issues at destination with
5 having holds tubed for recirculation. Having to
6 dispose of those tubes at destination is creating
7 a real problem for customers. So they just are
8 not equipped for it and aren't prepared to -- to
9 handle the amount of tubing that is coming their
10 way.

11 So that is, in turn, making us
12 uncompetitive, which of course, brings extra
13 scrutiny to the Table 3 in the fumigation policy
14 handbook. So specifically in that table, I
15 wanted to open it up to the Committee, and
16 certainly up to review on fumigation practices.
17 The difference between surface versus subsurface
18 application for those holds with cargo depths
19 between 12 and 20 meters. Is there really a
20 difference in efficacy of the fumigant, with --
21 with those cargo depths.

22 And then also, the transit time from

1 the U.S. to Japan, typically, is going to be much
2 greater than the 18 days listed on the -- on the
3 Table. So is there a possibility to also review
4 and discuss the -- the possibility of having
5 additional transit time windows added to the
6 table as well. So with that, entertain any
7 questions, or certainly turn it over.

8 MR. NEAL: Thanks, Chris. And so what
9 we've done -- kind of, ahead of the meeting, we
10 started partnering with Agricultural Research
11 Service, who helped the Federal Grain Inspection
12 Service draft the original fumigation handbook
13 policy. And Dr. Walls was so kind to spend his
14 time looking at the handbook, the specific Table
15 3 as it pertains to fumigation application rates
16 and slack hold applications.

17 And so I'm going to turn it over to
18 Dr. Walls. I think you all have seen the
19 proposed, or draft changes. So he can walk us
20 through his thought process for recommending or
21 proposing what he's done.

22 Dr. Walls, we'll turn it over to you.

1 DR. WALLS: Thank you so much. So my
2 understanding that -- that the audience is -- has
3 the revised Table 3 in front of them? Or am I
4 supposed to share?

5 MR. FRIANT: Arthur, I don't believe
6 we've seen it. What's posted on the website is
7 the current Table 3.

8 DR. WALLS: Okay. Well then, let me
9 request to share screen. Okay? Are we -- are we
10 sharing the Table 3?

11 MR. NEAL: Yes, sir.

12 DR. WALLS: Okay, great. All right.
13 Well, thank you for the --

14 CHAIR GROVE: But you rolled it up
15 just a little bit.

16 DR. WALLS: I'm sorry?

17 CHAIR GROVE: Okay. No. You're fine.

18 DR. WALLS: Okay. Yeah. Well, thank
19 you for the very brief introduction. Yeah, I was
20 -- was given a call. And you know, kind of
21 unfortunately, over the years, the USDA's post-
22 harvest treatment group has kind of shrunk. I'm

1 -- I'm out in Fresno, California now. Kind of
2 handle the whole -- handle the whole country.
3 And you know, phosphine fumigations have -- have
4 changed quite a bit in the last, I would say,
5 decade or so. And I really kind of relish the
6 opportunity to take another look at this table.
7 This actually dovetails very nicely, too, with
8 some recent work we've been doing for USAID, and
9 kind of reevaluating the verbiage and the
10 recommended -- the phosphine application
11 parameters.

12 So when I first set out to do this a
13 week or two ago, you know, the first place I go
14 is -- is to industry, and try to gauge and gather
15 as much information as possible about the
16 problem. And one of the things that we
17 recognized was exactly what the gentleman before
18 me had said. You know, there's a safety issue
19 going in and doing subsurface trenching in
20 certain applications.

21 And then also, there were some key
22 target markets that were -- were actually

1 requesting that recirculation tubes were -- were
2 not in place. And so what we tried to do was
3 accommodate that, and -- and make this revised
4 table as much as -- or embrace business-as-usual
5 as much as possible, while making these new
6 accommodations.

7 And as I -- as I went around to
8 various industry members, I think one of the
9 first things that -- that leapt off the page was
10 revising in -- in each of the far left column.
11 The verbiage with respect to how much phosphine
12 was applied. In the former table, you simply had
13 metal phosphides. And that's very confusing.
14 And so we clarified that in this revised table,
15 by -- by referring just to the amount of
16 phosphine per thousand cubic feet. So I think
17 that that's an improvement.

18 Another thing that -- that became
19 evident, was that the fumigation service
20 providers wanted to make the decision on whether
21 or not it would be surface or subsurface. And
22 you know, that's a -- that's a choice where I

1 think the fumigation service providers, you know,
2 they can look at the label, and they can -- they
3 can, I think, best gauge the particular scenario.
4 The hazards and the -- and the safety factors
5 associated with that. So instead of having two
6 headings -- one for surface, and one for
7 subsurface -- we simply combined those. So you
8 can do either a surface or subsurface
9 application.

10 So in the top column. I guess, the
11 surface or subsurface application -- 45 grams of
12 phosphine per thousand cubic feet. As we're
13 reading left to right, basically hold depth in
14 meters -- the only box that is effectively
15 changed from the last table, is the 12 to 20
16 meter. We are now allowing surface applications
17 of phosphine in those holds. This basically
18 addresses the situation in Japan. Which, at least
19 from my perspective, was one of the -- one of the
20 -- the issues that kernelized this -- this
21 revision. We're still not allowing them in
22 greater than 20 meter hold depths -- surface or

1 subsurface applications, without recirculation.

2 The next -- the next row down.

3 Surface or subsurface application with
4 recirculation. This is, again, kind of business
5 as usual. Thirty-three grams of phosphine per
6 thousand cubic feet. None of those times have --
7 have changed at all.

8 And then, finally, as we go down to
9 surface or subsurface application with
10 recirculation, we have greater than or equal to
11 45 grams of phosphine. The increase, basically,
12 a dose of phosphine -- applied dose of phosphine
13 -- it should, in fact, direct, or -- or would
14 say, achieve the same amount of efficacy in a
15 shorter period of time. This also allows to
16 accommodate with the -- the new USAID
17 recommendations of -- of 60 grams of phosphine
18 per thousand cubic feet. Okay. So if you go
19 with the higher rate in recirculation, you can
20 reduce the treatment times required for efficacy.
21 Incentivize, so to speak, if you have that
22 ability to do so.

1 Okay. We also looked at the -- added
2 a double asterisk. Fumigant quantity is
3 calculated by total volume of the empty cargo
4 hold. As it turns out, the fumigators were
5 basically using that calculation anyway. Even
6 though the old, or former Table 3 had
7 calculations of -- of hold, basically, volumes
8 based on the amount of commodity in there. And
9 that's really not how we do things in the
10 fumigation world. We -- we keep it to the volume
11 of the geometry that you are fumigating, and you
12 -- you don't calculate hold geometry. Which the
13 speaker before me indicated is sometimes a very
14 difficult to do anyway. So we're just going with
15 hold -- empty hold volumes as the -- the index
16 for -- for application rates.

17 The first note recommended that the --
18 the hold remain closed during the entire voyage.
19 There's no modification to this. We did put in a
20 note that when possible -- and it's not always
21 possible -- but when possible, recirculation
22 methods are recommended. And I -- I think that

1 this was important to include. And not -- not so
2 much from -- from a safety perspective. 'Cause
3 again, that -- that's going to be first and
4 foremost in the hands of the fumigation service
5 providers. What really, the FGIS manual and --
6 and ARS research, and -- and really, research
7 abroad, has -- has shown that the recirculation
8 method -- you know, taking the time to distribute
9 the gas as -- as quickly and as homogeneously as
10 possible, is the route towards a better
11 fumigation. And -- and that's generally the
12 message that we're trying to -- to convey here.

13 And then, there was another note that
14 was included. For dosage rates greater than 45
15 grams, a dual fan recirculation is recommended.
16 And this really just builds upon the previous
17 statement by saying, you know, if you're going to
18 go for reduced treatment times, which accompany a
19 -- a higher applied dosage of phosphine, then the
20 more circulation that you have, the better.
21 Again, these are not requirements. There's a big
22 distinction between requirements. These are

1 simple -- simply recommendations.

2 And then finally, we've got -- we've
3 got reference specifically to slack holds and
4 slack tanks, saying that the surface or
5 subsurface applications may be used as specified
6 in the chart above. So that's - this line really
7 just kind of links slack holds with -- with full
8 holds, and -- and anchors everything to this --
9 to this table.

10 And I'm certainly happy to entertain
11 feedback, positive or negative, but I -- I think
12 this is a step in the right direction. And --
13 and I've -- I've talked also, too, about how --
14 how ARS would be willing to -- to engage, at
15 least, in a -- in a -- a kind of quick overview,
16 or take another look at the FGIS manual, to,
17 let's say, update it and modernize it to -- to be
18 consistent with current, kind of, fumigation
19 practices.

20 With that, thank you so much. I'm --
21 I'm happy to entertain questions. And it was my
22 pleasure to be here.

1 MR. NEAL: Thank you, Dr. Walls.

2 MR. HEIL: I've got a question here.
3 Mark Heil, Prairie Central Coop. Was it -- what
4 -- particular to the ag year -- was it a change
5 in the label or best practices by industry, or
6 was it a request based off things that had always
7 been done from a international buyer that is
8 creating this request for the changes?

9 DR. WALLS: As far as I know -- and
10 again, I -- I was approached by this. I -- I --
11 I'm not AFIS or -- or FGIS. I -- I just do the
12 research. I -- I was handed some -- some
13 information about one of the importers on a key
14 market, had -- had requested this change. And
15 then also, the -- the language in the former
16 Table 3, I guess, you know, was not -- was not
17 accurate, in the sense that requirement of
18 subsurface applications in slack holds just
19 really doesn't make much practical sense.

20 MR. HEIL: I would agree with that.
21 And then the -- the addition of phytosanitary
22 requirements going into Japan really brought this

1 all to a head for us in the Gulf, on needing to -
2 - to meet those -- those requirements without
3 tubing of vessel holds. Which they are very
4 sensitive to those tubes being discharged -- or
5 disposed of at destination.

6 CHAIR GROVE: Chris, do you feel that
7 these proposed changes in this draft answer some
8 of the questions to the proposal written and
9 submitted, in answering the questions or concerns
10 for you?

11 MR. FREDERKING: Yes. I feel like
12 what has been proposed in this table certainly
13 addresses the concerns from industry, as well as
14 eliminates some of the gray area that we had seen
15 in some of the variability on application
16 practices in the Gulf from time to time. So this
17 is certainly a great step forward. So would --
18 would love to see it continue.

19 CHAIR GROVE: Any questions for Dr.
20 Walls?

21 MR. NEAL: Dr. Walls, thank you for
22 taking time to join this meeting. I think that

1 you've addressed all the concerns. We appreciate
2 your effort in this space. Have a great rest of
3 your trip.

4 DR. WALLS: Appreciate it. Thank you.

5 MR. NEAL: All right. Take care.

6 CHAIR GROVE: Thank you.

7 We definitely appreciate Dr. Walls
8 taking his time from his trip in Alaska to join
9 us to help us through this process. Obviously,
10 this helps Chris with what you're looking at and
11 proposing for the industry.

12 Do we feel -- I should have asked this
13 to Dr. Walls -- do we feel this then also doesn't
14 create any safety risk if we have this as a
15 surface application -- it does say the -- the
16 vessel needs to stay sealed, even if it is met
17 that 18-day or greater requirement -- that table
18 does say it needs to stay sealed. So are there
19 safety concerns?

20 MR. NEAL: One of the things that he
21 did mention to us is that surface application,
22 you know, is permitted at some of the larger

1 cargo hold depths. However, that's why the note
2 about recirculation is recommended. Not that
3 something will happen, but when you do surface
4 application at those larger cargo hold depths,
5 there's a higher probability for there to be, you
6 know, fire because of the gases.

7 MR. FRIANT: So I -- it -- I think I
8 would agree it appears that it -- it's addressing
9 the questions and concerns that we have for
10 fumigation of export vessels. Has, or when will
11 AFIS be approached to see if this will still meet
12 their requirements to issue a clean phytosanitary
13 certificate?

14 MR. NEAL: It'll be after we come out
15 of this meeting.

16 Hey, Chris, from a practical
17 standpoint, without recirculation, do you move to
18 the higher dose for the full holds?

19 MR. FREDERKING: I would assume that
20 we -- we stick with the 45 grams. Yeah. So I
21 guess, procedurally, if we're in agreement, what
22 are the next steps as far as formal

1 recommendation coming out of the GAIC, and then
2 engaging AFIS? And then from there, how long
3 will the process continue?

4 MR. NEAL: I think as soon as we
5 confer with AFIS about the changes, it's really
6 about us getting the word out and modifying the
7 handbook. Shouldn't take extremely too long,
8 because we're only updating the chart -- Table 3.

9 MR. FREDERKING: Yeah. The -- I would
10 say to that end, we -- we should also ensure that
11 key industries stakeholders have a little bit
12 more awareness than just -- get notified that the
13 handbook has changed. I think, particularly NGFA
14 and NAEGA would appreciate some opportunity to at
15 least review it, and check with membership, that
16 -- that everyone's comfortable with it.

17 MR. NEAL: Makes perfect sense.

18 CHAIR GROVE: Any other discussion on
19 this topic? Questions? Again, to make sure we
20 have - - right now, the recommendations after
21 this and agreeing to the new draft, engaging AFIS
22 to look at this, but also in assuring key

1 industry stakeholders have the information. Any
2 other thoughts that we need to make sure to
3 address?

4 MR. FRIANT: Well, and -- and I
5 believe this has already been done. And I --
6 sorry. I just don't remember if Dr. Walls said
7 it or not, but the major fumigation companies
8 have had a chance to review and weigh in on this?

9 So for the record, Arthur is shaking
10 his head "yes."

11 MR. NEAL: Yeah. He -- he has
12 consulted with all the major fumigation
13 companies.

14 CHAIR GROVE: So with that -- again,
15 the same, I guess, notification that it has
16 changed after AFIS has approved, you know, again,
17 just making sure everybody has that
18 communication. It is good to know that they were
19 contacted ahead of time.

20 For those people that have the
21 expertise in it, to be able to weigh in on,
22 again, the safety and efficacy of this.

1 MR. NEAL: Yeah. And -- and that's
2 just another thing to remember as things have
3 evolved over time, people that were here back in
4 the -- in the early 80s when this fumigation
5 handbook policy was established are no longer
6 here. And -- and expertise moves, and so I think
7 the more we lean on people who have the expertise
8 and space that are outside of, like, the
9 technical grading and inspection work, I think
10 that's -- we need to integrate them more into the
11 business that we're facilitating. So that we
12 don't find ourselves coming to FGIS for expertise
13 that we no longer have.

14 MR. FREDERKING: Not sure if there's
15 much more in discussion, but would just say thank
16 you to FGIS for -- for getting ahead of this
17 issue, and for dealing with it. And bringing it
18 to the forefront and engaging the right people in
19 such a timely manner. It is much appreciated by
20 industry.

21 CHAIR GROVE: Okay, Chris. So if
22 you'll go ahead and handle that for us, and

1 you'll put that -- that revised proposal
2 together. And then we can do that vote tomorrow.
3 Thank you again, for the time you put into this
4 and bringing that to our attention.

5 With that -- with no other questions,
6 we are going to move back to any questions that
7 we may have for Denise in the budget discussion.
8 So questions for Denise that we put on hold. And
9 then we will move Nick into your proposal, so if
10 you want to be prepared to upload that proposal
11 onto the screen for the FGIS user fees and
12 budget, that would be appreciated.

13 John, did you still have a question?

14 MR. MORGAN: No, it was mostly a
15 comment. So I -- I think it can wait for the
16 discussion.

17 CHAIR GROVE: Again, specifically, any
18 questions -- we do still have the presentation.
19 We can go back to any slides, if there's anybody
20 who had any other questions for Denise.

21 MS. RAMBUR: Hi, this is Shay. Just
22 wanted to make sure that I understood that the

1 volumes -- you used the five-year projection, and
2 then you kept them steady for the three years?

3 MS. RUGGLES: So for the -- for the
4 scenario we did, we did the projection, what we
5 thought the five-year average, adding '23 to it
6 for the '24 calculation. And then we added it
7 for '25, and then we held steady.

8 MS. COOPER: While you're up there,
9 Denise, could you pull up the slide that shows
10 the different scenarios?

11 MS. RUGGLES: This was for the hourly.
12 Or do want the -- what -- what the scenarios were
13 comprised of? I think it's back here further
14 where we talked about the different scenarios.
15 Is that what the -- the text, where we talk about
16 the group we got together, and the scenarios what
17 they represented?

18 MS. COOPER: Okay. And then you -- in
19 your analysis, it looked like you only analyzed
20 scenario three?

21 MS. RUGGLES: Yeah. We only did -- so
22 we had a recommendation from our administrator to

1 take scenario three and provide that as a -- a
2 forecast out for '25 and '26.

3 MS. COOPER: Okay.

4 MS. RUGGLES: So we only did scenario
5 three.

6 MR. NEAL: So part of the rationale
7 here -- go back, Denise, to the table with the
8 scenarios and the -- and the operating reserve.

9 MS. RUGGLES: Oh, with all the
10 scenarios? I don't think --

11 MR. NEAL: Uh-huh.

12 MS. RUGGLES: I don't think we did one
13 with all the scenarios.

14 MR. NEAL: The figures, the fees.

15 MS. RUGGLES: We just have this. We
16 didn't do all the scenarios for the --

17 MR. NEAL: You -- you have a table
18 with the fees. Right there.

19 MS. RUGGLES: Here, we did the
20 projection with hourlies, at the bottom, the
21 footnotes say --

22 MR. NEAL: Yeah. Right.

1 MS. RUGGLES: Okay.

2 MR. NEAL: So this is the reality.
3 We're negative \$4.7 million in the hole. We got
4 a shutdown potentially coming. How do we operate
5 with no money? If we don't change fees, how do
6 we operate for another year with no money? It's
7 fiscally irresponsible. We can't do it. So what
8 we were -- moving -- what we are showing to you
9 in terms of a possible route forward, is one
10 where we don't try to recover the entire
11 operating reserve loss or deficit rapidly, so
12 that we can at least be fiscally responsible in
13 being in the black. Break even, so to speak.
14 That's all we're really trying to do. So that we
15 can operate. Otherwise, we have to explore some
16 other options for how FGIS survives the next
17 year.

18 MS. RUGGLES: So that's why we picked
19 scenario three to do -- so we at least get out of
20 the hole for '24. And then we bring us to the --
21 the minimum goal, and then we -- we should be
22 around the four and a half. It's about five and

1 a half right now, for the calculation for '26.
2 By the end of '26. So just to let you know, these
3 are at the end of those fiscal years at close.

4 MR. FREDERKING: I probably missed it,
5 but when would the fee increase go into effect?

6 MS. RUGGLES: We're trying for January
7 1.

8 MR. NEAL: More realistically, you're
9 talking about late February.

10 MR. FREDERKING: Again, at -- can
11 certainly have an impact on marketing years,
12 right? And sales that -- as this is -- can be a
13 significant cost, right? For industry?

14 MR. NEAL: It -- it's not ideal. It's
15 just not ideal. But we've got to take a step
16 forward. And we're trying to -- we're -- we're
17 suggesting a path forward to minimize -- and
18 that's a loose use of that term -- minimize the
19 impact as much as we can. For -- we're working
20 inside of AMS now, to make sure we've got what we
21 need to continue operations in case of a
22 shutdown. But we're still going to have to plan

1 to dig out of the hole we're in, in our forward
2 years.

3 CHAIR GROVE: You know, while nobody
4 in the industry wants to see fees go up, it's a
5 reality of the business we do that all our costs
6 are raising. Other -- you know, whether it's our
7 inputs, other services -- those do raise. We
8 know that's going to happen. I -- I appreciate
9 that you were doing data- driven, instead of
10 saying "Hey. We need to -- we just need to get
11 to a number. Here's what we need to do." Looking
12 at the true costs of all of your fees, to me, is
13 important. That you're putting some true numbers
14 behind what we need to charge for particular
15 items.

16 You know, sometimes we -- we set fees
17 and we put them in place, and those costs to
18 ourselves -- those costs for the kits you are
19 using, your person's time -- they all go up, and
20 we don't readjust, and we don't do it in timely
21 fashion. So hopefully, those are some things
22 that we're reassessing sooner than nine years

1 after maybe a last review of -- of fees. Or in
2 2016, 2015. You know, those are some things we
3 start putting in place to -- to keep us more
4 relevant on our costs. Appreciate a little bit
5 that we're doing a three-year plan to try to
6 catch up, versus -- it's all at once. But I
7 think as we talked, that still, that's a very big
8 raise. You know, and a -- and a hard one to
9 stomach. So I think, again, as the industry -- I
10 think it's going to be a bit of a shockwave. So
11 maybe some things Nick's going to talk about --
12 how do we make sure, and for you, what can we
13 help you with to ensure we don't get in this
14 place again. And I do see some other lights on,
15 so please go ahead.

16 MR. SINNER: I appreciate you looking
17 at the -- the most conservative scenario. I -- I
18 think that's -- I mean, obviously, we're -- we're
19 worried about it. But I got to be honest, that
20 I'm -- I'm concerned about the tonnages. And I
21 know you've laid it flat. I -- I mean, with all
22 the crushing of soy that's coming online, I -- I

1 just don't see the -- the tonnages being
2 consistent. Even with the rolling averages. And
3 it's going to put us in a -- another compromising
4 situation. So we may have to adjust this again
5 next year.

6 MR. NEAL: The reality is that for
7 every -- we have to do a annual fee review every
8 year. Every grading program does. So there be
9 some small adjustments every year. Not these big
10 swings. What we were attempting to do -- we
11 weren't trying to be negligent in making
12 adjustments. We were trying to operate within
13 the 5 percent threshold that we had. And the
14 reality is that the 5 percent threshold just
15 wasn't enough to cover the rising costs that we
16 were experiencing in other areas, as well as
17 facilitating full cost recovery. We also have
18 statutory obligation to charge fees that recover
19 the costs of providing a service. So it's a --
20 it's a -- like I said, it's a tough pill to
21 swallow. I don't want to be in this position;
22 neither do you. So the purpose of us having the

1 conversations here today is to get input on how
2 we think we could move forward in the most
3 beneficial way.

4 DR. HURBURGH: Given the rather large
5 variability of, kind of, just, across years, from
6 -- over the last five years or ten -- very large
7 variability -- this doesn't allow operation
8 within that variability. That point one at the
9 bottom of the graph that you just showed. That's
10 effectively zero. What happens if -- if, at the
11 end of FY24, that number's not zero, it's minus
12 again? What happens?

13 MR. NEAL: It's a great -- great
14 question. And it's a possible reality.

15 DR. HURBURGH: -- think so.

16 MR. NEAL: Like I said, ideally, we're
17 supposed to -- we're supposed to aim for the four
18 and a half month target of reserve. So what
19 happens if we don't break even? You know, we're
20 not there today. We will not be able to operate
21 in perpetuity the way we're currently postured.
22 So the question will become, will a review of our

1 accounts take place by the government? Will we
2 be deemed fiscally deficient? And they'll be
3 other conversations to have. I think ultimately,
4 we, collectively, have to decide on what we want
5 to do to move forward the way we're supposed to.
6 Now if we're negative next year, I can't say
7 what's going to happen. Will there be a review
8 of this program and its -- its effectiveness?
9 I'd have no -- there's no other grading program
10 operating like this.

11 DR. HURBURGH: Well, I was on this
12 committee a number of years ago. And I can tell
13 you that we went to that point of potential
14 shutdown. In fact, shutdown procedures had
15 begun. We don't want it. And I think this
16 scenario is too thin to be -- it's my opinion,
17 and I know that there are others that are having
18 to pay the fees. I understand what the issue is.
19 But this is too thin to have a reliable chance of
20 success. My opinion.

21 CHAIR GROVE: Something, Denise, you
22 said back on the slide about the challenges.

1 That the reauthorization act in 2015 only allows
2 you to look backwards. It allows you to look
3 backwards at last years, versus to be able to use
4 projections and things going forward. So how can
5 we affect that? Because all of us, in doing our
6 day-to-day business, when we're doing strategic
7 planning, you are projecting for the future. So
8 if all you're looking at is the past, you
9 obviously aren't able to make good decisions on
10 that. How can we affect that?

11 MR. NEAL: You know, that's a great
12 question. I -- I've consulted with all of the
13 other grading programs, too, and they -- they
14 also look backwards. Because none of us have
15 access to what companies are contracting. We
16 have no idea what the market is going to do. We
17 could use mass data to project, but even that's
18 got lags to it. So I'm not quite sure. There
19 may have to be a -- a dialogue around how would
20 projection look for us. But even those
21 projections could be, you know, off
22 significantly.

1 I don't know if there's a perfect fix,
2 other than monitoring, well in advance, what the
3 revenue and costs are related to the operating
4 reserves. Taking action well before we've done
5 now. We're being in communication about the
6 status on a regular basis, so that we are aware.
7 The other thing is -- you know, considering what
8 do we need as an industry to facilitate trade.
9 That's another option to consider. If -- if this
10 is not a type of conversation folks want to have.
11 Because we can't provide the service for free.

12 MR. FRIANT: Well, and I think, Barb,
13 partially to answer your question, and I think
14 maybe other than Charlie, I may have been the
15 only other person in the room before this was
16 done. The estimates that were used. So under
17 the -- under the old process it was all notice-
18 incumbent rulemaking. And the -- and the swings
19 were massive in tonnage fees and other Schedule A
20 fees. And it was because trying to do the
21 projections was just -- it -- it was just too
22 hard. Right? I mean, we -- we could use WAZDEE

1 (phonetic). We could use whatever was out there
2 and it -- I mean, it'd be off by millions of
3 metric tons. And it's just a symptom of -- of
4 the process. And so that's why the -- going to
5 that five-year rolling average was implemented.
6 A, it -- it gave the agency power to do something
7 annually, instead of waiting five, or ten, or
8 more years, and then -- and it gave them the
9 power to make the changes outside of the full
10 rulemaking process. So it provided some
11 flexibility to the process. I did not know,
12 Arthur, and that was interesting to hear that
13 other inspection programs do the same -- well, or
14 at least a relatively similar process. I would -
15 - I would argue that the calculation for tonnage
16 fee is working because we have seen overhead
17 costs, or the national admin costs continue to --
18 to decrease. And so that is reflective in the
19 tonnage fee being paid. I think the missing gap
20 is -- and several folks have heard me say this --
21 it's all of the rest of the Schedule A fees, and
22 not being able to adjust the -- particularly the

1 contract and non-contract rates to be more --
2 more market responsive, they're coupled, and then
3 subject to that -- that 5 percent cap. And I
4 would be remiss if I didn't say that during the
5 2016 reauthorization, NGFA and NAEGA did suggest
6 not having a cap. And you're -- and so I
7 understand, Arthur, you weren't around for all
8 this. Leadership at that time said "No. We need
9 the cap to provide more stability to those
10 changes." So believe it or not NGFA and NAEGA
11 said "no cap." Which I -- I can't believe we
12 did, but we did. So -- but that's what we're
13 stuck with today. And so I think that's where
14 we've got some opportunity.

15 MR. NEAL: I'm chuckling, Nick,
16 because no cap is a -- is a thing now in urban
17 culture.

18 CHAIR GROVE: Just because we don't
19 want to keep her -- keep her on ice up here, any
20 specific questions for Denise? 'Cause she's been
21 up at the front of this room for a very long time
22 today.

1 MS. RUGGLES: Well, the rule -- the
2 rule that Nick's talking about, it was back in
3 2013. It was actually like a four-year, and it
4 was the 80 million metric tons. And then that's
5 when we skyrocket and we bring in hundreds of
6 millions of metric tons. But yet the fees were
7 set for 80 million, so we were booming. And
8 that's what the operating reserve went crazily
9 high, is 'cause we were -- we were gangbusters
10 with tons.

11 PARTICIPANT: I do -- I'm glad that
12 you reminded me, Barb, 'cause I do have question.
13 Just -- and Denise, I think you answered this
14 before the break, but I didn't quite follow. So
15 if you can go forward to the periodic tonnage
16 rate scenarios slide. One more I think. Yeah,
17 this one.

18 I just want to understand. So I know
19 that the fiscal '23 national tonnage fee, the
20 0.33 -- that was adjusted the 5 percent up. The
21 next three -- scenarios one, two, and three --
22 the 0.58. That's based on the straight

1 calculation of the five-year -- of the fees
2 divided by the five-year rolling average. Not
3 adjusted up or down by the 2 or 5 percent?

4 MS. RUGGLES: Right. That's --

5 PARTICIPANT: Okay. Scenario four --

6 MS. RUGGLES: And then scenario four
7 was wide open, to try to bring us to the full
8 four and a half months at one time. One year.
9 The nine months.

10 PARTICIPANT: Yeah. Okay. Thank you.

11 CHAIR GROVE: Okay. And I'm going to
12 take a question or comment from the gallery. If
13 you could please make sure to state your name,
14 spell it, and also then, who you represent.

15 MR. MCCLUER: Thank you for the
16 opportunity to ask a couple of questions. So
17 Jess McClure J-E-S-S M-C-C-L-U-E-R with the
18 National Grain and Feed Association. So thank
19 you for this very informative presentation. A
20 couple of questions.

21 At the very beginning, when you
22 talking about the increase in the -- the cap.

1 Right? The user cap and appropriations. When
2 you were saying that request, was that made to
3 the House and Senate Appropriations committees,
4 or was that to the Secretary of Agriculture?

5 MR. NEAL: Good question, Jess. It's
6 still getting cleared through USDA right now to
7 go to Congress.

8 MR. MCCLUER: I got you. Okay.

9 MR. NEAL: Mm-hmm.

10 MR. MCCLUER: So you've made the
11 request internally to raise the user cap from 55
12 to 60. Then once that is approved, that will
13 then go to the -- that will then be proposed to
14 the House and Senate Appropriations committees to
15 then be included in the respective USDA
16 appropriations bill for fiscal year '24?

17 MR. NEAL: That's the -- that's the
18 game plan. That's -- I think the -- I think the
19 approach may be as to in deciding what to send to
20 -- to the hill. Because it's a two-part request.
21 It's basically to decouple the cap from the other
22 user fee accounts. That really should provide us

1 enough space to operate.

2 MR. MCCLUER: Got you.

3 MR. NEAL: Without being concerned
4 about expenditures exceeding the cap. So that's
5 the first one. The \$60 million increase to the
6 cap would be the second thing they consider
7 whether or not do we need it.

8 MR. MCCLUER: So the request is going
9 to be the language to be included to decouple as
10 we've been talking about. And then on top of
11 that, that'll be the increase in the cap. And
12 then as you mentioned, to the increase in the
13 appropriations. Now just curious, too. It's a
14 little late in the process for the fiscal year
15 '24, isn't it?

16 MR. NEAL: And almost '25, too. But
17 not necessarily for this change. It still can --
18 it still can be adopted. We've not seen the --
19 you know, we've seen drafts of approps language,
20 but it still can be adopted.

21 MR. MCCLUER: Sure. Well, and that's
22 very helpful to know. As you know, NGFA, we're

1 located in Washington, D.C. area and work with
2 Capitol Hill quite a bit, so that's good to know
3 kind of what this process is, so we can kind of
4 stay on top of that as well, on -- on how that
5 proceeds moving forward.

6 The second question I had, then. So
7 -- and I don't know if this is for Denise. I
8 think it is for Denise. I think it's going to
9 get -- it's goes back to pre-2015. Right? So I
10 think, had -- and not very many of us were
11 involved in this process. But what were the
12 requirements then pre all the changes made in the
13 U.S. Grain Standards Act. Right? What was the
14 process then, if you came in a similar situation
15 as far as reviewing fees, or something that we're
16 currently dealing with right now? What was the
17 process then?

18 MS. RUGGLES: Okay. So the -- the
19 rule that Nick was bringing up about the 80
20 million metric tons. It was a full regulatory
21 change rule. So we'd have to do a proposed rule,
22 and we would put out sometimes three to four

1 years of anticipated prices for effective dates
2 in a table. So they would try to forecast out
3 what our -- we were going to need for the
4 program. When they did that last rule, which is
5 what triggered the reauthorization, the
6 calculations were done on 80 million metric tons.
7 It was not going to change for those three or
8 four years in those fee tables.

9 We -- so we -- proposed rule goes out.
10 It has all of the fees for those multiple years.
11 It's published. We get comments. We respond to
12 the comments, and then it becomes a final rule,
13 and it would show up in the federal -- the CFR --
14 the regulations. It would be posted in there for
15 all those multiple years what the fees were going
16 to happen. What they didn't anticipate was that
17 the 80 million was way too low. So those fees
18 being set based on it bringing 80 million in --
19 we were bringing in 100s of millions. So the
20 tonnage rate being set for only bringing in 80
21 million, and we're bringing in hundreds, the --
22 the revenue was just coming in extremely high.

1 So that's when, during the reauthorization of
2 2015, it was requested by industry, and -- to put
3 a pause, to stop that rule, and re -- change the
4 process of how we were doing fees. Because it
5 was taking -- we were doing it so many years. So
6 there could be many years before we had a fee
7 change.

8 For an example, for the commodity
9 program. The fees haven't changed since 2001 for
10 the commodities for one of the fee tables, and I
11 think 2003 for the other fee table. It just
12 takes a long time sometimes to get those tables
13 changed and those fees done. So they were doing
14 multiple years to try to head off, and be
15 prepared for what was going to happen in the
16 future, so you would be able to know what the
17 fees were going to be.

18 So that's great if what we forecasted
19 in those fee tables were accurate. You -- you
20 hadn't -- you knew what your hours were going to
21 be and what your tonnage work is going to be for
22 contracts and stuff. But when you miss the mark,

1 and it's not 80 million metric tons, it's
2 hundreds of -- you know, a hundred -- I don't
3 even remember what the first year was. Like 110,
4 or something like that. I'd have to go back and
5 look. You know, that's -- we just bring in way
6 too much revenue. It was -- it was a large
7 surplus of revenue.

8 MR. MCCLUER: And just to add what
9 Nick said, too. The comments that NGFA and NAEGA
10 submitted back in 2016 on the proposal to
11 implement the changes on the 2015
12 reauthorization, wholly supported a periodic
13 review of the Schedule A fees on an annual basis,
14 without a cap.

15 MR. NEAL: Okay. That's good to know,
16 Jess. I thought I could point my finger at NGFA
17 for this problem.

18 MR. MCCLUER: Just -- is -- is that on
19 the record?

20 MR. NEAL: Yes, it is. I just put it
21 on the record.

22 MR. MCCLUER: Thank you for the

1 opportunity to -- I do have more questions. I
2 could save it, though.

3 CHAIR GROVE: Are your questions for
4 Denise, or are -- are they going to relate for
5 the published proposal? Because then I would
6 say, let's wait till Nick presents the published
7 proposal, or industry issue. So you tell me --
8 or no -- is it to Denise or presentation.

9 MR. MCCLUER: No. I -- I was going to
10 say. I just did have one other follow-up
11 question for Denise, just based on -- based on
12 the information up here. So -- so obviously,
13 with the -- those -- the fees that you had
14 described, for obviously, the -- the first -- the
15 user fee cap, the appropriations. The one
16 follow-up question I have on the appropriated
17 funds -- where it's the -- I know the 23.5 versus
18 -- I guess, that's what I just -- so there's
19 authorized appropriated for 23 million. But I
20 know we've had -- well, that was the
21 appropriations is 20 million. So is the 23
22 million -- when was that -- I guess, that's the -

1 - I was just curious about that. Was that from
2 this current year appropriation? Last year's
3 appropriation?

4 MS. RUGGLES: So the 23 million was
5 added in the 2020 reauthorization of the U.S.
6 Grain Standards Law. When the -- when the
7 changes were made to the -- the appropriated
8 section became funding section, where it was
9 separated out about how user fees could be used
10 or could not be used. And that's when the law
11 was changed to put in that we were -- the funding
12 for authorization for appropriations was for 23
13 million. To start in 2021, through 2025, which
14 is our next reauthorization period. We've not
15 gotten that. So I brought it up to be clear that
16 while it says it in the law, we're only getting
17 20 million in the budget appropriations.

18 MR. NEAL: So this -- this 23 million
19 came a part -- became a part of the 2020
20 reauthorization as a result of dialogue with the
21 hill concerning FGIS's needs. And so we talked
22 about the need to innovate, the need to

1 modernize, and the need to develop methodologies.
2 So that we could explore the use of technology
3 for providing service. So they authorized more
4 funding so that we could explore what we're
5 talking about here -- technology. And how do we
6 also do more outreach, where industry concerning
7 the marketing of agricultural commodities, such -
8 - Byron mentioned -- we should do a lot of
9 surveys with the U.S. Soybean Export Council,
10 U.S. Wheat, and so forth, using appropriated
11 dollars. We can't afford to do that anymore.
12 And so then, we're trying to make authorizations
13 so we continue to partner and facilitate trade
14 through innovation. And that type of support.

15 MR. MCCLUER: So it's been
16 appropriated, but you haven't receive it yet?

17 MR. NEAL: It's been authorized, but
18 there's been no appropriation towards it.

19 MR. MCCLUER: Okay. Got you. All
20 right. Thank you. That's very helpful.
21 Appreciate it.

22 CHAIR GROVE: Thank you, Jess. Again,

1 anymore questions to what Denise has presented to
2 us? If none, then Nick, I would give you the
3 floor.

4 Thank you very much. Thank you for
5 taking this -- this extra time. Again, being
6 very thorough. And -- and that is kind of what
7 we talked about ahead of time. Hey, let's go
8 slow on this. A lot of information to digest.
9 So thank you for being patient with us.

10 And Nick if you would want to then go
11 ahead. And if you're able, to go ahead and pull
12 up his industry --

13 MR. FRIANT: So I'll start by echoing
14 Bob's -- or Barb's comments on -- you know, thank
15 you for all the information. Thank you for the
16 time, certainly. And I said it earlier today,
17 we've been requesting more detailed data for a
18 few years. And appreciate you sharing the more
19 detailed information. And it helps us be able to
20 do some additional analysis, and help figure out
21 a way forward on this. So thank you for that.

22 So as far as for the advisory

1 committee, you can see here on the screen the --
2 the discussion paper, or position paper. A lot
3 of this is, frankly, background here at the
4 beginning, around what happened in -- in the 2015
5 reauthorization, and what was -- what was
6 required with respect to official fees for
7 official inspection and weighing. And the annual
8 review -- the three to six-month operating
9 reserve, with a -- with a target of four and a
10 half months. And then the -- the tonnage fee
11 being calculated using the five-year rolling
12 average, and actual administrative costs from the
13 previous year.

14 It goes on to talk about how those
15 were implemented in the calendar year, beginning
16 January 1st. But then points out -- and I think
17 we saw that in one of the early slides that
18 Denise presented -- that that operating reserve
19 has been on a negative trend line since that
20 time. Also pointing out -- and this I've shared
21 -- I think I shared it earlier today -- we have
22 seen the national administrative costs from

1 inspection and weighing services be on that
2 negative trend line. Which is something that
3 industry has been pushing for, even before 2015.
4 And so again, I -- and I've said this in other
5 forums -- you know, I commend the agency for
6 finding ways to continue to decrease those
7 overhead costs, and certainly appreciate that.

8 Additional facts from -- from the
9 position paper. It just talks about -- and we
10 saw this in what Denise presented earlier today -
11 - those tonnage fee adjustments have ranged from
12 5 percent decreases to 5 percent increases. And
13 as we saw, it was a 5 percent increase over the
14 last three years. What this paper does not talk
15 about is the -- the distinction between the
16 tonnage fees and the rest of the Schedule A fees.
17 Which, certainly, I feel like we've got a much
18 better understanding of now, today, after all of
19 the additional information and conversation. But
20 what the -- the question that raised, and -- and
21 that we've really been talking about for this
22 topic all day is, we've got decreased

1 administrative costs, tonnage fees have been
2 doing whatever they've been doing, and yet, the
3 operating reserve continues to -- to be on the
4 negative trend line. And so we needed this more
5 in-depth review of tonnage fees. And -- and
6 clearly, the rest of Schedule A fees, as we've
7 learned and gotten more information. And so the
8 -- the request -- part -- the request from this
9 position paper so that the Committee could have
10 further discussion and develop some
11 recommendations is more in-depth information to
12 be able to do some more of that analysis. And so
13 I feel like we've got a lot more of that
14 information today. We've had a lot of good
15 conversation so far on the topic. And so I think
16 it is leading us towards some sort of
17 recommendation back to the agency. I'm not sure
18 we know what that's going to be quite yet. But I
19 think it's provided better opportunity for the
20 Committee, and then interested stakeholders to
21 provide some -- some more analysis and -- and
22 recommendations.

1 And then if you can scroll just a
2 little bit more, Kendra. The last piece was
3 around the timeliness. And the importance for
4 timeliness. So particularly, handlers, exporters
5 can manage those changes. And that was, I think,
6 well eluded to. And -- and again, I would thank
7 you, Denise, for the -- for the explanation on
8 why it's so difficult. Speaking for myself, I
9 frankly had no idea that there was all the bits
10 and pieces. So I actually feel like that portion
11 of the request was -- was addressed.

12 So yeah. So I mean, that's -- I think
13 maybe I'll just leave it there. That's what's in
14 the position paper. And I guess we'll probably
15 open for additional discussion or comment from
16 the Committee.

17 CHAIR GROVE: So I am going to ask you
18 something, Nick. You -- you just made a comment
19 on, you know, bringing this to stakeholders,
20 letting people have input. Arthur, just a few
21 moments ago discussed that process, just to bring
22 it into review and -- and clearance. So that

1 does put more time on these projections if we're
2 looking at a timeliness, a hope-to's. Denise
3 said have this affected in -- in January, put in
4 place in February. A timeframe of -- of bringing
5 it to the -- all the industry stakeholders. And
6 not that they shouldn't be aware. Everybody
7 should be aware. What are you thinking of a
8 review and comment from industry stakeholders?
9 Because that does put this -- or does it? You
10 can still start the process while people are
11 commenting? I guess a question for either one of
12 you.

13 MR. NEAL: Ideally, we'd like to have
14 some sense. So say for instance, with the rice
15 industry. Before we moved the proposal into the
16 clearance process, we talked with the rice
17 industry to gauge their -- their perspective on
18 and response to the potential rates. We got
19 feedback. We adjusted, we shared our adjustment,
20 we -- you know, we came to a hesitant agreement
21 to move forward before we moved forward with it.
22 You know, it -- it -- they didn't want it. Yet,

1 they also understood the business side of it,
2 too. I mean, when you -- when you look at it,
3 they were in a very similar position, such that
4 they rates they were paying were less than what
5 they were in 2019. You know, we're paying --
6 we're paying a smaller hourly rate than what we
7 were in 2016 in grain. Realistically, nobody can
8 stay in business that way.

9 And so we got that feedback, so we
10 knew when they asked, what's industry's response
11 to this, we could share that with truth, you
12 know? And we could share that, you know, they're
13 not necessarily desiring this increase. However,
14 they understand. In this case, we're in a
15 different situation. 'Cause we were in a
16 negative posture with rice. We still had a
17 positive operating reserve. And we were just
18 trying to prevent getting to this point with the
19 rice industry. Which we did. 'Cause the only
20 two accounts we've got in the positive right now
21 -- well -- we've got rice, and we've got -- we've
22 got pulses. And you know, we were able to -- and

1 -- and then, the supervision. But we were able
2 to -- to prevent this from getting here. Now
3 we're at a place where we're operating at a
4 deficiency, which raises a different type of
5 alarm bell. 'Cause it's really -- I think it's -
6 - Dr. Hurburgh said we should be shutting down.
7 Literally, we should be shutting down. We should
8 be laying people off. We should be shutting down
9 our doors. But we're working within the agencies
10 to make sure that doesn't happen. We -- we can't
11 stay in that posture.

12 MR. FRIANT: Yeah. And -- and we
13 certainly don't want that -- that to happen. I
14 am not familiar with the process for how rice
15 works. Or just, I'm not familiar with it. But I
16 think Barb, to answer your question, we could
17 probably get some -- get some understanding of
18 what might be needed for the grain-handling
19 industry, based on what happened with rice. You
20 know, I can't -- I can't speak for other handlers
21 in the room, but I mean, even just within
22 Cargill, I've got key stakeholders that I need to

1 socialize this with before we just -- see on
2 January 1st that there's going to be a new rate
3 change. I would like to think, as we bring
4 together, you know, the key trade associations
5 for the grain handlers, we can generally get
6 comments, and get in front of the respective
7 boards pretty quickly. So I think we've got time
8 to do that, Barb. And especially to your point,
9 Arthur, to -- to make sure the messaging is
10 correct.

11 MR. NEAL: I'll also add, Nick, we
12 don't want to -- so we can't sit on it for an
13 extremely long period of time. And when I say
14 "we," talking about us. What's reasonable?
15 What's a reasonable timeframe? This is what --
16 September basically. I think if we could get
17 this into the -- the clearance process by
18 October, we'd be doing good. So if we got
19 feedback by October, that -- that would be --
20 when I say -- really, by the end of September,
21 that would be pretty -- pretty good. 'Cause we
22 will all want to be experiencing the fiscal

1 yearend closeout. It's going to be busy. We
2 probably wouldn't get it up to the Secretary's
3 office by end of -- end of the fiscal year. They
4 probably wouldn't entertain it that soon. So I
5 think that's -- that's reasonable from -- from
6 our end. Because it's -- it's going to take us a
7 while to probably get it cleared. Next year --

8 CHAIR GROVE: Pushes us -- pushes us
9 back from the administration of it, or the -- the
10 proposal of going into effect Jan-Feb.

11 MR. NEAL: Maybe. Maybe not. Maybe,
12 maybe not.

13 CHAIR GROVE: Okay.

14 MR. MORGAN: Just a comment on -- on
15 our experience with this process, Nick. It was
16 basically proposed to us -- you don't want us to
17 grade rice or not. I mean, that was pretty much
18 how it was proposed. But the way we approached
19 it -- it's a little easier, 'cause we're one
20 commodity. You guys got multiple commodities to
21 push through on your association boards. But we
22 did get together at the lowest level of our

1 committee, that -- our chair, and we -- we heard
2 the proposals, we pushed it up, and we reported
3 it to the respective boards and USA Rice, the
4 federation, the merchants, the millers, and the
5 producers. And kind of fast-tracked it that way.
6 The initial -- the initial fees that were
7 proposed versus what was -- came out was a bit of
8 a compromise. However, would -- would I see even
9 more compromise on this is, you guys are really
10 pushing hard for the one and half and two times
11 rates, 'cause that's how you pay your employees
12 for the overtime and holiday rate. So it worked
13 out fairly quick with us. We are still at rates
14 that we did not see back in '18 and '19.

15 So -- my only -- my only -- what I
16 didn't like about the process from the start to
17 the finish was how fast they reduced our surplus
18 over two years. Which was somewhat out of USDA's
19 control, 'cause the office of management and
20 budget was the one pushing it. But I would
21 encourage that you find a more smooth transition
22 from surpluses to negatives, potentially, in your

1 -- in those -- in those operating budgets.

2 'Cause we -- we had a drastic reduction. They cut
3 our fees in half for a year. And then we're
4 going back to where we were couple years ago.

5 So it's -- it would be nice if it was
6 smoothed out a little more. Whether it was going
7 up or down, it -- you know, it'd be smoothed out.
8 So that -- that's my only part of the process
9 that I thought was -- was tough. But we moved
10 pretty quick. But we are one grain. So -- much
11 easier for us to that than -- than you guys have
12 to get all the grains on board. It's a little
13 bit of a bigger challenge.

14 CHAIR GROVE: So in this -- with --
15 Nick, what you're looking for a possible proposal
16 in very definitely wanting key stakeholder input
17 -- is we would need from FGIS -- you already have
18 the slides in place. But what is -- we would
19 need that -- that verbiage, that good
20 presentation on why. Because we -- we need to --
21 we need to state the why. So that was -- we
22 would need that from you as part of our proposal.

1 I'm -- I'm assuming, so that we can bring that
2 and get together industry stakeholders, and
3 bringing back that communication as soon as
4 possible. So we would need a good summary draft.
5 And Nick, I'll let you say what pieces are going
6 to be beneficial. I mean, Jeff's in the room so
7 he's already heard it. So that helps.

8 MR. FRIANT: Well yeah. And -- and
9 that's part of what I was going to say, is it
10 might be easier said than done. But it's simple
11 as Denise and/or Arthur are given some
12 presentations to grain grades and weights
13 committee, and grades and inspections committee.
14 I -- I think -- you know, this -- I mean, Monday
15 was the first time that the Committee even saw
16 the proposal. So I -- maybe there's still folks
17 on the Committee that need time to chew through
18 it. And then some opportunity for all of us to
19 share with our key stakeholders. I mean,
20 certainly, timing is of the essence. We fully
21 understand that. I guess I'm not prepared right
22 now to say if the end of September is feasible.

1 It feels like it. But I would -- I mean, we get
2 it. We -- we also -- the agency can't continue
3 operating the way it is either. We know that,
4 too. So --

5 MR. NEAL: This was the other I wanted
6 to add. Next year is a big year for potential
7 transition. So that affects everything, too.

8 CHAIR GROVE: So and again, it's a
9 very, very important input on keeping this
10 timely, so the possibility of getting this
11 brought through. You know, as Charlie pointed
12 out a number of years ago, the -- the process was
13 being put in place to close the doors and shut
14 down. Nobody wants that, 'cause what that does
15 is, it totally affects all of our trade. It
16 affects our businesses. And it does -- just --
17 just because official inspection may have to
18 close the door, it -- it -- yes, there are
19 private inspections. But do we think those rates
20 are going to be cheaper. If that's the only
21 option.

22 So we want to keep that in mind that

1 we have to have you solvent, because it still
2 facilitates our trade and our businesses. It's a
3 great affect to my business if I don't have
4 somebody to -- to come take care of my shuttles.
5 Come take care of my food grade cars, I don't
6 have business if you're not there. So assessing
7 and make sure, I think as -- as John talked about
8 -- making sure this is a little more fluid, and
9 we -- we are keeping a little more current, and
10 not all the sudden, you know, watching that
11 decline and not correcting it.

12 Aside from raising fees, you have
13 given us a lot of good information today on some
14 of your challenges. I think, looking at, again,
15 all of those other expense -- everybody is always
16 doing that. I know. What are our expenses?
17 What can we change?

18 I'll go back to, you know, Ed's
19 presentation on some of the technology pieces.
20 To continue to assess those things are important.
21 Those bring down costs, but still makes you
22 efficient. Bring -- takes down some of that stuff

1 out of your travel when you can do things
2 virtually. We all like to see each other face-
3 to-face, but sometimes bringing our expenses down
4 is an important piece, too. So appreciate those
5 thoughts and looks into that.

6 Nick, some other suggestions, or
7 questions. Or anybody else to the group to Nick?
8 Go ahead, Chris.

9 MR. FREDERKING: Yeah. Just -- and as
10 Nick had said, it was a bit of a -- a surprise I
11 think to most, to realize how coupled the tonnage
12 fees were with the rest of those Schedule A fees.
13 As far as some recommendation. With wages of the
14 workforce being the highest percentage of your
15 guys' spend, is there a way forward to decouple
16 those, to allow for more consistency on -- on
17 that per-hour rate versus the tonnage rate that
18 should -- could fluctuate?

19 MR. FRIANT: Let me take your question
20 a step further. Is there a way to decouple
21 without going through notice and comment
22 rulemaking? Based on how -- and maybe you don't

1 know that answer today, but -- I think that might
2 be the key.

3 MR. NEAL: So that's what that --
4 without changing the regulations to this periodic
5 review, that's basically what we're trying to do
6 with the fee adjustment. We changed the contract
7 rates; we didn't touch tonnage. That's how I
8 would project and try to see if we can move
9 forward. How we'd do it? We'd have to assess
10 that. I think the step one is to get -- let's --
11 let's get out the hole. And then we'll try to
12 make modifications if we need to do rulemaking to
13 make that change, we can definitely facilitate
14 that. In such a way, there's -- there's no
15 surprise to what we're doing, 'cause we're
16 talking about it now. We know that the intent is
17 not to try to generate more revenue for anything
18 other than covering the operating reserve. So I
19 think we can definitely explore that. But that's
20 why we -- another reason why, when we project it
21 out from the option three -- the projected years
22 do not affect the tonnage rate. This is purely

1 the calculation from the formula that's in the
2 regulation.

3 MR. WILLIAMS: Arthur, I have a
4 question. The -- the four and a half month
5 operating reserve. Is that -- is that set forth
6 in -- in U.S. Grain Standards Act? Or what --
7 where -- where does that rule come from?

8 MR. NEAL: And Pat's back there
9 smiling. I just learned the history about the
10 four and a half month reserve. It seemed like
11 that was set by previous administration. We need
12 to look at -- I think we need to look at the
13 whole provision and change it. But that's --
14 that's my take.

15 MS. RUGGLES: It's -- to answer your
16 question, Jimmy, it's in the regulations. It's
17 in the -- the annual fee review. That four and a
18 half is the trigger that's in there for the
19 operating reserve adjustments. That's in the
20 regulations.

21 CHAIR GROVE: Any other thoughts,
22 questions, comments, on this? Nick, do you have

1 some -- do you feel you have what you need at
2 this point?

3 MR. FRIANT: I'll let you know
4 tomorrow morning.

5 CHAIR GROVE: Part -- part C of
6 question one. Is that where you're at?

7 MR. FRIANT: No, I -- I mean, I will
8 talk with other members of the Committee, but I
9 think pieces of a recommendation are coming
10 together. Thank you.

11 CHAIR GROVE: Anything else from you,
12 Arthur? You're fine with where we're at right
13 now?

14 MR. NEAL: For the record, no, I'm not
15 fine. But I think we've covered -- we've covered
16 everything.

17 CHAIR GROVE: You know, that -- that
18 was a long -- a long discussion and long-needed.
19 Again, like you said, Nick -- you know, we took
20 the whole morning session, really to talk about
21 the budget and fees. So obviously, much needed
22 for us. So thank you again for your time. And

1 Nick, for the -- the thoughts on this issue. I
2 look forward what you're going to bring to us
3 tomorrow morning.

4 I think then, at this point -- is Ryan
5 ready? If Ryan is ready, we are going to move
6 into lab scales. We had a little bit of an
7 update on this last week to prepare us. Ryan,
8 again, will come on and go ahead and present that
9 issue to us again today.

10 THE REPORTER: What's Ryan's last
11 name?

12 CHAIR GROVE: Seapy S-E-A-P-Y.

13 And whenever you're ready, Ryan. Go
14 ahead.

15 MR. SEAPY: So as Karla mentioned
16 earlier when talking about QACD, there've been
17 some problems with lab scales being calibrated,
18 then certified to either 1/10, or 1/100 of a
19 gram. To correct this and align FGIS with NIST
20 standards -- additionally, to consolidate
21 regulations, we're proposing to update the
22 requirements for lab, or more specifically,

1 grading scales.

2 Currently, a requirement is that lab
3 scales that are used for grading be certified to
4 1/10 of a gram, even though they display to
5 1/100. Given that the hundredth is actually used
6 in the calculations to determine grade, the
7 scales should be certified to 1/100 of a gram to
8 comply with broader industry standards and
9 specifically, NIST guidelines.

10 The -- the new standard that we're
11 proposing would not apply to other scales used in
12 the process of sampling and comparing the sample,
13 but only for officially weighing small portions
14 and separations, typically under 100 grams. This
15 update is most important for smaller grains with
16 tight tolerances. It's seen in the wheat --
17 specifically, in the wheat market is an area
18 where it is pretty significant. For example,
19 when you have a sample size of 60 grams and a
20 separation of .1 grams, which might occur when
21 picking heat-damaged wheat. The current scales
22 have an allowable error range of .3 percent --

1 just over .3 percent. And the scales under the
2 new proposal would be -- would have an error of
3 .03 percent.

4 Given the breakpoint between a U.S.
5 number one and a U.S. number three is 2/10 of a
6 percent. Having an error of 3/10 of a percent in
7 the scale is -- is significant. So it would be -
8 - there would be a possibility for -- under the
9 current standard -- for a U.S. number three grade
10 be issued on U.S. number one grain, despite
11 having a scale that's operating within its design
12 specifications. We don't have evidence of this
13 happening on a regular basis, but it's within
14 this spec tolerance of those scales which is
15 concerning.

16 By updating the scale standard, we can
17 reduce the possibility of equipment-inducing
18 grading error, and better align FGIS policy with
19 NIST and general metrology standards. Many
20 locations, as I mentioned, particularly in the
21 wheat marketing areas where these small errors
22 can have large impacts, already are using these

1 proposed scales. It does create a problem when
2 QACD is doing their reviews because the way that
3 the guidelines are currently written, it would
4 cause a write-up for somebody who's using more
5 precise equipment, as Karla was mentioning.

6 Additionally, state agencies often
7 require NIST standards be used across the state.
8 And by trying to maintain a different standard
9 for FGIS, there can be confusion in trying to
10 meet two separate standards. The FGIS standard
11 and the state standard, which is a higher
12 standard if they're following NIST. And they can
13 be mutually exclusive at times.

14 Lastly, with the proposed standard,
15 we'd like to update the check test procedure and
16 use ASTM Class 4 weights, instead of the -- the
17 current standard weights, which are NIST Class F.
18 Which NIST has discontinued using, in that they
19 are no longer allowing them to be sold -- or new
20 ones to be sold for use in legal-for-trade
21 applications.

22 These ASTM Class 4 weights would be

1 appropriate based on the newly proposed standard,
2 and would keep us in line with NIST, so that FGIS
3 wouldn't have to maintain a separate weighing
4 group to support a different standard. And we
5 can defer to NIST on -- on matters of metrology.
6 These changes would result in some increased
7 costs to agencies. Because it would -- some of
8 the agencies would have to buy new scales.

9 But if we give it a three to five-year
10 transition window, as some of the scales that are
11 currently in operation cycle out, we can reduce
12 the -- the added costs to the official agencies.
13 To -- and these scales, they do cost more than
14 the -- the current 1/10 scales, but it's not
15 exorbitantly more. So it's something to -- to
16 keep in mind. But yeah, as -- as scales cycle
17 out at the end of their useful life, if they're
18 then replaced with these higher precision scales,
19 we can significantly reduce the cost to the
20 official agencies.

21 I believe Karla's going to pull up the
22 memo and if there are any questions, we can

1 discuss them, or go through any particular
2 details in the memo. There were a couple of
3 options in there. One being the full proposal
4 that I just mentioned. One being just replacing
5 the weights, and one being maintaining the status
6 quo. Even maintaining the status quo would not
7 be a -- would not be trivial, because there are
8 disagreements between the regs, the handbooks,
9 and NIST.

10 So we would need to rework the
11 handbooks at the very least, to address those,
12 even if no change is going to be made. The --
13 the kind of middle of the road option would be
14 update the weight sets, but maintain the existing
15 scales. It would allow for some improved
16 precision and verification of the scales. But it
17 doesn't bring us within compliance for NIST.

18 That's all I've got. The -- the memo
19 -- or the abbreviated memo, is available at the -
20 - at the GIAC site, so everybody should have that
21 available to them. And if you all would like to
22 discuss or ask any questions?

1 CHAIR GROVE: Okay. Now any -- any
2 questions right now for Ryan? Any -- and then
3 any comments or discussion that you have.

4 MR. WILLIAMS: I have a question,
5 Ryan. Can you explain to the Committee how you
6 arrived at the -- for option A -- how you arrived
7 at the cost of \$10,000 or less?

8 MR. SEAPY: Yeah. So what we did was
9 we looked at the equipment list that's active
10 across all FGIS and official agency sites.
11 Because all equipment goes through a TRN check
12 test procedure. So we pulled all the locations,
13 and all of the equipment lists. Looking at the
14 equipment, we can tell which equipment does meet
15 the standard and which doesn't. And as I
16 mentioned, not all scales would need to meet the
17 standard.

18 So if a site has only one grading
19 desk, and it has one scale of this -- of the
20 higher standard onsite, then that site would not
21 need to purchase any new scales. Some places
22 have chosen to change out all the scales in the

1 lab, both for sampling and grading so that
2 they've got interchangeable replacements. But
3 that wouldn't be required. So when you add up
4 the -- the total number of sites, minus the total
5 number of high-precision scales at those sites,
6 you can get to a -- a rough -- I mean, it's not
7 perfect, because we don't know exactly how many
8 grading sites there are at each location. But in
9 general, it's -- it's pretty accurate.

10 And you can work up the math for --
11 per official agency what the predicted cost would
12 be to at least have one high-precision grading
13 scale at each grading location. And then,
14 assuming that a scale costs approximately \$2,000,
15 that's where the -- the average of \$10,000 -- or
16 less than \$10,000 per official agency estimate
17 came from. Obviously, the bigger agencies could
18 have more.

19 Some of the smaller agencies might
20 have, you know, only one scale that would need to
21 be replaced. And some agencies have none,
22 because they've either already replaced all their

1 scales, just because they're in a wheat market
2 and due to the nature of their market, it's
3 important to have that precision. Or they do
4 have a couple of those scales and they're -- you
5 know, as long as they're at the correct sites,
6 there would be no added cost.

7 MR. ENGEL: Ryan, Curt Engel.

8 Question for you. Did you take into any kind of
9 consideration what the onsite numbers look like
10 and the number of scales that industry would have
11 to acquire, particularly in the having two -- two
12 scales onsite? On each particular site to have a
13 backup for failures, what that expenditure would
14 look like?

15 MR. SEAPY: We didn't specifically
16 look at having a backup scale at each location.
17 Because we don't -- we didn't have data
18 specifically on how many grading stations there
19 were per facility.

20 MR. ENGEL: No, I'm asking about the
21 onsite labs. The -- the industry onsite labs at
22 customer's facilities.

1 MR. SEAPY: Sorry. I -- I might be
2 missing something here. So we're talking, say,
3 at an export facility?

4 MR. ENGEL: At -- at an interior
5 facility.

6 MR. SEAPY: Okay.

7 MR. ENGEL: Train -- stations.

8 MR. SEAPY: So we -- we accounted for
9 anything that is getting check-tested into ECT.
10 So I -- I don't know the specific answer to your
11 question because I don't know whether or not
12 those -- the scales that you're referring to get
13 officially check tested, and that data gets put
14 into ECT and FGIS online. If it get -- if it's a
15 scale -- a lab scale that gets check-tested and
16 put into ECT, then we accounted for it.

17 CHAIR GROVE: So thank you, Ryan, for
18 this information. You know, even though this was
19 put in as an industry issue, this is one for us
20 that FGIS is bringing to us for informational
21 purposes, to let us know what's going on. So we
22 don't have to write a proposal today, if this is

1 something that we would like to further to
2 another meeting so we can have that discussion.
3 But we do have some time here if we want to look
4 at -- he does have three options. Which, again,
5 thank you for, instead of saying "Hey. This is
6 what we want you to do." You put some proposals
7 offered to us.

8 So to me, the toughest part is the
9 piece where it says FGIS regulations are in a
10 sense out of specs with both NIST and what state
11 agencies or state regulatory has in -- has in
12 place. So if we say "You know what? FGIS -- you
13 just -- you just need to get in line." What it
14 does is it automatically is saying "Okay. Now
15 we're replacing everything." So putting a
16 proposal together or having this discussion to
17 say we want this to happen, you need to get in
18 line, we can't be out of date. Especially if
19 you're saying we're referring to an old handbook
20 that is no longer the current standard. That has
21 to be fixed.

22 And you know, in my opinion, I think

1 we need to look at not just lab scales, but
2 again, all of our equipment -- do we have other
3 places where we have this same concern that we
4 probably are not meeting, you know, the -- the
5 NIST standards or state regulatory. So that's
6 something -- a food for thought -- that we don't
7 want to look at just one piece. Again, all the
8 equipment in general. Where are we not -- where
9 are we not meeting up?

10 I was just looking at gram scales that
11 we were doing, and -- and I think, I know, Kia,
12 you had sent me what you guys were using and I
13 think we have that anyway -- that can be set to -
14 - to .01. But it depends on what its tolerance
15 is for calibration. So what are some more
16 thoughts on this in affecting our -- our industry
17 and our trade?

18 MS. MIKESH: Kia Mikesh with North
19 Dakota Grain Inspection. After this -- our
20 initial meeting with this packet -- we -- Phil
21 and I called a meeting with the AAGIWA, American
22 Association of Grain Inspection Weighing

1 Agencies, to discuss -- to bring more information
2 to the Committee on what type of impact it would
3 have, both on onsite labs, but for the agencies.
4 We feel that it is -- we don't want to be out of
5 standards and everything like that.

6 However, we do feel that it is to
7 industry, to bring forth recommendations on
8 whether or not you guys feel it has an impact on
9 your business. Heat damage was one of the, I
10 would say, one of the biggest impacts it has. So
11 a few different areas that we discussed. And
12 there were, I'd say probably six, seven agencies
13 on the phone call. So a sampling.

14 So some of the -- some of the areas
15 that were looked at was -- and asked of agencies
16 -- how many of your scales would you need to
17 replace if it was just wheat immediately, since
18 that's where the biggest impact is. There are a
19 lot of agencies that primarily just do corn and
20 soybeans. And even if they do some wheat, it is
21 a lot of times done in the office in one area.
22 And -- or maybe just one office of an agency.

1 So we then looked at how many -- if it
2 were all of just your agency scales -- and then,
3 also how many onsite labs -- lab scales would
4 need replacing. We had a wide range, but there
5 was, on average -- a few of them had noted their
6 take before the agency, for only wheat, would be
7 around ten to twelve scales that they would need
8 to replace within their agency, so that would be
9 the agency cost.

10 I did not look up every scale that was
11 on the approved equipment list, but I did look at
12 the one that we do currently use, and it's just a
13 little -- it's a little bit over \$2,000 to get
14 everyone a -- a frame of how much that is. So
15 the -- so you're looking at over \$20,000 for,
16 what I would say, the average of our sampling
17 was. Then there were some that, if it were
18 wheat, corn, and soybeans, they would have to
19 internally, as an agency, replace 30 scales. But
20 only if -- if it was only wheat, there would be
21 two to three scales.

22 Then we have some that are completely

1 compliant. Some others that I believe are agency
2 because we were a part of -- we were a part of
3 the -- seeing that there was differences between
4 the instructions, so we had actually been
5 starting to do the switch anyways. I think we
6 maybe have six or seven left that we need to
7 replace. All of them would be regarding wheat.

8 But there is one of the agencies
9 online, just internally as an agency would need
10 to replace 50 scales as an agency, and upwards of
11 100 when you start including onsite labs. So --
12 and all of those are wheat -- have to do with
13 wheat, from what I gathered. And we aren't -- it
14 was made clear in the meeting we were only
15 talking about grading scales. So that number
16 would obviously be substantially higher if you
17 talking about the technician scales, et cetera.
18 So that -- that was made clear in the meeting.

19 And so we had some thoughts for you
20 guys to just to consider -- is that there could
21 be different options involving -- maybe it is
22 wheat scales that are looked at immediately, and

1 corn and -- corn and soybean scales from used for
2 grading, would be grandfathered in, and when
3 they're at replacement, then you just wouldn't be
4 able to repurchase those. Then maybe having
5 timelines for those that do have 50 scales. That
6 two to three-year timeline is a very, very large
7 sum of money. And that impacts industry as well,
8 as agency costs go up.

9 So those were a few items that we
10 thought about. Even just grandfathering. If you
11 felt that it didn't have enough of an -- an
12 impact, but we wanted to get onto having -- being
13 in line with NIST standards. Maybe all of
14 grading scales could be grandfathered in, and as
15 replacement, you'd replace them as we go.

16 CHAIR GROVE: I think some -- somewhat
17 if we look at -- gosh, was that in this proposal
18 -- see about grandfathering -- grandfathering
19 some in. Do you think that grandfathering some in
20 to wait for replacement -- 'cause I tell you
21 what, we have a lot of scales that may have been
22 industry -- in the industry as long as I have.

1 You know, you -- you take care of them and you
2 get them serviced regularly, they last a long
3 time.

4 So do you think that puts us at an
5 inconsistency? Versus, you know, we look at a
6 plan that -- not necessarily about
7 grandfathering, but whether it's a three to five,
8 six to ten, whatever that is, it -- it could
9 bring consistency sooner.

10 'Cause you are right. You know,
11 onsite labs, as Curt mentioned. You know, our
12 company has a lot of them that we would need to
13 switch out. Now, I like what you thought about.
14 Not all of them have wheat. All of our Kansas
15 locations and some of our Nebraska locations.
16 Even, like, Kansas Grain Inspection. They're
17 going wheat, soybeans, corn, sunflower, milo. So
18 realistically, they would -- they would almost
19 need to change them all out in their labs to be
20 efficient. You know, instead of "Oh, which desk
21 do I sit at?"

22 Now our in house labs -- guess we're

1 buying that equipment -- I think some of them
2 have already been replaced with those, just
3 because we're going forward. So I'll go ahead.

4 Curt, what do you want to --

5 MR. ENGEL: I think one of the
6 important things to acknowledge here is that once
7 you start making this transition, for every one
8 of these onsite labs, everywhere that -- that's
9 in a remote location, you end up having to have
10 two of the same pieces of equipment. Because you
11 cannot fail. If -- if -- if she shows up --
12 train -- and your -- your fixed scale is down,
13 you better have another one, or they're hauling
14 all your samples back --. And you lose your --
15 you lose your shuttle incentive. You lose
16 everything -- you know, everything that's
17 providing the revenue stream for having that
18 onsite lab.

19 So this isn't just a question of
20 whether you get to buy one of these. You get to
21 buy two of them. Every time that you upgrade.
22 And it's -- and then the agencies and the offices

1 all have the -- the luxury, if you will, of
2 having multiple scales in one spot. So that if
3 you do -- you know, if you do get something that
4 is non-compliant, you've got a backup there to
5 use. And that was the basis of my earlier
6 question. About how does this affect industry.
7 And you've got to have that.

8 And you know, in -- in my former life,
9 we -- we were buying what the grain inspection
10 used, and we were buying the test weights that
11 the grain inspection were using. We were using
12 everything that the grain inspection used, 'cause
13 then it was no argument about the methodology.

14 And my -- so and you know, I look at
15 this and I ask myself the question "What's the
16 value proposition here? Is it about complying
17 with NIST rules? Is it about more accurate
18 information? What's the value prop here and
19 who's the beneficiary of this expenditure?" And
20 I'd like to have somebody give me a different way
21 of thinking about that.

22 CHAIR GROVE: Again, very valid, Curt.

1 'Cause you're right. If you don't have a backup,
2 you're -- you're in trouble. And a backup that
3 they've already tested and certified prior. So -
4 - so that is a -- a valid thought for industry.
5 I -- I think, you know, Ryan had said "Yes, it
6 can affect wheat." That's probably one of the
7 bigger players, being a small grain.

8 But do we -- do we have statistics
9 behind it? I guess that would be very
10 interesting. And if -- and if -- that's again,
11 something we don't have to say "Today we have --
12 or tomorrow, we have to have a proposal and voted
13 on." If we need to look at this and say "This
14 needs to be part of the next agenda item so we
15 can get more data." Because if it -- if we don't
16 have statistics on who's truly been affected, it
17 could push you into number one, to number three -
18 - have there been complaints about that, I guess,
19 for FGIS. Has that been a concern that somebody
20 contested grades saying "No. We're not getting
21 number three wheat." But it's the tolerance of
22 the machine. So do we -- find data.

1 MR. ENGEL: That -- that was going to
2 be my next question. Does anyone have their hand
3 in the air with a -- an example of where this has
4 turned into something that this would be a remedy
5 for a situation? It is my understanding about
6 the wheat pieces -- we're talking about ones to
7 threes, and it's about heat damage. If -- is
8 that one sample in the thousands and one sample a
9 ten thousand? You know, I -- I don't have that
10 information, and that's why -- would like to see
11 that kind of information.

12 I'm not against accuracy. I love
13 accuracy. But accuracy for the sake of accuracy
14 doesn't make a lot of sense to me, particularly
15 when you start talking about hundreds of these
16 scales needing to be purchased to do this -- this
17 compliance piece.

18 CHAIR GROVE: So personally, as having
19 happened? Yes. Have had that happen. That
20 official origin weights and grades -- and we had,
21 I'll say numerous cars -- not every car on the
22 shuttle -- we started getting higher heat damage

1 on the wheat. Did we contest it? We may have
2 asked for a re-grade.

3 MR. ENGEL: Sure.

4 CHAIR GROVE: We'd ask -- yeah.

5 Regrade the sample.

6 MR. ENGEL: You should.

7 CHAIR GROVE: And we did. We were
8 still getting high. We didn't feel we had it.
9 Thing is -- you know what? In -- in order to get
10 the -- the shuttle done and on time, we dumped
11 and reloaded. So how many times has it happened?
12 Has it -- has it stopped trade and devastated us?
13 I won't say not at this point, but if I'm keeping
14 my grade in good condition, I don't have that
15 problem.

16 MR. ENGEL: Having -- having suffered
17 that same malady over and over and over again,
18 but you don't know the difference about whether
19 or not this spread would have -- would have cured
20 your problem.

21 CHAIR GROVE: Right. Did they, Mark?
22 You look like you had a comment.

1 MR. HEIL: Yeah. Just not sure if we
2 wanted -- make the differential between the --
3 the wheat, the corn, and the beans. If we're
4 going to go to the scales, go to the scales would
5 -- would be my thought on that. But it is going
6 to be a cost. I mean, not only in our situation.
7 We're bringing, you know, about purchasing the
8 new scales for our labs, but we also try to --
9 even in our other grain elevator sites and where
10 we're -- we try to match that up as much as we
11 can so we're consistent all the way across.

12 So there -- there will be added costs
13 for this. If it was over a period of time "Hey,
14 we're going to be, you know, making this change
15 over a period of time." You know, that -- that
16 seems reasonable. But doing it in all in one
17 shot would -- would be a shock, at least from my
18 perspective on it.

19 CHAIR GROVE: I just want to say, I do
20 want us to make sure that we are considering
21 "Yes. Nobody wants to have added cost." We are
22 all watching our expenses. I know from my

1 company's predicament -- I don't know if that's
2 the right word. But we are second year of fairly
3 widespread extreme drought. So of course you
4 want to watch expenses.

5 But let's go back to moisture meters
6 and in changing to the new technology. Did
7 everybody in the industry first go "Uh. I've got
8 a 2100b here. I've got a -- I've got a GAC 2, God
9 forbid, sitting here on my counter, and it's
10 still good enough." But when you start thinking
11 about the operational pieces of moisture -- high
12 moisture coming and it being wrong, using those
13 same moisture reading meters for drying and over-
14 drying, because you're not using technology
15 that's giving you the accuracy.

16 Did grain inspection switch over to
17 the new technology -- after proven -- that this
18 was what was best for us per trade? Yes. Now
19 did we all purchase brand new machines across the
20 board in one year? No. We probably waited until
21 an end user started affecting our trade, to who
22 we were selling to. But the technology proved

1 itself.

2 So keep in mind, whatever we choose,
3 we've brought up many times "Let's look at
4 technology. Let's do what's better and not just
5 sit back and say we always have these and they're
6 good enough." Make sure we're looking forward to
7 technology, I think.

8 MR. HEIL: But I also wouldn't want to
9 be too -- by half on something. Where is it,
10 just -- is it the tenth, the hundredth or the
11 thousandth, or whatever one you want to get out
12 to, versus being the real world of is it just the
13 sample itself. And -- and a lot of times -- most
14 of the time, that's what it comes down to. Is it
15 one in a thousand, one in ten thousand
16 situations, versus complicating and financially
17 having a potential impact back on industry. And
18 no doubt, we all want to be correct. But there
19 are consequences of these decisions back out in
20 industry.

21 MS. MIKESH: Like I said, we had
22 starting going through this transition about two

1 or so years ago. And one of our main concerns
2 was that at the time, we had been using the same
3 scale for the technician functions, test weight,
4 for -- as for the grading. And I want to say, in
5 Ryan's report it said that prior to 2002, this
6 was -- what they are proposing is how it was. Is
7 that -- does everyone remember it correctly from
8 -- okay.

9 So somewhere around 2002, it started
10 changing. And if I -- if I remember correctly,
11 it was blocked for that redundancy. If one went
12 down, then you'll at least have one you could use
13 for both functions. And so we started doing that
14 for our onsite labs, because then it wouldn't
15 hold you up when you're -- when you're loading
16 your train.

17 And so as of right now, as we've done
18 this transition, I will say it has not happened
19 nearly as much as I was anticipating it to
20 happen. Needless to say, it does. And it -- say
21 your location is two hours away from our agency
22 where we have the backup -- because your -- yours

1 isn't going to work as our backup, because we
2 haven't check-tested it. And those weights are
3 also back at the agency, and we can't have
4 multiple weights out everywhere, et cetera.

5 So it could upwards delay, a train
6 being graded, approximately four hours. That, I
7 would say, on most agencies, is on the higher end
8 for shuttle trains. And then we'd be able to
9 bring out a -- a backup scale. But that's
10 something to consider with this. But like I
11 said, we have essentially already gone through
12 this transition. And it doesn't -- it does not
13 happen frequently. But when it does, it could
14 cause demerge. It could -- it could be very
15 costly --

16 CHAIR GROVE: So Ryan or Arthur, or
17 another member of FGIS, do you have any data or
18 statistics on -- that you feel that this is
19 happening? That you've had somebody contest that
20 heat damage grade, to tell us statistically how
21 often this is truly happening, to know -- you
22 know, again, do I feel this is very relevant to

1 say "We need to -- we -- we need to look at
2 state. We need to look at NIST. We need to look
3 at FGIS. And we need to make sure that our --
4 we're -- we're all on the same page." I still
5 think that has to happen.

6 But is this a three to five-year, or
7 is this a -- you know, it's godfathered in on the
8 change. You know, when they need to replace it,
9 it needs to replace with something. Knowing that
10 there's statistics behind it makes a difference
11 in that decision.

12 PARTICIPANT: Yes, it does.

13 CHAIR GROVE: I think it does. Yeah.
14 If we know it's happening a lot. Yeah. Then,
15 sure, maybe there's a little more say "Uh. Okay.
16 We better get going on this." If we don't feel
17 it's happening that much, or nobody has
18 complained about it. If I haven't complained
19 about it -- because we just went ahead and dumped
20 and reloaded, just for the -- it was quicker than
21 contesting the grade. Because I just needed to
22 get the train out. Then -- then we don't know.

1 MR. NEAL: Yeah. So staff can correct
2 me if I'm wrong. I've not heard this to be
3 anything that customers are complaining about. I
4 do know one issue that emerges from this. Our
5 check-testing procedures for scales; that will
6 need to change. Depending on the scale that an
7 official agency or lab may have, some of the
8 check-testing procedures that they may be using
9 may not be appropriate for the scale. They might
10 be using the wrong weights for the scale. So
11 when an audit is being conducted, they're failing
12 that component of check testing.

13 With respect to us bringing this issue
14 to you, is -- you know, we found out there's a
15 misalignment in terms of, you know, where we have
16 these protocols specified in our regulation, as
17 to compared to NIST. So we wanted to make sure
18 that before we even, you know, made a change, we
19 brought this issue to you to weigh in, to see how
20 big of an issue is this for industry. Because at
21 the end of the day, this -- this is your
22 industry. We're working with you to facilitate

1 trade. So we weren't going to make a decision to
2 make a change unilaterally.

3 You will definitely -- you know, if
4 this is something that we take action on, you'll
5 have to take time to -- to take the issue back to
6 your respective members that you represent just
7 to get feedback, so that you can come back to the
8 table, have dialogue on what you think we should
9 do. And one of the options in Ryan's proposal is
10 status quo. Do nothing. So we're not saying we
11 -- we have to make the change. We're saying
12 these are the things -- these are options we
13 believe we have in front of us to -- to address
14 this issue or not address it. But we do not -- I
15 do not think we have statistics on how often this
16 is occurring, if it is occurring on a regular
17 basis, to help you make that decision.

18 MS. MIKESH: One thing we did also
19 discuss, there was the second part about the --
20 whether or not to continue using the Class F
21 weights. That does impact us as agencies, if
22 they're not available for sale if legal trade, et

1 cetera. And the one thing, too, that -- in that
2 particular piece, I mean, the number is nominal.
3 But you go from thirteen weights to four, and
4 that -- that is good. And it -- I do believe --
5 I'm not the one that does the check- testing of
6 our scales, but I have heard concerns that it's -
7 - it's been hard to get some scales in line with
8 the F weights. And I -- from the research we
9 were doing, it seems like this switching over the
10 weights to ASTM Class 4 could help -- help
11 mitigate some of that.

12 MR. FREDERKING: I would just say it
13 does seem significant if this is the only point
14 in FGIS policies, handbooks, that does not follow
15 NIST. To leave that hanging out there seems --
16 seems concerning. But having a plan in place to
17 replace upgrade scales with end of life. So --
18 seems to make sense, opposed to forcing some
19 arbitrary three to five-year compliance period.
20 Is there something within -- that industry could
21 come up with that would say, average scale lasts
22 ten years. We have a ten- year window now to --

1 as you have scales reach end of useful life, as
2 you find new ones that you're not coming out of
3 pocket for whole new scales, you're just
4 replacing the ones that you have already. Just
5 to a higher standard. So -- would sure seem
6 there would be a reasonable approach to become
7 compliant with -- with NIST. Which seems to make
8 sense.

9 CHAIR GROVE: Ryan, are you still
10 there?

11 MR. SEAPY: Yes.

12 CHAIR GROVE: Yeah. So to -- I think
13 we might have asked it last week. But to Chris's
14 point, is -- is this the only section that
15 doesn't align, or you haven't addressed others
16 yet, you're just starting the review?

17 MR. SEAPY: Just starting the review.
18 We've identified for this one. I -- I couldn't
19 tell you whether there are other places where
20 FGIS policy deviates from NIST. And there was
21 some conversation about corn and soy not being
22 impacted as much. That is very much the case.

1 Partially, because the smallest portion size in
2 soy or corn -- so I think it's 125 grams. Which
3 gets you out of that really tight -- excuse me --
4 you know, small portion size, where a small
5 error, it could make a significant impact. So
6 the idea that, you know, this is really a -- an
7 area where, say, sorghum or wheat are going to be
8 impacted more than corn and soy is definitely the
9 case.

10 CHAIR GROVE: Okay. Thank you for
11 that input. Sorry -- I just -- we don't have to
12 have a proposal this meeting. If this is
13 something that we feel we would like a few more
14 answer to, as Ryan is doing a review, say, how
15 many other places do we not align with NIST. I
16 think that would be some good information because
17 I think this is important to align across
18 standards brings to us an integrity of the -- the
19 U.S. system. Somebody's questioning "Well, what
20 are you using?" And -- and states have one
21 thing. They hear NIST -- people go to NIST
22 handbook to look at things, but FGIS is

1 different. So I think that does have to be
2 something that we are looking at.

3 I think we need to look at aligning
4 and probably in wording not referring to a
5 specific volume, like Handbook 44, which has now
6 made our -- our handbooks and our regulations out
7 of date. But making it a little more evergreen.
8 And also, I think to give our industry a little
9 bit of time, or give us a little bit of time to
10 come -- go back to our own sector of the industry
11 and say "Is this impacting us?" And I -- I like
12 what you talked about, Chris, in saying we need
13 to -- we need to figure out what is that lifespan
14 plan. If it's not affecting us greatly, but
15 really, it's a better alignment, how will this
16 affect us?

17 So would anybody have objections to
18 say this would be a topic that we can move to the
19 next agenda? That a proposal doesn't need to
20 happen at this time. But it is something we
21 still want to consider looking at. And maybe
22 instead of just lab scales, that is an updated

1 instrumentation of the policy for the -- for the
2 next agenda. Would you feel comfortable with
3 that?

4 DR. HURBURGH: Realize that that's
5 going to get into quite a number of more issues
6 than just scales. I'm just thinking of moisture
7 meters as an example. And Jimmy, you know that
8 we go through this on the moisture meter
9 taskforce with NIST. The standards aren't the
10 same. And it can go both ways. That is, tighter,
11 or less restrictive. Just recognize that there's
12 a lot things if you make an open-ended statement
13 like that.

14 CHAIR GROVE: Right. I just feel right
15 now, from the comments, nobody feels strongly
16 enough that this is something that we are ready
17 to make a "Hey, let's go with A, B, and C. Or
18 let's amend an A, B, and C." I'm not sure anybody
19 feels that we're ready for that. So even if we
20 just say -- stay with lab samples -- say we need
21 to -- we're going to move that to an ongoing next
22 agenda item so we have time to think about this

1 more. And think about the impact, or get some
2 information on what is that impact going to be.

3 MR. WILLIAMS: Well, Barb, in the very
4 least, I would -- I think it would be good for
5 folks to be able to go back and, like, really
6 crunch the numbers. And I'm not being -- being
7 critical of the -- of the estimate that FGIS came
8 up with at all. But I strongly suspect that
9 number is going to be greater than \$10,000. So -
10 - so again, I think it would be beneficial to
11 give folks some time to just go back and truly
12 see what the cost is going to be.

13 MS. MIKESH: Another piece of
14 information that I think would be helpful for the
15 Committee, would be a list of factors that it
16 does make a statistical impact on. Heat damage
17 is the one that has been used, and I -- it seems
18 like probably has the biggest impact on. But are
19 there other -- are there other factors that --
20 the list of factors that are in the 60 grams --
21 anything really below that 125 grams in the
22 smaller grains. So you could see if those make a

1 big impact for you as well.

2 CHAIR GROVE: So Arthur, I think that
3 this is one -- actually, we can put a proposal
4 together that we move this as an open -- keep
5 this as an open agenda item, but we have asked of
6 -- of FGIS. First of all, you know, so -- we'll -
7 - we can bring tomorrow some -- again, lists of
8 other factors. One factor doesn't seem as
9 concerning that it's hurting the industry. But
10 there are a lot of other small grades. So other
11 -- other grains or factors that this is
12 affecting.

13 And -- and then also -- that's not
14 part of the -- the proposal, but the rest of us
15 can go back and -- and look at what is that true
16 financial impact. So we can be better prepared to
17 look at some different options. And even
18 amending some options that were given us.

19 Thank you again, Ryan. You know,
20 thank you for your time last week, and -- and
21 giving us a heads up to help us understand what
22 this is. Again, the review today -- so again,

1 those that are in the -- the gallery and online
2 can help understand where this come from. So
3 that can be something later. We'll look at
4 agenda items for proposed next time.

5 If there are no other comments on this
6 particular item?

7 I think we are prepared to move on.
8 Chris, if you would like to present to us the --
9 the data standards.

10 MR. FREDERKING: Absolutely.

11 MR. FRIANT: Hey, Barb. Do we have
12 room in the agenda for a quick break?

13 CHAIR GROVE: Yes. Yes, we do. We do
14 have room. So if we would take a -- we can take
15 a 15- minute break. Right now it is three
16 o'clock. So perfect timing. Thank you, Nick.
17 So 15-minute break. Be back at 3:15 and Chris
18 will present to us.

19 (Whereupon, the above-entitled matter
20 went off the record for a brief recess.)

21 MR. FREDERKING: Okay. So as part of
22 our last meeting, we had talked about technology

1 initiatives. Specifically around FGIS and one
2 thing, certainly from the exporter side that
3 seemed to definitely have some merit is how we
4 can facilitate some of that technology growth and
5 make the data that is being generated useful for
6 industry.

7 So in the write-up, as many of you
8 have read, there's a few discussion topics
9 brought up that are relevant to this. Of course,
10 we want to ensure that FGIS continues to improve
11 and supply industry with data that is useful and
12 facilitates grain trade by -- and it need to be
13 accurate. It needs to be secure. And it
14 certainly needs to be timely.

15 So how do we get that information out
16 of a lot of these systems that are being used
17 throughout the -- the Federal Grain Inspection
18 Service and maybe official agencies as well --
19 out to industry. Out to end users in a -- in a
20 useful manner, that again, helps facilitate that
21 grain trade.

22 So with that, I know there's been some

1 work done, certainly within some different
2 industry groups, but felt relevant to bring it up
3 here to -- to the Grain Inspection Advisory
4 Committee. So as far as discussion topics.
5 Certainly, first and foremost, was cybersecurity
6 being a concern with a lot of these systems at
7 export houses being tied into plant controls
8 networks. Just the inner workings of the
9 facilities' security must be paramount.

10 And so working with FGIS and other
11 service providers to ensure that vulnerabilities
12 are evaluated. That all federal requirements are
13 being met in order for this information that will
14 be provided -- that there aren't new security
15 issues brought about because now all of a sudden
16 we're looking to share that.

17 Additionally, seeking industry's input
18 would be another point that I'd bring up. To
19 establish standards around data types. So what
20 kind of information do we want to see, in what
21 format. Giving away APIs, Application Program
22 Interfaces, to allow for that data exchange

1 between interested parties and official agencies.
2 And then, just even taking the time to decide
3 what that data package should look like. Whether
4 that's for a barge. Maybe it's for a railcar,
5 it's for a vessel. Whatever have you.

6 Additionally, on the AWMS side -- so
7 the Automatic Weight Management System -- and a
8 lot of export houses. As far as data handling is
9 concerned, there's information going into those
10 AWMSs to reduce the amount of data entry
11 performed by FGIS personnel. But there's very
12 little information coming out of those system.
13 That, in turn, creates a lot of work for the
14 people out in the field. Specifically, on barge
15 certificates, vessel paperwork and whatnot. So
16 are there ways to have that as a more secure two-
17 way communication between systems, both on the
18 AWMS and other -- other systems.

19 And then, of course, as we look to
20 incorporate additional technologies, can they
21 integrate to these accounting packages, these
22 oversight packages, FGIS online, whatever have

1 you. How can these new technologies talk to
2 what's already out there to reduce keystrokes,
3 and to ensure accuracy. So had a -- a few
4 examples on that in the write-up.

5 And then taking the time to look at
6 FGIS online and evaluating is that as useful of a
7 tool as -- as we want it to be. And where and
8 how should -- should the functionality improve to
9 continue to meet shareholder needs. And then, of
10 course, as we've been talking about all day, the
11 funding to get all this done. So it's -- it's a
12 lot of heavy lifting. I know a lot of this --
13 none of it comes for free. So how can we ensure
14 that FGIS is dedicating dollars to
15 standardization of data, the availability of it,
16 ensuring that it comes to stakeholders in a
17 secure and consistent way.

18 So with that, that's the background.
19 The sketch and topics that wanted to bring to the
20 Committee. And would certainly open it up to
21 discussions, questions.

22 CHAIR GROVE: So Chris, I -- I think

1 last meeting, when you -- you brought this up as
2 an agenda item, you were giving a few specifics
3 on, you know, that -- that data transfer.

4 Especially, I -- I'm going to say, probably with
5 your AWMS system and your barge loading -- about
6 -- and it revolved around having the data in a
7 timely manner. Or -- weights. And I think it was
8 specifically more -- again, with your -- the
9 weights -- that sometimes you weren't getting
10 that in a timely fashion back from the official
11 system, for you to make determinations. Is that
12 accurate?

13 MR. FREDERKING: Timeliness is
14 certainly important. But what I would say more
15 than anything, is that it's not coming to us in
16 an electronic format. Right? It is getting
17 printed out on a piece of paper, and then scanned
18 and copied, and emailed over to -- to us as end
19 users. So is there a way -- obviously, that --
20 that data is being generated somehow, somehow in
21 the system that already exists. Is there a way to
22 ensure that those systems are talking to each

1 other to where that data comes over
2 automatically.

3 With that, of course, we need
4 consistency across all systems as well, to where
5 certain -- certain pieces aren't in place for
6 specific locations or certain data streams, if
7 you want to call it that. So, yeah. Not
8 necessarily timeliness of getting reports. But
9 getting those reports electronically is where I'd
10 focus.

11 MR. MORGAN: This is John Morgan.
12 Chris, I'm just -- are you guys also looking to
13 potentially tap into the automation technology on
14 the scales? Is that one of the things that
15 you're looking at?

16 MR. FREDERKING: On bulk weighers, or
17 grading scales?

18 MR. MORGAN: I mean, you -- you fought
19 through scales. Now you're -- weights.

20 CHAIR GROVE: Yeah. So the -- the
21 scales are monitored by the AWMS already. So
22 that data is available. And actually, for -- for

1 insight as to how that works, even at our
2 facility, or AWMS will basically print out a
3 piece of paper with all the relevant barge unload
4 information. Then that barge unload information
5 gets handed to a supervisor. And then that
6 supervisor -- that FGIS supervisor will take that
7 and then type it manually into FGIS's system.

8 So that sure seems like an extra step
9 in there. How do we eliminate that extra step?
10 It's where -- and for some facilities -- for the
11 -- certainly, for the Gulf as a -- as a whole,
12 that's thousands of entries a year.

13 MR. MORGAN: Is your scale data tied
14 into your automation system for, like, opening,
15 closing your gates, and --

16 MR. FREDERKING: Correct. Full --
17 full automation. Yeah.

18 MR. MORGAN: Okay. Yep.

19 CHAIR GROVE: So I'm going to bring in
20 a little bit from the other side of it. From
21 conversations I had with some official agencies
22 at that AAGIWA conference here earlier this year.

1 And I presented on some things that, you know,
2 maybe supped from the industry. Some things that
3 we were seeing that, you know, could be better.
4 Or we could have better asks from the official
5 agencies.

6 And one of those was, you know,
7 keeping up "Hey. It's -- they're not keeping up
8 with shuttle times," and things like that. And -
9 - and some scheduling. And sat down after the
10 meeting with numerous agencies, and we sat there
11 and chatted about it. And they brought up one of
12 the same things that you were talking about.

13 Then from there -- and when we are
14 sending some of the agencies our car lists, or
15 weight, things like this -- I'm going to be
16 emailing a pdf, or printing it out and here it
17 is. So somebody's having to retype that into the
18 system.

19 So I think some of the things that
20 you're asking work both ways for efficiency, in
21 that if we -- if we were going it at least
22 electronically in some format, that we are making

1 somebody's job more efficient. So I -- I think
2 this is very relevant to me from both sides of
3 the point of view.

4 MS. MIKESH: The thing I'd say we have
5 -- I didn't see this previously when introducing
6 myself -- but I'm a part of a company that does
7 software development for grain inspection
8 agencies. And we do different software platforms,
9 just, to aid in efficiencies, basically. And one
10 thing that is helpful when looking at -- I agree
11 with you Barb -- there's -- it goes both ways for
12 being able to enter in that data. And we are
13 constantly, as an agency, and also on the
14 software development, trying to find ways where
15 we can lessen keystrokes for us and our customers
16 because labor is not -- there's not an endless
17 amount of it right now. And that's just one
18 simplified way we can -- we can really work with
19 that.

20 And from -- from my perspective, if we
21 were to do something of getting in carless
22 weights, the information from you -- from

1 industry and vice versa, it would be nice to have
2 it standardized. There are a lot of -- there are
3 a lot of third-party software programs that
4 official agencies use. So you're primarily with
5 export, so you are going to be using FGIS online
6 system, I would gather. Most internal domestic
7 agencies -- agencies that are dealing with the
8 domestic market -- are likely using a third-party
9 software. And there are numerous out there.

10 And we have -- we have outputs -- it's
11 the IDW directive. I can't remember the numbers.
12 But we -- all the information that comes from our
13 program has to go through a certain output into
14 FGIS online. And so every single night our
15 information has gone in there, and it's in a
16 standardized manner. If there were ways that
17 industry was wanting to input into other -- other
18 software, it would be nice if it was standardized
19 in that manner, so that industry didn't have to
20 do it in multiple different ways depending on
21 what the program was. Because that's something I
22 hear currently, as well -- in this area, I need

1 to send information this way, or I scheduled this
2 way. And in this area, it's completely
3 different. And I think that would be really
4 helpful for industry, too. So just a thought as
5 we're exploring these items.

6 CHAIR GROVE: From FGIS or official
7 system, some input. You know, even from the --
8 the gallery back there on -- on thoughts of how
9 this affects you.

10 MR. NEAL: I don't think it's new to
11 us. I think before I came onboard, there was a
12 desire to -- to modernize our -- our system such
13 that we could warrant -- reduce the manual input
14 of data. And it would be more useful to -- for
15 us, as well as our customers and industry. But
16 we didn't have money to keep that up. So -- so
17 we had to stop that -- that project. We stopped
18 it in two thousand -- I think twenty. Yeah. We
19 stopped it around 2020. We didn't have the -- we
20 didn't have the contracting dollars to keep it
21 up. It could probably be picked up, but we'd
22 have to have money for it. We decided to make

1 sure we had money to continue operations.

2 Denise, you mentioned it earlier. I
3 have no problem with what we're proposing to do.
4 We just have to make sure we've got the resources
5 to get it done. If we do that, we can -- we can,
6 you know, develop a project plan and work with
7 industry to prioritize what do we want to work on
8 first. How does that look?

9 Definitely got to work out the kinks
10 between communicating between both -- the systems
11 and the cybersecurity component. So that's some
12 things we'd have to work out. But I think it's a
13 great goal for us. And we definitely need to do
14 it. Should -- should be there. But we're not
15 there. Once we address, I think, the biggest
16 elephant in the room.

17 If we can begin -- say, for instance,
18 if we could generate revenue such that we could
19 be able to save some of the -- the revenue for
20 these types of projects. That's another thing.
21 If there's an agreement on how we could approach
22 that, there are ways that we could do it. But

1 ideally, the main thing right now is going to be
2 resources to get it done.

3 MS. MIKESH: I -- I would agree with
4 that. Even on the private side. Is -- I have
5 everything outlined on how to automate a lot of
6 our systems. How to go to electronic work
7 records that automatically go into the
8 certification program. All the way from
9 scheduling to paying your bill. Everything along
10 the lines and -- one.

11 But in order -- us, working on behalf
12 of the USDA, we're constantly working to make
13 sure that our costs are in line, so that we're
14 not raising our fees as well. And so we've
15 always been interested in knowing where is that
16 prioritization from the agency standpoint of how
17 much is that worth it to everybody, and what type
18 of priorities would you want around that. So we
19 have leaned towards really, the items that people
20 talk about very frequently. You know, working
21 with our system, working API, and things of that
22 nature. Trying to make it so don't have as many

1 keystrokes.

2 But there is so much more to bring it
3 in line. It's just whether or not it works
4 within the industry. So if -- there's definitely
5 a desire there from, I think, all parties.

6 MR. FRIANT: And typically, Arthur,
7 would IT-related funding -- is that typically
8 appropriated funds that would go towards that?

9 MR. NEAL: It depends. So typically,
10 they could be used for it. User fees could be
11 used for it, with agreement. If it's enough of
12 it. It -- it just depends, Nick. There's --
13 there's no restriction because it's all being
14 deployed to provide direct service. Some
15 agencies and some programs even within AMS,
16 Congress will provide specific funding for them
17 to -- to develop some enterprise system to
18 facilitate trade. That hasn't been the case with
19 FGIS.

20 I think what -- what had happened in
21 the past, FGIS tried to, you know, use any excess
22 appropriations that they had to fund IT projects.

1 I'm not sure what they used in terms of -- or
2 what we used in terms of user fees. But I think
3 they used appropriated funds. Am I correct,
4 Denise? Yeah.

5 So -- so to try not to put a burden on
6 the customers. But I think it's a -- it's a
7 shared expense. It -- it could be shared across
8 both, but we've got to be efficient in the
9 buildout. We got to be efficient in the
10 prioritization, the design, the buildout.

11 So I'll be honest with you.
12 Contracting is very difficult when you're working
13 in the federal government. Because there's so
14 little control we have once we get them. So
15 sometimes, their priority is not really, you
16 know, helping us get to where we want to be the
17 most efficient way. It's to keep us on the hook.
18 You know, so it doesn't -- you know, keep -- keep
19 taxing us and taxing us. And I think that's what
20 happened.

21 So us -- if we work together in
22 agreement, to figure out how to prioritize, how

1 to build, design -- you know, not -- not spend
2 anything until we're sure we -- this is the way
3 we want to go, so that there's no confusion and
4 no banter. I think we could get there, but we've
5 got to address the, like I said, the elephant in
6 the room first, and that's -- that's the funding
7 of this organization and how we move in our out
8 years.

9 MR. FRIANT: And I would certainly
10 hope that there's some foundational building
11 blocks that were established, as you eluded to,
12 back in 2020 when it just kind of fell flat. And
13 help in minimizing some of the financial impacts
14 on some -- there may be some real low-hanging
15 fruit that we can very easily address with
16 minimal spend that -- through the dialogue
17 between engaging industry and FGIS, maybe in a
18 collaborative manner, we could -- we could make
19 some real headway in a short -- short amount of
20 time.

21 MR. NEAL: We're open. Not closeminded
22 to it. Like I said, if there's -- if there's

1 small, low-hanging fruit that we can address and
2 pluck off the tree, to benefit the, you know, the
3 whole system, let's -- let's figure it out. But
4 let's do it where everybody's in -- in the know,
5 and we agree this is what we want to spend the
6 resources on. I have no problem with that.

7 Some of the -- some of what's
8 mentioned in here is big stuff. Some may be
9 small. It may be a little data package. You
10 know, API situation. I'm not sure, you know,
11 what data, specifically. I know some of it may
12 be scaled information, but I don't know what's
13 needed to make that -- that connection between
14 our system so that you can grab it and use it the
15 way you want to. But let's just -- let's just
16 prioritize it and figure it out. And we can come
17 back and say "Hey, this is possible. This is
18 what we anticipate the costs will be -- or for us
19 to handle this." Or how many people we may need
20 to get it done. But I see no problem with us
21 having those dialogues.

22 CHAIR GROVE: So I would be very

1 interested in -- and whether it's at this moment
2 -- although we do have the time for it -- to --
3 or if it's something that maybe Kia could present
4 to this group, that you've already said you have
5 somebody that's doing some of that research.
6 You're part of a -- a group and organization
7 doing that.

8 Seems to me, first of all, you -- you
9 do have, again, some studies, and some things
10 about -- with -- with prioritization that we
11 could look at. I think that's -- that's very
12 good information to know and a good place for us
13 to start. Cybersecurity, you know, in FGIS
14 updates, there's -- that was mentioned a couple
15 of times. You know, very important.

16 I look at it, you know, rural
17 organizations, again, have been targeted --
18 targeted very heavily. And I know our company,
19 when targeted with a ransomware attack, you know,
20 it came in and it was thwarted very quickly. But
21 it started because somebody was using old
22 computers, old operating systems. Operating

1 systems that were not current enough to be able
2 to handle new virus ware protection.

3 So think of our industry facilities
4 and computers we may be using, 'cause they get it
5 done, in the -- in the rail-loading scale house.
6 Let's put the old computer up there, or maybe we
7 don't have to do it. Or at the scales that we
8 utilize those things. Those are very important.
9 You know, and you did, Chris, mention how can we
10 do it securely. Assess that vulnerability. That
11 is very important.

12 So I think in that, some standards
13 would have to be put in place as Chris mentioned.
14 You know, what are those vulnerabilities
15 evaluated for cybersecurity -- you have that in
16 place for us to -- to have that efficiency, and
17 to say "Hey, let's our computers talk." Both
18 sides, obviously have to have that in place.
19 Where does that fit within your current budgeting
20 of your department? That you have somebody
21 working on that already, that's a big first step.

22 MR. NEAL: Yeah. I think it's -- it's

1 easy as identifying low-hanging fruit,
2 establishing a goal, assessing it for reality.
3 And then -- and then pursuing it with agreement.
4 It's as simple as that. I don't think it's overly
5 difficult.

6 The reality, too, is that every --
7 every elevator may be different. And so it --
8 that data standard, you know, what works for
9 everybody, so that we don't have to have
10 different versions for every -- every elevator.
11 So that's another type of conversation. So for
12 some people, they may be wherever they need to be
13 for us to tap into, or for them to tap into the
14 data. Others, there may be some growth that they
15 have to do. They have to get there.

16 But it can be agreed "Now this is --
17 this is the approach. This is the standard that
18 we want to set to facilitate this exchange of
19 information or data." And we work toward it.
20 And so I think that can be an easy topic to put
21 on -- on the agenda, you know, for conversation.
22 Such as, you know, what would potentially be low-

1 hanging fruit? Something that we could set as a
2 goal and strive for the next year or so. And we
3 provide updates on it to see if we can get there.

4 MR. HEIL: Yeah. Mark at Prairie. So
5 just -- just as I'm listening to the discussion,
6 it just -- right in the middle of the stream
7 here, we got an upstream and downstream. A lot
8 of times, I'm not exactly what somebody may need
9 to want to have up or down from me. And we just
10 don't know.

11 And I just -- as I was thinking here
12 -- is there -- has there been any pilot projects?
13 Has there been any, you know, successes along the
14 way that we, you know, we can just learn from
15 that, or watch that? You know, before you try to
16 take it across the whole system, let's just find
17 somebody that's having success with it and just
18 build on it.

19 MR. NEAL: And I think that's kind of
20 why Chris is bringing it up. I know Chris has
21 been talking to Lee Capper, our chief innovation
22 officer, just about an exchange of information.

1 And I think Chris is bringing it to the Committee
2 because he doesn't want it to be a one -- one-
3 person benefit. But if we could think about
4 something that could work, and we -- we do pilot
5 it, establishing a standard for it, sharing that.
6 You know, agreeing, is this something that we
7 want to pursue for all -- make available to all.
8 I think that's kind of where you're getting at.
9 Right, Chris?

10 MR. FREDERKING: Yeah. Correct. It's
11 -- it's universal and it's not just on the export
12 side. It's not just on barges or vessels or
13 railcars, or maybe even trucks or containers,
14 whatever have you. Right? The -- I think the --
15 the overall driver is -- industry as a whole is -
16 - is headed this direction. Right? And to be
17 able to -- as far as data standardization,
18 transfer of data. Easing that and having central
19 repositories for all barge and load data. Right?
20 That's something that I know NGFA has been
21 working on. Having the processes of systems in
22 place on the FGIS side to facilitate all that is

1 going to be key for the success of a lot of those
2 projects. So and you're -- yeah. Exactly right.
3 There's -- there's probably a lot of things we
4 don't know. So engaging all industry, as well as
5 FGIS, to where nobody's working in a vacuum
6 certainly would be a good action item going
7 forward.

8 MS. COOPER: Seems like this is, you
9 know, very much related to the technology
10 discussion, generally. I think it kind of came
11 out of that discussion. So maybe it's something
12 that could be included in the technology summit?
13 Or not. Something at least to consider. How --
14 how that -- introducing that efficiency in -- in
15 the system relates to an overall effort to -- to
16 improve efficiency.

17 MR. FREDERKING: And I -- I would add,
18 there is real competency already within FGIS on a
19 lot of these topics. And certainly like you --
20 you had mentioned, dealing with talking to Leroy
21 and trying to come up with some solutions that
22 aren't just isolated again to just one elevator,

1 but rather to the system as a whole. And
2 identifying that growth pattern, hopefully.
3 There's a lot that we can lean on amongst the
4 group already, within the FGIS team, to help
5 develop some of this. And maybe that innovation
6 summit, too.

7 CHAIR GROVE: Any other thoughts and
8 comments on this?

9 I think, Chris, this is -- this was
10 really, to me, again, well thought out. You're
11 asking for industry input, you know. And you're
12 also asking "Hey, FGIS, where can we look for
13 it." So definitely a continued topic. Because
14 we have to be able to gather the information to
15 know where we can start.

16 If there's no other comments on this
17 particular at this time. Do you feel you have
18 enough to start to -- to look for something for
19 tomorrow?

20 MR. FREDERKING: Yeah. I feel like I
21 have enough to develop a recommendation, just on
22 a path forward to, again, continue that

1 conversation and try and prioritize, and engage
2 industry. All that good stuff.

3 CHAIR GROVE: Okay.

4 We have checked in. We have no online
5 industry comments at this time. But we are at a
6 place in our agenda that we would accept any
7 comments from the gallery. If you have input on
8 -- yet, on any of these topics that we have had
9 so far today.

10 Again, even if it's "Hey. On this
11 data standard, you might think about this." So
12 again, this is the time for you. We do have time
13 allotted tomorrow morning if somebody mulls over
14 this tonight and says "I think I have something
15 we may -- may be able to add to you." So again,
16 I'll give a last call for anybody with public
17 comments.

18 All right. So no other comments.
19 Again, we do have time starting at 8:40 tomorrow
20 morning for public comment. And we do welcome
21 those before we'd start discussing
22 recommendations at nine o'clock.

1 So our -- our schedule for tomorrow.
2 Again, looking about 8:40 to give us some time
3 for some public comment. If there -- if there
4 are none, we will move on to discussing the
5 recommendations that we've talked about today.
6 And giving and voting on final recommendations.
7 We will have our officer elections. And
8 definitely put some thought in tonight on
9 discussing those agenda items for the next
10 meeting. And keeping in mind that in setting our
11 next meeting, you know, we did talk about,
12 yesterday in a business meeting, and it was again
13 mentioned this morning.

14 If we're trying to have two meetings
15 this year, yet, you know, we're looking at
16 probably a November, December. That's a very
17 quick turnaround in needing a 30-day public
18 notice. So these are things that we would want
19 to come to the table with and be able to do our
20 write-ups in a -- in a timely manner so Kendra
21 can get that posted.

22 I -- I have been kind of keeping a

1 list of some things that we did talk about
2 yesterday -- of some things. And a few things
3 today that we're going to keep as open agenda
4 items. We also need to keep in thought for next
5 meeting, ideas of if we have some subcommittees
6 that we want to officially make, we need to have
7 that on next agenda. So if there are these
8 topics, whether it's data, whether it's
9 technology, that we need ongoing discussions from
10 a smaller group, we want that on next agenda.

11 All right. Well, thank you for your
12 time today. You know, we -- we really put Denise
13 through the ringer today. Thank you for
14 tolerating us and -- again, sometimes --
15 sometimes those things are very hard. None of us
16 wants to see it, but we also know the value of
17 what we have and we want to keep going forward.

18 So thank you for your time today. We
19 will adjourn and convene tomorrow morning again
20 at 8:30. Thank you.

21 (Whereupon, the above-entitled matter
22 went off the record at 5:16 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Grain Inspection Advisory Committee

Before: USDA

Date: 08-30-23

Place: Kansas City, MO

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