

UNITED STATES DEPARTMENT OF AGRICULTURE
Grain Inspection Advisory
Committee Meeting

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Thursday, August 31, 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

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

2 (8:31 a.m.)

3 MS. GROVE: Good morning, everybody.

4 We're just taking just a few minutes here trying
5 to get connected to the internet. Nick is going
6 to be our scribe this morning, so while we're
7 going through recommendations, he will then
8 change anything live that we determine in this
9 room. So trying to get connectivity here quick.

10 Again, welcome everybody. Long day,
11 good day spent yesterday. A lot of information
12 and, obviously, some topics dear to heart that we
13 feel, hey, this is affecting us in our trade and
14 our ability to continue to move forward with what
15 we need to do.

16 I thank everybody for the
17 participation. It's important that as we are all
18 here, that we all bring the industry perspective
19 from the area that we have expertise. That is
20 why we look for a diverse group in those
21 applications as we are talking to people about,
22 hey, I think you'd be great on the committee.

1 Those are things to keep in mind.

2 Are they somebody that you know is
3 going to bring their experience from their part
4 of the industry and come here and say these
5 things are very important to us? That's
6 something I really love about this committee is,
7 again, that diversity of where you're at in the
8 industry. I think we learn a lot from each
9 other. You develop those relationships.

10 I'm going to bring Pat into it. I
11 said whose cell phone number is Pat going to give
12 to me when he retires, and will they accept my
13 call to have those people that we trust? We can
14 say, hey, can you help me with this or what is
15 the procedure? What should we be doing? I think
16 those are very important.

17 So I thank everybody for -- to
18 continue to build those relationships. The
19 networking that we do in the evening isn't just
20 about, hey, let's have some supper, but it's
21 about getting to know people, getting to know the
22 people that are going to bring it to the table

1 and help us every time.

2 So we will start out this morning with
3 any public comments. If anybody online has a
4 public comment or a comment about the industry
5 issues that we brought to the table yesterday,
6 please go ahead and put it in the chat. We are
7 monitoring. Put it in the chat. If you would
8 like to come online and speak, you have that
9 ability. So just go ahead and send that chat to
10 the National Grain Center.

11 Yep, the National Grain Center. Put
12 it out there, say, hey, I have a comment. If you
13 would prefer just to use the chat with your
14 comment, we'll, again, make

15 Anybody in the gallery here today, the
16 public gallery, have anything that you would like
17 to add to any of our topics? Again, our topics
18 that we discussed that we are looking to put
19 proposals together are FGIS user fees and budget,
20 lab scales, vessel fumigation policy, and data
21 standards. And I'll just give a few minutes.

22

1 MR. FRIANT: What do you want to start
2 with?

3 MS. GROVE: Those two.

4 All right. Once Nick gets connected
5 that he is projecting on the screen -- I love
6 your rainbow, Nick.

7 MR. FRIANT: That's our reserve
8 export facility in New Orleans. I won't say who
9 the one next

10 MS. GROVE: You know, when you offer
11 meetings hybrid, you're taking advantage of the
12 technology advancements that the -- if you want
13 to look for a silver lining that COVID brought
14 us, it's the acceptance of hybrid meetings in all
15 of our business. So again, it can certainly help
16 with cost and efficiency of your time and travel,
17 but sometimes you got to hate it a

18 So here we go. We're going to start
19 today with the fumigation policy. I think we
20 feel this one -- I think we feel pretty good and
21 a little bit clear-cut about this as the
22 discussion was held yesterday.

1 Chris, I'm going to go ahead and let
2 you lead this. Do you have it up in front of
3 your computer? You go ahead and lead as you
4 wrote this for us last night.

5 MR. FREDERKING: Absolutely. I'll
6 just read through it here and certainly welcome
7 any additions.

8 So it reads, "The Grain Inspection
9 Advisory Committee recommends FGIS adopt the
10 proposed revisions made by Dr. Walse with ARS to
11 the Fumigation Policy Handbook Attachment 5.
12 Prior to finalizing changes, FGIS should engage
13 APHIS and grain handlers to ensure there is
14 agreement amongst stakeholders. The changes
15 specifically to Table 3 within the Attachment
16 will better facilitate the safe and effective
17 fumigation of bulk vessels, which furthers the
18 marketability of U.S. grains."

19 And then with that, just included the
20 current attachment 5, inclusive of Table 3, and
21 then the proposed attachment 5, which Dr. Walse
22 presented yesterday.

1 MS. GROVE: So most, again, had a
2 little bit of a chance to check this out last
3 night. Chris, thank you for putting something
4 very concise together.

5 I think -- again, after Dr. Walse
6 joined yesterday, I think it helped make it a
7 little more clear for us that this is an industry
8 issue that's being worked on.

9 Any suggestions or changes, and do you
10 feel, Arthur, that this gives you clear-cut
11 direction in what we need?

12 MR. NEAL: It does.

13 MS. GROVE: All right. No further
14 discussion on this? Everybody is good with this?
15 If everybody feels comfortable, I'm going to go
16 ahead and take a vote.

17 And do we have Curt on?

18 Okay. Just for transparency, we'll
19 say we do have a member that has been attending
20 virtually, so his votes were going to come
21 through on chat, and Kendra was going to raise
22 her hand, yay or nay, for his vote. So when he

1 comes on, we will add him to the course.

2 I would entertain, then, a motion to
3 accept this proposal.

4 MS. COOPER: Move to approve.

5 MR. SINNER: Second, Bob Sinner.

6 MS. GROVE: Okay. So we've had first
7 and seconds. Could I have a vote of yea? Yes,
8 for acceptance?

9 (Chorus of yea.)

10 MS. GROVE: Any refusals?

11 All right. Thank you. So this
12 policy, then -- or this proposal passes, and we
13 are going to then move on to lab scale.

14 So as soon as that comes up, Kia, if
15 you would like to present that.

16 MS. ADAMS-MIKESH: Okay. We put the
17 Grain Inspection Advisory Committee recommends
18 FGIS gather further information to help determine
19 the proper path forward regarding the requirement
20 of lab scale E-values at 0.01 grams.

21 The following information is requested
22 before the next GIAC meeting to aid in the

1 committee's decisions surrounding the
2 recommendation.

3 One, identify and report grains and
4 grading factors/official criteria that could be
5 statistically impacted using a laboratory scale
6 for inspection purposes with a 0.1 gram E-value
7 versus a 0.01 gram E-value.

8 For example, grading factors requiring
9 calculations to the hundredth on a portion size
10 less than 125 grams.

11 Two, additional data surrounding how
12 often the statistical impact of not requiring
13 0.01 gram E-value scales could have on factors
14 that change grade determinations. It is thought
15 FGIS could gather data through the inspection
16 data warehouse within FGIS online for the above
17 factors that are plus or minus 0.1 grams from a
18 grade change.

19 Three, GIAC members will discuss the
20 proposal details with industry sectors to
21 determine financial impacts. These figures will
22 be brought to the next meeting for discussion.

1 GIAC recommends keeping the inspection
2 lab scale recommendation open for the next GIAC
3 meeting to discuss the gathered information to
4 make an informed decision.

5 MS. GROVE: Again, I know people had
6 a chance to review this last night. Any
7 suggestions for clarity?

8 And, Arthur, in looking at this and
9 how it was presented, we aren't at this point
10 suggesting the change because we feel we need
11 more information on that impact.

12 Okay. I do want to ask on this one.
13 And as a thought, would it be too broad as the
14 handbook is being reviewed -- because I think
15 this was -- this is where, you know, Ryan brought
16 this to us and finding it under scales.

17 Would it make it too broad to have him
18 bring back -- or how much review is going to be
19 happening through the rest of the handbook prior
20 to us setting another meeting that he can also
21 report back what other types of instruments? We
22 are not seeing the consistency with our handbook

1 and with NIST. Because that was that was his
2 initial proposal in bringing this to us, is
3 finding that inconsistency.

4 MR. NEAL: Right.

5 MS. GROVE: And we didn't address that
6 here. If we keep this open, is that something to
7 address, then, for the next time?

8 MR. NEAL: I think it's a separate
9 issue.

10 MS. GROVE: Okay.

11 MR. NEAL: Because it really addresses
12 the entire handbook. Any place within that
13 handbook that's referencing NIST and alignment,
14 it could be amended to include it, but it really
15 broadens the entire -- it's a major project.

16 MS. GROVE: Right. Okay. So we'll
17 keep that in consideration, make sure to look at
18 that per agenda items.

19 Charlie?

20 MR. HURBURGH: Would it be
21 appropriate, not as part of this -- this is
22 pretty well-defined and addresses one issue, for

1 sure, but would it be reasonable to review the
2 handbooks to identify the various places that
3 NIST standards and FGIS standards maybe aren't
4 quite lined up?

5 I'll go back to the equivalency of the
6 NIRT machines as one of the places because
7 Handbook 44 doesn't quite line up with the FGIS
8 handbooks. But would it be a good idea to maybe
9 at least come with a list of where these places
10 are, and then we can decide what specifics need
11 to go forward at the next meeting and not clutter
12 this issue with other topics?

13 MS. GROVE: Right. And I think,
14 again, Kia's written proposal is very concise.

15 MR. HURBURGH: Right.

16 MS. GROVE: It gives very good
17 direction, so thank you for that.

18 And I think -- again, as Arthur just
19 stated, I think that is definitely, at the end of
20 the meeting, as we go to talk about agenda items
21 for the next meeting, a very good suggestion that
22 we will put that down as their -- the handbook

1 has continued to be reviewed to identify these.

2 So thank you for that, and we'll make
3 sure to put that on the next agenda item.

4 Any other thoughts from the group on
5 this specific or any general public comment?

6 All right. I'd like to ask for a
7 motion to accept the proposal as it is written.

8 MR. HURBURGH: I so move.

9 MR. HEIL: Seconded.

10 MS. GROVE: All right. And a vote of
11 yes for accepting this?

12 MULTIPLE SPEAKERS: Yes.

13 MS. GROVE: All right. And any no's?

14 All right. Thank you. We passed this
15 proposal.

16 Well, you guys are making Nick's work
17 really easy this morning.

18 So next we are going to do data
19 standards. So again, Chris, if you would like to
20 present your proposal.

21 MR. FREDERKING: Sure. Hopefully, I
22 don't make Nick's job difficult here.

1 So for this one, certainly through our
2 discussion, it changed tack a little bit but
3 hopefully gives a good path forward for FGIS.

4 So it reads: In concert with other
5 technology initiatives within FGIS, the GIAC
6 recommends that the following subjects regarding
7 data standardization of data be further explored
8 and findings reported to the committee.

9 The scope of this data standardization
10 and this recommendation includes communication
11 protocols, data formats, units and measures,
12 security protocols, and other criteria that
13 facilitate the exchange of data between
14 stakeholders.

15 First bullet point: Evaluate and
16 document the current status of previous data
17 standardization initiatives that are unfinished,
18 their anticipated benefit, and the required work
19 to bring them to completion.

20 Second bullet point is: Engage both
21 internal and external stakeholders to identify
22 and to aid in identifying potential data

1 standardization projects and their perceived
2 benefit.

3 Third is: Develop a framework for
4 prioritizing and managing data standardization
5 projects to ensure progress is made on the
6 appropriate projects and that they are closed out
7 in a timely manner.

8 And then last is, and certainly most
9 importantly: Ensure funding is available to
10 facilitate the above recommendations.

11 MS. GROVE: I do want to ask our A.V.
12 team, is Nick's screen on Zoom? I didn't think
13 so because I wasn't seeing it. There is no way
14 to do that?

15 Just -- that was a lot for anybody
16 online to digest that, hearing it.

17 THE REPORTER: When you're reading
18 documents, just so you know, you have a tendency
19 to read really fast. So if you can keep in mind
20 sometimes, I can't type that fast.

21 MS. GROVE: Thank you.

22 THE REPORTER: I have to tell everyone

1 that. Anytime.

2 MS. GROVE: So Chris, I actually am
3 going to ask you to repeat. Let us digest that a
4 little bit. You know, the gallery hasn't seen
5 it. We read it. Give us a few again, at least a
6 high point of what we are wanting from FGIS.

7 MR. FREDERKING: Sure.

8 MS. GROVE: I think just the
9 recommendations we want.

10 MR. FREDERKING: Yeah, I think it's
11 important, probably that last sentence on the
12 intro. So the scope of the data standardization
13 in this recommendation includes communication
14 protocols, data formats, units of measure,
15 security protocols, and other criteria that
16 facilitate the exchange of data between
17 stakeholders.

18 First bullet point is: Evaluate and
19 document the current status of previous data
20 standardization initiatives that are unfinished,
21 their anticipated benefit, and the required work
22 to bring them to completion.

1 Next is: Engage both internal and
2 external stakeholders to aid in identifying
3 potential data standardization projects and their
4 perceived benefit.

5 Third is: Develop a framework for
6 prioritizing and managing data standardization
7 projects to ensure progress is made on the
8 appropriate projects and they are closed out in a
9 timely manner.

10 And finally: Ensure funding is
11 available to facilitate the above
12 recommendations.

13 MR. FRIANT: So I have one question,
14 and it's for the whole committee. Do we need --
15 first of all, thanks, Chris. Very good
16 recommendation. Do we need anything in here
17 around time limits or timing on reporting back or
18 providing additional information to the committee?

19 MR. FREDERKING: I guess my hope
20 would be that this would be a recurring topic and
21 that it would be, again, discussed at the next
22 meeting

1 as far as -- because it basically is -- the
2 intent would be to benchmark where we are
3 currently at, engage those other industry folks,
4 and then certainly would want to -- as
5 stakeholders, the GIAC would have input on that,
6 as well.

7 So if we should add that, you know,
8 report back to the GIAC at the next meeting, we
9 could certainly do that. Because that was
10 certainly my intent.

11 MR. FRIANT: Could we maybe take the
12 language from Kia's and edit it and add it to
13 yours?

14 MR. FREDERKING: Yes.

15 MS. GROVE: So I do also wonder if
16 this is a point where we can add -- and Kendra,
17 you can shake your head no to me if this isn't --
18 is this something, as we are wanting to keep this
19 open -- we are wanting to put this -- adding to
20 it that we would like to keep this as an open for
21 the next meeting also an appropriate topic or
22 area for a subcommittee?

1 Whether this is data or technologies,
2 can we put this in as if we -- with the standard,
3 we would like to add a subcommittee that can work
4 on this with industry? I think this would be the
5 place we need to add that and vote on this that
6 we would like a subcommittee and that we would
7 develop that subcommittee.

8 And those members, do we have to
9 develop -- do we have to choose those members
10 today or if we say we are developing a
11 subcommittee?

12 I just want to make sure we do it
13 right.

14 MR. NEAL: You should identify the
15 members of the subcommittee.

16 MS. GROVE: Today. Okay.

17 So we have had an unofficial
18 subcommittee that has been meeting -- that has
19 met to get us going on technology. If we talk
20 about this data standard, you know, what is
21 drafted here, that encompasses a lot. Because we
22 do have to think about cybersecurity.

1 We're identifying, as we said
2 yesterday, what's that low-hanging fruit. What
3 are the first things that we feel we can work on?
4 That is still all -- that is all part of a
5 technology group. But we have two of those
6 members that will be leaving the committee, so --

7 MULTIPLE SPEAKERS: All three.

8 MS. GROVE: All three. Well, Chris
9 joined, so we have -- so this is going to be a
10 committee that we won't have the mentorship of
11 the people who started it. But do we have
12 somebody who has a passion for the technology or
13 the data that feel you can lead this group in
14 that area?

15 MR. FRIANT: So could we maybe start
16 with just adding the subcommittee to the
17 recommendation, get that word-smithed, and then
18 we can talk about -- well, maybe the question is:
19 Does everybody agree that we should have a
20 subcommittee?

21 MR. NEAL: I can make a
22 recommendation. Or comment, rather.

1 It may be best to let us start out
2 with getting the information to you so you can
3 then decide if you need to have a subcommittee.

4 MR. ENGEL: I have a question for
5 Arthur.

6 The last bullet point about ensuring
7 funding, how would you go about that? Can you
8 ensure funding?

9 MR. NEAL: That's a great question.

10 You can ensure funding. The question
11 is prioritization, and so we'll make that call.
12 I think it's more so assessing whether or not
13 funding can be made available for some of the
14 things that are identified.

15 As you all know, we're balancing a lot
16 of stuff right now, so what's the priority? Is
17 the priority taking on a project for data
18 transfer or making sure we are keeping service
19 going -- I mean -- keeping service going? So it
20 depends. So I can't guarantee we will ensure
21 funding is available. We will assess it
22 accordingly.

1 MR. ENGEL: Part of my question was,
2 is there someplace to go look for funding for
3 something of this nature?

4 MR. NEAL: It will have to come out of
5 appropriations. It's not going to come out of
6 user fee because we're going to make sure user
7 fees are being dedicated to provide a direct
8 service. And as we're currently doing, we're
9 trying to make sure we take some of the pressure
10 off of the user fee by applying a lot of
11 administrative costs to appropriations. So if I
12 have got to implement a strategy, like I said, I
13 am going to choose service first.

14 MS. GROVE: Yeah.

15 MR. FRIANT: Arthur, thinking about
16 the funding, and I was thinking about this
17 yesterday during the presentation. Is there any
18 -- are there any government programs available
19 that can fund agency activity? So, you know,
20 there's a lot of programs for public and private
21 agencies to get government funding and grants.
22 Are there any similar programs that we can look

1 at for FGIS?

2 MR. NEAL: There are some. They are
3 loan-based. There are probably others.

4 I'm not taking out a loan to --
5 because there are agencies that have taken out
6 government loans to innovate, and once they've
7 innovated, they find out what they have is not
8 what they need. But now they are sitting now
9 with a huge loan that they have got to pay back
10 with user fees at some point.

11 So we will look for opportunities to
12 get funded, but it definitely won't be a loan.
13 We'll look for grant programs, free money, to do
14 that.

15 Because we've been approached about
16 that numerous times to participate in that
17 government loan program to enhance our
18 information, like our enterprise system, to build
19 out FGIS online and things like that. But for
20 me, I don't think that's fiscally responsible
21 right now.

22 MR. ENGEL: So how do we change that

1 verbiage? Because he doesn't want to -- a loan.

2 MS. GROVE: Well, aside for -- it's
3 more of changing the word "ensure" to assess.

4 MR. ENGLE: Right. Okay.

5 MS. GROVE: I think you have to look
6 to see -- he can't assure that -- ensure that we
7 have the money, but he can assess it, see if
8 there's something there. I don't know if
9 "assess" is the right word, but -- okay. And
10 ensure that funding is available and research
11 other funding opportunities.

12 MR. FRIANT: And determine funding
13 opportunities?

14 MS. GROVE: Research, I think, is --

15 MR. FRIANT: Something like that, of that nature?

16 MS. GROVE: Other funding
17 opportunities.

18 Scientific proof you can't type when
19 people are staring at you.

20 I also would like to reach out -- I
21 know Lee Capper is on. If this isn't putting you

22

1 on the spot, do you have input or thoughts to
2 this proposal today? Yeah, and if you are --
3 there you go. I think they can -- they've unmuted
4 you. If you can --

5 MR. CAPPER: Thank you for the
6 opportunity to comment. Lee Capper, FGIS.

7 And I believe this, you know,
8 certainly gets at the root of the issue that's
9 been discussed for the last couple of days. And,
10 you know, as Arthur said, our big challenge is
11 finding the resources to put toward these
12 projects.

13 I guess I might offer a comment that
14 perhaps a subcommittee at least offers this
15 committee the opportunity to explore certain
16 areas with those members having the time able to
17 dedicate towards that if there are specific areas
18 you would want that subcommittee to attack.

19 Thank you.

20 MS. GROVE: Thank you.

21 So, Kia, I would like to actually put
22 you on the spot a little bit.

1 MS. ADAMS-MIKESH: Okay.

2 MS. GROVE: Because yesterday, you did
3 talk to us about you are part of an organization
4 or a company that is working on developing or
5 looking at things like this.

6 Is that something that, you know, as
7 part of a subcommittee, bringing that to a group
8 and helping them see -- to start what is already
9 out there? Why create something new if somebody
10 is working on it already?

11 I'll let you --

12 MS. ADAMS-MIKESH: I would be happy to
13 serve on the subcommittee and talk with anybody
14 that wants to be involved with it.

15 MR. HURBURGH: I think you might be a
16 little bit quick for a subcommittee. I think we
17 should let FGIS chew on this and do some
18 brainstorming and priority setting and then come
19 back, and we can better target them, what kind of
20 areas that are feasible.

21 I think we are thinking about a very
22 near-term additional meeting, so, you know, we

1 don't have a lot of time. I think I would wait
2 with the subcommittee until we hear what they
3 think is important. Whether we think so or not,
4 it still is a starting point.

5 MS. GROVE: Right. And again, it is
6 something that we can make sure that we've added
7 to our next agenda that -- you know, because we
8 can all bring next time -- give ourselves time to
9 think about: What can I add to that? I think --
10 I think that is a very appropriate
11 recommendation. So we will be thinking about
12 that as we were talking about our agenda items
13 for the next time.

14 We just all know we have things in our
15 own industries that we should be prepared to
16 bring to the next table. Reach out in your area.
17 Or if you feel you're comfortable, think about it
18 until the next meeting. I can agree with that.

19 So with the change, ensure funding is
20 available and research under -- other funding
21 opportunities to facilitate the above
22 recommendations. Are we comfortable with that?

1 MS. ADAMS-MIKESH: What about changing
2 ensure funding to assess funding options
3 available? Or identify. Whatever makes sense.

4 MS. GROVE: Curt, you have your mic
5 on. Did you have a -- I just didn't want to miss
6 you.

7 All right. Do you have any other
8 thoughts to this?

9 Curt, thank you for, again, what you
10 put into this. It was very well-read and brought
11 in all the things that we talked about yesterday.
12 Again, you did add in there the data formats,
13 security protocols.

14 As presented in an FGIS update
15 yesterday, you do have cybersecurity protocols
16 that you are working on. And taking those and,
17 again, our own industry, we all have
18 cybersecurity protocols in our company. Those
19 need to be able to match up.

20 But we have to say FGIS needs to tell
21 us what theirs are because if it's going to stop
22 at the door, no use going forward with something

1 if our system is off. It's like we're not going
2 to let you talk to each other. So I think that's
3 covered in here.

4 So I would entertain a motion -- if
5 there's no more questions on this one, entertain
6 a motion to accept this, the data standards.

7 MS. COOPER: Move to accept.

8 MR. ENGEL: So moved.

9 MS. GROVE: All right.

10 MS. COOPER: Second.

11 MR. ENGEL: Second.

12 MS. GROVE: All right. And again, all
13 yeses on that?

14 MULTIPLE SPEAKERS: Yes.

15 MS. GROVE: Okay. And any no's? Any
16 concerns?

17 All right. Thank you. So our data
18 standards passes now as it is written.

19 Now on to FGIS user fees. And if,
20 Nick, you would go ahead and present that to us.

21 MR. FRIANT: The GIAC would like to
22 thank FGIS for the in-depth report on the FGIS

1 finances.

2 Furthermore, the GIAC understands the
3 gravity of this situation with respect to the
4 depleted operating reserve and the shortfall of
5 revenues versus obligations. It is imperative to
6 maintain the integrity of the official system
7 since industry, along with domestic and
8 international customers, holds the U.S. official
9 system up as the gold standard.

10 As such, the GIAC recommends that FGIS
11 engage industry stakeholders to review the
12 proposed adjustment resulting from the periodic
13 fee review and continue to work with industry to
14 identify short and long-term solutions to address
15 concerns over FGIS user fees and budget.

16 MS. GROVE: Whew, this was a tough one
17 yesterday. We spent a lot of time on it. And I
18 know a lot of different feelings on this, again,
19 as we all come from different aspects of the
20 industry. Some of us on this committee are
21 collecting these fees; some of the people on this
22 committee are paying these fees. So again, that

1 is why the diversity of the group, so we
2 understand why on both sides and what is needed.

3 So I do ask you, Arthur, do you
4 understand the direction at this time?

5 Now, I feel a little bit somber about
6 this one because, as talked about yesterday, you
7 know, Charlie talked about years ago, hey,
8 writing protocols to close the doors. And we
9 don't want that to happen.

10 As listed here, the FGIS system is --
11 it's integral. Again, during FGIS updates
12 yesterday, as Byron was talking about burying
13 Asia for a month and bringing us that -- you
14 know, the confidence in other countries in our
15 system, in our trade, those things are very
16 imperative.

17 But we do feel we need to really take
18 a look at this and help understand why we got to
19 the place we were at. And we need to seek other
20 stakeholders to get some input on those that are
21 going to be paying these fees.

22 Any other thoughts from the committee?

1 MR. SINNER: I guess I'm a little bit
2 puzzled on insolvency. What does that mean?
3 What is the contingency plan? What is the
4 ability of the agency to operate with a negative
5 budget? I mean, I think we are all trying to
6 understand what does this mean without some
7 resolve to get us in the positive?

8 MR. NEAL: Great question.

9 So we are a part of the Agricultural
10 Marketing Service, which is a grading agency. We
11 are in the financial posture that we are in, but
12 the agency is working with us to make sure that
13 we can operate by supporting us. Now, we can't
14 do this indefinitely. That's why we have to make
15 the decision around our fees.

16 Contingency plan. If, let's say, no
17 one wants to pay an increase on the fee as we've
18 suggested, we've got to work on that. I don't
19 think any of us wanted to be here.

20 There were attempts to adjust the fees
21 based on the formula that was in the regulations,
22 but it did not work. And so we did the periodic

1 review to figure out how to reflect and suggest
2 fees that would help us recover our costs to do
3 business.

4 If the desire is that, hey, we don't
5 want to pay it, it puts us in a different
6 predicament. What does FGIS look like moving
7 forward? And so that's something we'll take back
8 to the agency after this meeting, and we will be
9 consulting with the industry about that moving
10 forward.

11 MR. HURBURGH: I am more concerned
12 about market conditions driving that reserve
13 farther in the negative. Regardless of your best
14 efforts under the situation that you face right
15 now and under the rules you face, that that --
16 that your revenues may fall further.

17 And I think we ought to put this on
18 the table and talk about it openly. Maybe it
19 doesn't -- maybe this doesn't have to be written
20 into the recommendation, the public
21 recommendation, but I think we need to face what
22 happens if that -- for example, 0.1 months

1 reserve that was predicted out of scenario 3, if
2 that all of a sudden goes to minus one year
3 because of economic export conditions or
4 whatever.

5 I'm more concerned about those types
6 of variabilities than I am the willingness for
7 the industry to take your proposals as they are
8 now. I just think they're -- they got a lot of
9 risk to them.

10 MR. NEAL: I don't disagree. And I
11 think we've had this conversation before, is what
12 do we need? What do we look like moving forward?

13 MR. FRIANT: Well, and I think,
14 Charlie, to add to your point, maybe the
15 specifics of what you mentioned don't fit in the
16 recommendation, but I think they do get captured
17 in that last sentence around short and long-term.

18 Because what you're talking about
19 definitely gets to out -- so I think -- I just
20 want to make sure that we are looking at it that
21 way. Because what you said is very important,
22 and I think it does keep us in there without

1 having the minutiae written in the actual
2 recommendation.

3 MS. ADAMS-MIKESH: Nick, what would we
4 think about having a timeline in there, as we
5 were discussing on other ones? Arthur had
6 mentioned that this is of urgency, and we had
7 discussed yesterday by -- getting information
8 back hopefully by end of September.

9 Is that something we would like to put
10 into this recommendation?

11 MS. GROVE: I am going to first say
12 that I think this is another one of those items
13 that we keep -- we have to have on the agenda
14 next time because it is something I feel we need
15 to talk about a little more often to stay on top
16 of it and so we aren't at a point of no return
17 before we feel we need to do something about it.

18 And not that you have said -- been
19 looking at it for the last year and said, yeah,
20 we'll wait another year. You haven't been.
21 You've been gathering data. You've been working
22 on scenarios.

1 And I think maybe for the rest of the
2 group and the -- I'll say the public who have
3 been involved in this -- oh, I'm so sorry. I was
4 the one. Oh, geez. Now I can't give Curt a hard
5 time.

6 I think it needs to stay open, but I
7 do feel that industry -- as we're saying we need
8 industry, I don't think we can -- if our
9 recommendation is we want to get industry
10 feedback to what Kia just said, I think we have
11 to -- as the industry partners, need to be
12 respectful of that and say this is a matter of
13 urgency.

14 We can't force industry partners to
15 get together, stakeholders, whether it's NGFA,
16 NGA, other people. We can't force somebody to
17 have a meeting here in the very short term, but I
18 think we have to be able to come back to our
19 organization and say this needs to be discussed
20 very soon. Because again, our recommendations
21 are saying what we want FGIS to do. FGIS can't
22 also push other industry organizations to have a

1 meeting, but can be part of those, and we all
2 have to bring it back to our organizations.

3 MR. NEAL: Yeah, we will work quickly
4 with industry to have conversations because we
5 can't wait to make a decision either. So
6 regardless, we will be working with industry to
7 make sure people understand the current state of
8 affairs, the options, as well as, you know,
9 participating in discussions about future
10 direction.

11 MR. FRIANT: It's -- yeah, I agree.
12 And you make a great point, too, Barb, about we
13 are writing a recommendation for the agency and
14 the secretary, not for the stakeholders.

15 To your point, though, Kia, what if
16 we added something here around, you know,
17 recognizing time is of the essence or time --
18 something related to the timing piece? Maybe not
19 saying we need response in 30 days and 45 days
20 and this, but some -- I just don't know if
21 specific verbiage of "time is of the essence"
22

1 makes sense.

2 I guess I'm asking: What other
3 verbiage could we use to express that need for
4 timeliness?

5 MS. COOPER: We might just replace
6 "gravity" with the word "urgency". That might
7 convey -- or add "urgency" in the second line.

8 MR. FRIANT: Yeah, totally replace
9 it. Or what about gravity and urgency?

10 MR. MORGAN: Arthur, this is John
11 Morgan. Quick question: You guys are going to
12 probably make a decision about when on this?
13 Just --

14 MR. NEAL: I can't tell you that
15 because I don't know. From -- what I try to do
16 is facilitate the decision-making. The decisions
17 will be made by people much higher than I am, so
18 --

19 MR. MORGAN: Do you anticipate
20 priority at year-end, then?

21 MR. NEAL: Yes, priority. You know,
22 when I say it's a priority, I think we've proven

1 it. What we identify as a priority, we get done.
2 But I don't control the timeline.

3 MS. COOPER: This is such a
4 complicated issue with historical references to
5 how things were done and how the different caps
6 and increase things were developed. It's -- it
7 took us hours to discuss and further understand.

8 I think you mentioned you were
9 developing a presentation on this or you -- and
10 to try and convey the -- both the historical but
11 also your path going forward. Did I hear that
12 yesterday that you were going to put something
13 together to help explain it?

14 MS. GROVE: I think what we talked
15 about when -- after Jess and then also Nick asked
16 some questions about bringing this to the
17 industry and having some meetings, and they
18 specifically mentioned NGFA and NGA. But other
19 industry partners. I think we were discussing
20 it'd be good to have some -- a good consistent
21 piece of information to be able to share.

22 So you didn't say you were working on

1 it. I think we discussed that we felt it would
2 be a good idea. So you had information. So if
3 you were leading the meeting -- let's see. If I
4 go back -- that if you were part of those
5 meetings, more you were going to give a
6 presentation to help understand that. So that is
7 where Janice got that. I think we were
8 discussing that it would be good to have so there
9 was an understanding.

10 MR. NEAL: Yeah, I think Denise's
11 presentation puts a lot of that information into
12 a format that is there. You know, all of the
13 context will probably have to be shared verbally.

14 This is a complex budget. I mean, it
15 took people in AMS a minute to understand why are
16 there so many caps. There are like 34 caps in
17 this program. No other grading program has that.
18 You got a \$55 million cap. You got a 30 percent
19 cap on administrators. You got a 5 percent cap
20 on whether or not you can increase or decrease
21 fees.

22 Nobody is doing that, and nobody

1 understood why it's there. So -- and they don't
2 understand -- like when we go through a fee
3 increase, we get questions from the secretary's
4 office: Well, why are you increasing fees, and
5 your fees are going down? I mean, you've got to
6 spend a long time explaining that about the
7 history of the caps and the impact that it has on
8 your ability to do business the way you need to
9 do it.

10 You know, I walked into this deal this
11 way. I didn't create it. And it's unfortunate
12 that we're here, but it's a lot of stuff that
13 went into getting us here. My goal is to try to
14 get us out or figure out a path forward so we
15 don't have to keep dealing with this the way that
16 we are because it's unnecessary.

17 MS. GROVE: So with this proposal, we
18 aren't giving you a whole lot of room.
19 Understand that. We aren't giving you a -- it's
20 not feeling like a positive look forward. I
21 think it's just more we feel -- you know, we had
22 this information a few days to digest a little

1 bit. We had it yesterday.

2 And so for the -- for other industry
3 stakeholders hearing it -- and I think what I
4 wrote in my notes was: Arthur and Denise present
5 at one of those industry meetings to help better
6 understand. Because it is going to be a shock.
7 And that is more really the shock value. It's
8 getting it out there so people know.
9 Realistically -- and somebody can correct me if
10 I'm wrong -- and if they'll just be -- just
11 because we're saying here that we'd like you to
12 wait, it doesn't mean we control that.

13 So with that, we just want you to
14 understand. We just think the industry
15 stakeholders need to have that time to digest it
16 a little bit as you're moving this forward
17 because we -- having the information in front of
18 us now, it still feels like a little bit of a
19 shock.

20 So how do you go about -- you talk
21 about the caps. You know, Nick mentioned, you
22 know, 2015, 2016, having said maybe you shouldn't

1 put caps. How do you go about taking that off,
2 then? What is your next steps in that? And is
3 that something that we need to add in here? How
4 do we change that to help take that off?

5 Because we also talked about
6 consistency. When you were showing -- Denise was
7 showing us the trend yesterday to see, oh, we had
8 a 5-percent decrease, and now we had an increase.
9 Sometimes it's more palatable to have the
10 consistency than it went down, which feels like
11 we should feel good about that. You gave us a
12 little because you decreased the fees, but then
13 when it has to go up again, then it's, again, a
14 shock to the system.

15 I think a different consistency,
16 saying, you know what? It's a reality to not
17 lower the fees. You know that, hey, this was a
18 good year. Let's just lower the fees. Somebody's
19 probably not happy if I say that, but again, a
20 consistency of fees is more palatable than
21 bouncing around. How can we help you or support
22 you in changing that?

1 MR. NEAL: So I'll be honest with you.
2 So we've got, what, five grading programs in AMS.
3 They all have to go through fee reviews annually.
4 They all agree to follow one formula. We're the
5 only ones.

6 Now, rice is following that formula.
7 We're going to be moving commodities to the AMS
8 formula, but we've got so many stipulations on
9 the grain formula, we're all over the place. If
10 we were to move to the AMS formula that everybody
11 else is using, we wouldn't have these
12 fluctuations the way we are.

13 However, you saw the numbers
14 yesterday. The output from that formula increases
15 fees far beyond what we are recommending. That
16 -- nobody wants to tolerate that, either. So, I
17 mean, ideally, what's going to -- in reality,
18 what's going to happen, we're going to have
19 conversations with industry about this.

20 People who have not been following
21 this topic, they still won't understand. They're
22 going to just be angry at the fact that the fees

1 are going up. And that's just the reality of it.
2 And we're still going to be left having to make a
3 decision. It may go forward; it may not go
4 forward. So we're still going to have to have a
5 contingency plan. You know, what do we do moving
6 forward?

7 So this is a reality. You know, I'm
8 not upset about anything. I'm just recognizing
9 what I've got in my hands.

10 MR. FRIANT: Right. I think,
11 Arthur, I appreciate hearing that. I certainly
12 didn't know that AMS had five different grading
13 programs and a standard formula and FGIS was the
14 only one not following it. That -- so I think
15 that's good and invaluable information for us in
16 the conversation to understand where we as FGIS
17 are at versus the rest of the agency or the
18 department, however you want to look at it.

19 The other comment I wanted to come
20 back to, Janice, was your question. And I think
21 what I heard on that topic was more around what
22 type of talking points and messaging did Arthur

1 and team need to have or develop to be able to
2 have the conversation with the key stakeholders.

3 So maybe not so much a -- because I
4 think, yeah, what's in the presentations -- and
5 I've said this a couple of times now -- it's the
6 best I've seen in several years. So I think
7 we've got the information that's more about the
8 messaging to tell us what we really don't want to
9 hear, and that's rates have got to go up; right?

10 So I think it's a valid point that you
11 raised, Janice, and to me, it was more about what
12 are those messaging and talking points.

13 MR. NEAL: I'd like to make a comment.
14 Just -- so this committee is important. As we
15 need you to help convey this information along
16 with us to the various sectors of the grain --
17 segments of the grain industry that you
18 represent, we ask that you also do it in the
19 context and the spirit in which you're trying to
20 present it. Because we're going to need help
21 managing a response to it.

22 You know, it's not to, hey, we're

1 going to increase. You've just got to take it.
2 That's not the posture or way in. We're trying
3 to figure out how to do this in a way that people
4 understand why it has to be done moving forward,
5 managing it such that it doesn't happen this way
6 again.

7 You also have to remember that this
8 was a transition that took place in 2018. GPSA
9 was dissolved. FGIS comes into AMS, AMS not
10 fully understanding -- excuse me -- FCIS's
11 budget. OMB getting involved because, you know,
12 they were trying to -- they say, hey, you guys
13 have this massive reserve account. We're going
14 to take this money away from you.

15 No, that's not public money. That's
16 industry money. Let us work with industry to
17 deal with this so you don't get your hands on it
18 and mess with our finances. Us dealing with a
19 cap. There's a lot in this thing. There's a lot
20 connected to this.

21 So we just ask that as you engage
22 people, that you help us manage the temperament,

1 the response that you may get when you share it.
2 That when we do engage with them, folks can
3 receive us as we're coming with the right heart,
4 with the right intent, so we can have a
5 meaningful, productive conversation about how we
6 deal with the situation that we find ourselves
7 in.

8 MR. SINNER: Arthur, with that said --
9 and I think that was well-said and well-stated --
10 I would encourage you -- strongly encourage you
11 to stay open and engage your executive committee
12 of this advisory board. Keep them informed where
13 we are at. If projections change or anything
14 changes, we need and want to know.

15 MR. ENGEL: So I think from a capacity
16 -- from a talking point standpoint, part of what
17 we saw yesterday, this capacity is needed. No
18 one in this room gets to benefit by FGIS not
19 being able to do export inspections. The
20 industry doesn't. Producers don't. No one does.

21 You know, in terms of costs, FGIS
22 fixed costs are very, very high because -- and in

1 most cases, salaries are fixed costs, as well.
2 So volume fluctuations affect the unit cost of
3 what they provide by an inordinate amount
4 compared to a lot of other things that people do
5 in their, you know, daily activities.

6 Workforce retention is a problem for
7 everybody. You know, and it might be the first
8 problem for most people. And so I absolutely
9 commend FGIS for their efforts to retain their
10 workforce and understand that, you know, when the
11 volume pops back up, everybody just gets to work
12 more.

13 And I think one of the -- one of the
14 things that I saw yesterday, and I'd like a
15 clarification from Arthur. For the past couple
16 of years at least, there was funding from other
17 sources that came into supplementing this budget.
18 So costs were rising. You know, the work was
19 ongoing. The differences were -- the differences
20 were there. They are just masked by this other
21 funding. Now, today, there is no other funding.

22 I would be curious just on a personal

1 basis to know what those funding amounts were
2 because that really helps explain part of the
3 story about why we arrived here from where we
4 started three years ago or four years ago.

5 MR. NEAL: Great question, Curt.

6 We received funding from -- I can't
7 remember the -- the totals off the top of my
8 head, but during COVID, we received funding from
9 the CARES Act, which was money to try to help
10 states and agencies facilitate programming to
11 alleviate some of the issues created by COVID.

12 Part of that funding that we received,
13 we applied to rebalancing some of our reserve
14 accounts so that we can take pressure off of
15 industry, considering we were all struggling with
16 staffing, with costs, surging costs for COVID, so
17 that we would not have to increase fees. In
18 reality, even if we had increased fees, we would
19 not have been able to increase fees enough to
20 cover the costs that we were experiencing because
21 it's only about 5 percent max.

22 Then as we lost staff or as we may

1 have gotten some breaks in administrative costs
2 or other areas, we applied appropriated funding
3 to cover administrative costs, non-direct costs,
4 so that they would not have to be spread across
5 our user fee accounts so that we can minimize
6 impact on user fees. That's really the gist.

7 Am I covering it properly, Denise?

8 And so we've been operating from a
9 mindset of ensuring service at the -- at least
10 cost or least impact possible until we can get
11 our fees reset outside of the formula that's set
12 in our regulations. So we have been very
13 intentional about how we have been moving.

14 And I know that the number that you
15 see today is not what, you know, people wanted to
16 see. Even when we reported -- I think the last
17 meeting, we may have been reporting on it like a
18 month of reserves. So everybody has been aware
19 that the reserve account has been declining for
20 -- yeah, every meeting.

21 It just so happened volume dropped
22 significantly. We didn't control that drop. And

1 so our costs started surging, and our revenues
2 started dropping. Our costs continued to grow,
3 and our revenues started declining more because
4 there was less work. And so our costs, they
5 began to grow faster than our revenue even more.

6 So no matter what I say, I do not
7 believe, you know, it's going to really satisfy
8 the desire to understand fully why are the
9 numbers the way that they are. Because there's a
10 lot that we control; there's a lot we don't
11 control that's affected its current position.

12 But the money, Curt, has come from
13 Congress, CARES Act funding, and appropriations.
14 And even during Hurricane Ida, which was another
15 major cost or expense for us, we sustained
16 service. And the agency supported us, you know,
17 to help us find housing for employees who lost
18 all of their homes, you know, so that that didn't
19 have to come out of our reserve account. So
20 there's a lot of things that have happened, but
21 it's all been directed towards ensuring service.

22 MR. FREDERKING: Within this

1 recommendation, should -- with that in mind,
2 should we add anything to maybe reiterate the
3 want or desire to streamline the process, the
4 budget process?

5 And we had also talked about
6 decoupling tonnage fees versus the balance of
7 Schedule A fees. I'm not sure if we want to get
8 into that level of detail, but at least some kind
9 of intent that we do wish to streamline and maybe
10 come in line better with other parts of AMS?

11 MR. FRIANT: So I heard yes.

12 MS. GROVE: Yes, yes. So information
13 that we want to make sure it doesn't get
14 forgotten as part of this process, that these are
15 important pieces to us.

16 So, Chris, could you restate, and then
17 Janice will help us with the words.

18 MR. FRIANT: Yeah. Logistically, how
19 do we want to fit it? Do we want to start
20 something around important points to consider or
21 important --

22 MS. GROVE: This would be a different

1 paragraph start, a bullet point right up above
2 the recommendation to keep it open.

3 MR. FRIANT: Now, repeat what you
4 said, Chris.

5 MR. FREDERKING: Okay. Do we -- we
6 want to certainly support the streamlining of the
7 process to ensure that we don't find ourselves in
8 this position again with that evaluating the -- I
9 would say the other fee processes used in AMS and
10 also looking at decoupling tonnage fees and the
11 balance of Schedule A fees.

12 I said it a lot better the first time
13 around. Gave me time to think about it.

14 MS. GROVE: Are you able to read his
15 original statement back to us?

16 THE REPORTER: Yes, I can do it with
17 playback. One moment. Off the record at 9:41.

18 (Whereupon, the record was read back.)

19 MS. GROVE: All right. Thank you very
20 much. Appreciate that.

21 MR. SINNER: Barb, can we add one more
22 bullet there that just mentions the --

1 MS. GROVE: And just a minute with
2 that thought. Let Nick maybe get caught up to
3 these three points.

4 MR. FRIANT: Yeah. Maybe let's
5 start with that.

6 Do these three points capture that,
7 support streamlining of the budget for FGIS,
8 decoupling tonnage fees, and the rest of Schedule
9 A fees, evaluate the use of the AMS standard
10 formula?

11 And I have a question. I don't know
12 if it's Arthur or Denise. Standard formula for
13 what? For determining hourly rates?

14 MR. NEAL: For calculating fees.

15 MR. FRIANT: For calculating fees.
16 Okay.

17 MR. SINNER: Yeah, maybe that catches
18 it. I just want to make sure that the formulas
19 are thought about in the consideration.

20 MS. ADAMS-MIKESH: Do we want to put
21 anything in there about thinking about the
22 operating reserve? I know you had mentioned that

1 other AMS programs are six months to a year, and
2 we are generally at four-and-a-half months. That
3 could then gain consistency and not seeing as big
4 of swings in fees.

5 MS. GROVE: And I do think as an
6 editorial piece, as these are bullet points, I
7 would take out the punctuation at the end and the
8 word "and" on the third line. Just because they
9 are bullet points.

10 MS. ADAMS-MIKESH: Nick, on the third
11 bullet point -- and I might be wrong here, but
12 are they user fees, or are they just fees?

13 MR. FRIANT: I'll defer to Arthur or
14 Denise for that.

15 MR. NEAL: Our fees are user fees. It
16 doesn't matter if you include it or not, but
17 they're user fees.

18 MS. COOPER: Do we need to mention
19 caps in any way, either removing or streamlining
20 or making them easier to live with? What about
21 caps?

22 MR. NEAL: From the AMS perspective,

1 it will be best to not have them. And I think
2 what AMS has done throughout its history is just
3 make sure there's open, transparent communication
4 such that there is not the concern about the
5 spending.

6 I think -- I don't know for sure
7 because I don't have the full history. It seems
8 like the caps have been put in place to police
9 FGIS spending, and that's created a challenge to
10 manage things.

11 MR. FRIANT: I would say that's
12 captured in the streamlining of the budget
13 process, but if the group feels we need a
14 specific bullet for assessing or evaluating.

15 MS. COOPER: I just wanted to make
16 sure that it was included somewhere. And I
17 agree. It can be captured in the first bullet.
18 I just wanted to make sure we vocalized it.

19 MR. HURBURGH: The more bullets we put
20 on there, the more we'll find. Because we can go
21 on -- and having more directives, so to speak,
22 risks hitting hot buttons all over the industry

1 and so forth.

2 I think FGIS understands the problem
3 pretty well. Maybe the comment about just
4 streamlining the budget is enough. I think we
5 ought to let them chew on this and come back at
6 the next meeting hopefully with something really
7 out of the box. My point.

8 MS. COOPER: I think that's a good
9 point, but actually calling out some of these
10 items helps explain our thinking to stakeholders
11 when they read the recommendations, so they
12 understand, you know, the kinds of -- the breadth
13 of items we discussed looking at.

14 MR. HURBURGH: We just don't need to
15 go too far.

16 MS. COOPER: I agree.

17 MS. GROVE: Although we can see it,
18 Nick, I would like you to read this
19 recommendation back.

20 MR. FRIANT: Yeah. So just for a
21 recap, we'll re-read the full recommendation.

22 The GIAC would like to thank FGIS for

1 the in-depth report on the FGIS finances.
2 Furthermore, the GIAC understands the gravity and
3 urgency of the situation with respect to the
4 depleted operating reserve and the shortfall of
5 revenue versus obligation.

6 It is imperative to maintain the
7 integrity of the official system since industry,
8 along with domestic and international customers,
9 holds the U.S. official system up as the gold
10 standard.

11 As such, the GIAC recommends that FGIS
12 engage industry stakeholders to review the
13 proposed adjustment resulting from the periodic
14 fee review and continue to work with industry to
15 identify short and long-term solutions to address
16 concerns over FGIS user fees and budget.

17 Key aspects to consider, but not
18 limited to, support streamlining of the budget
19 process for FGIS, decoupling tonnage fees from
20 the rest of Schedule A fees, evaluate the use of
21 the AMS standard formula for calculating user
22 fees, evaluate the current FGIS operating reserve

1 target.

2 GIAC recommends keeping the user fee
3 and budget recommendation open for the next GIAC
4 meeting to discuss the gathered information.

5 MS. GROVE: If no other discussion on
6 this, I would entertain a motion to accept this.

7 MR. ENGEL: So moved.

8 PARTICIPANT: Second.

9 MS. GROVE: All right. All the ayes?

10 MULTIPLE SPEAKERS: Aye.

11 MS. GROVE: All right. Any nays?

12 Thank you. Thank you, everybody, for
13 the time in this.

14 Again, as stated here, boy, this one
15 just feels like it brings the room down. Because
16 again, nobody likes -- nobody likes to pay more
17 money for something, but if we think of our own
18 businesses, I know my own company, that we raised
19 fees to our producers. Have we changed fees to
20 our customers? We all do it. I think it is more
21 the aspect of understanding why and where and
22 how.

1 And I think you having these bullet
2 points to give that presentation or talk with the
3 industry is going to be very important. And not
4 that it doesn't have to happen but taking a
5 little bit of the sting out of it and
6 understanding.

7 Thank you very much.

8 MR. FRIANT: So for our online audience, can I
9 stop sharing so we can get all these saved?

10 MS. GROVE: So with that, I feel we
11 have finalized our recommendations of our four
12 topics for today. We've given FGIS a pretty
13 meaty list to be working on. Very important for
14 us here at this time.

15 We're going to go ahead and just
16 take a short break. Everybody, you know,
17 recouple, grab a little bit of a drink. I know
18 that's early, but I think we can -- we can move
19 along the rest of the meeting. Let's just take
20 a quick 15 here and come back.

21

22 (Whereupon, the above-entitled matter

1 went off the record for a brief recess.)

2 MS. GROVE: All right, everybody.
3 This is like trying to get everybody before the
4 church service to start quieting down. The
5 praise band just has to play louder so that
6 everybody realizes you can't talk anymore.

7 So the next item on our agenda this
8 morning is officer elections. So within our
9 handbook, our charter states a chair and
10 vice-chair, and within our handbook, we also
11 state we have a secretary, a chairman to oversee
12 the meetings, the vice-chair then to be able to
13 step in and take on those duties as needed.

14 And the secretary is to help verify
15 those meeting notes. And I think that's
16 something, you know, we work on a little bit
17 better. Work on those items. We need to make
18 sure we don't forget and work on our accuracy as
19 everything we do here is a public record and is
20 stated on a -- posted on a website afterwards.

21 So at this point, I would like to
22 entertain nominations for chair.

1 MS. COOPER: I would like to nominate
2 Barb Grove to continue as chair. You're doing a
3 great job, and I think we will need an
4 experienced hand as we go forward and handle some
5 of these challenging issues.

6 MR. SINNER: I second that nomination,
7 Madam Chairman.

8 MS. GROVE: Any other nominations?

9 All right. I'll move on to a vote.
10 All those in favor, say aye.

11 MULTIPLE SPEAKERS: Aye.

12 MS. GROVE: Those opposed, aside from
13 Curt?

14 Vice-chair, again, very important.
15 You know, we -- we know that this isn't our paid
16 job, and sometimes schedules do conflict, so very
17 important to have somebody that can step in and
18 help guide this committee.

19 I would entertain nominations for the
20 vice-chair.

21 MR. SINNER: Madam Chairman, I would
22 like to nominate Chris Frederking for the

1 vice-chair position.

2 MR. BIRD: Second.

3 MS. GROVE: Chris, do you accept this?

4 MR. FREDERKING: Yes.

5 MS. GROVE: All right. All those in
6 favor?

7 MULTIPLE SPEAKERS: Aye.

8 MS. GROVE: Any opposed?

9 All right. Thank you. And thank you,
10 Chris.

11 And then I'd like to entertain a
12 nomination for secretary. If somebody really
13 wants to do it, you can nominate yourself. This
14 is, again, a service to this committee and
15 helping for our accuracy for our public.

16 MR. ENGEL: I nominate Kia if she's
17 willing to do it.

18 PARTICIPANT: I'd second that.

19 MS. ADAMS-MIKESH: I'll accept.

20 MS. GROVE: All right. All those in
21 favor of --

22 MULTIPLE SPEAKERS: Aye.

1 MS. GROVE: All right. Any opposed?

2 All right. And that motion carries.

3 Thank you all. Thank you for the considerations
4 and help leading this committee in the coming
5 year.

6 So we've got 30 minutes slated for
7 that.

8 Really, the important piece, the next
9 business item -- well, it was all important, but
10 obviously, looking at us, what are those
11 important agenda items that we need to start
12 thinking of now?

13 We talked yesterday that, you know,
14 hey, we're right here upon September 1st, and if
15 we wanted to get a second meeting in this year,
16 that's in December. It seems like it might be
17 pretty tough to get there, but we need to be
18 prepared if we want to be able to make that
19 happen.

20 Because we need to be able to write in
21 our industry issue proposals, and we have to have
22 a 30-day time frame prior that we have to have

1 everything in so that Kendra can get it
2 published, aside from she's got to get a meeting
3 date approved.

4 So with that, let's talk about our
5 meeting agenda items. I'm going to put out a
6 list that, as I was -- as we were going through
7 the meetings and we talked about things these
8 last two days, some things that I heard and if
9 there's anything of those items that I know we've
10 covered that.

11 As far as business of the committee,
12 I think we need to discuss first operations of
13 this; and looking at our operations handbook, to
14 include the fact that we do allow a hybrid option
15 to maybe update that handbook to help put a
16 little bit of protocol in there to make sure that
17 if we are allowing that, that we have things in
18 place to make sure it's efficient and it is a
19 true quorum. It is truly engaged.

20 So our operating procedures and also
21 our quorum. We discussed we want that on there
22 to maybe change the wording within the quorum.

1 And within that operating protocol, I think
2 updating some things about our orientation and
3 bringing in our new members to help us to
4 understand how the committee operates.

5 I know, Charlie, you had mentioned,
6 hey, having been on here years ago, it operates
7 differently. And we do want -- we do want
8 everybody who comes into this first live meeting
9 to understand how we operate and understand well
10 in advance that this is a public forum. We -- we
11 want transparency, so the day before the meeting,
12 you can't just throw in -- throw in a topic; that
13 we have some ways that we operate.

14 MR. NEAL: Is it worse or better?

15 MS. GROVE: I think it's controlled.
16 Maybe it's -- maybe it can -- maybe if someone's
17 been on before and doesn't know any different. I
18 don't know any different. But to somebody who's
19 been on before, this is maybe -- it could seem
20 restrictive.

21 But coming out of here with four very
22 good talked-about proposals versus here's 17 to

1 20, and is that a reality or priority, I think we
2 can bring all the issues we can, but everybody
3 only has so much time and money.

4 So Chris had brought up safety and
5 safe work practices, consistency for our official
6 agencies. Also, then that came into stowage
7 camera and proposals on that that go in with
8 safety or stowage technology options. Because a
9 drone was brought up, also. So however that
10 works.

11 We requested data standards to stay
12 open, and so -- and data standards and data
13 security. We requested that lab scales stay open
14 for updates for the next time.

15 And let me ask: Does it have to be a
16 specific agenda item if it's still considered an
17 open and an open-ended proposal, like lab scales?

18 There's things that we're asking for
19 or data standards. Those are things that we're
20 asking for, you know, short-term and long-term.
21 Does that keep it open to have to be an agenda
22 item?

1 Okay. All right. I just wanted to
2 make sure.

3 MR. NEAL: It should be an independent
4 agenda item because you desire to have discussion
5 around it, and you may want to form a
6 recommendation on something related to it.

7 MS. GROVE: Okay. I did have on here,
8 because this started with the scales but may need
9 to be a different item, the consistency with FGIS
10 handbook and rules and NIST handbook.

11 MR. MORGAN: On that, Barbara, you're
12 talking about the equipment handbook?

13 MS. GROVE: Yes.

14 MR. MORGAN: Okay.

15 MS. GROVE: Yes. I'll verify that.

16 Thank you.

17 So it would have to be an agenda item.
18 If we feel we want to -- whether it's a
19 technology subcommittee, which was a committee
20 that was being worked on, whether it's
21 technology, data standards, but we would need to
22 have it as an agenda item if we feel that an

1 ongoing subcommittee to work on some of these
2 issues to bring back to the committee would be
3 needed.

4 So we don't have a subcommittee just
5 to have a subcommittee, but if we feel this is
6 very important -- because I think the work -- you
7 know, Curt and Janice and Nick and then Chris
8 added to it, I think they were doing a lot of
9 good industry outreach. We never made it a --
10 voted and made it an official subcommittee.

11 So to continue that type of, you know,
12 information gathering, do we feel that's
13 important? And maybe, again, this is something we
14 want to simmer on a little bit, and somebody
15 could come back with something more relevant. Is
16 that needed to, again, keep bringing this?

17 And maybe, Janice, could you give us
18 maybe just a little -- a summary of purpose of
19 where you guys were going with this?

20 MS. COOPER: And I can also forward
21 the report that we submitted prior to the meeting
22 in December because that laid out what we were

1 trying to accomplish. And then the comments that
2 we received from industry. So I can forward
3 those and -- just for review.

4 On the technology issue, I think it's
5 an ongoing item of interest, and whether to put
6 it specifically on the agenda might be considered
7 after the technology summit is held in November.
8 And then review what those accomplishments and
9 recommendations are and potentially place that on
10 the agenda for further work. But I'll forward
11 the report that we did.

12 Basically, we were looking to gather
13 comments about how to streamline the grading
14 system by utilizing available technology. So
15 I'll send that to you, Barb, and you can
16 distribute it again.

17 MS. GROVE: Okay. Thank you.

18 And, you know, again, I like that
19 thought, again, of, you know, there is a
20 technology summit but not until November. So if
21 it was even possible to get another meeting in
22 this fiscal year, would that technology summit be

1 too late to add an agenda item that maybe we --
2 because we can always scratch an item we -- if we
3 first put something in and say we have nothing --
4 we have nothing to report at this time. That's
5 feasible.

6 MR. NEAL: Just a comment. Not
7 knowing what's going to happen in October, if
8 there's a government shutdown, that would
9 probably impact our ability to prepare for
10 another meeting this fall. Because we'll be
11 trying to get things back up and running. We'll
12 have lost a month -- or I won't say a month.
13 Depending on how long it is, we lose time.

14 We're still trying to close out and
15 get new members nominated on the committee. They
16 may or may not be nominated, may be approved or
17 appointed by them. We could have a meeting with
18 who we have, but new members will potentially not
19 be appointed. So that's another impact of doing
20 it too soon, just for consideration.

21 MR. FRIANT: Hey, Arthur, can I ask a
22 question on that? And it's kind of relative to

1 the -- well, the committee handbook and the
2 committee charter and thinking about those as
3 potential agenda items for the next meeting.

4 It seems that one of the challenges
5 today is the randomness with which new members
6 get appointed. The announcement goes out when
7 members are rolling off. Appointments are
8 whenever the secretary completes them. Is there
9 a way within the charter or somewhere in the
10 system to say all new appointments start on
11 January 1st and end, you know, December 31st,
12 three years later?

13 Like some way to bring some
14 consistency to when members get on the committee?
15 Which I know still is subject to working through
16 the internal processes and the secretary
17 appointing folks, but if nominations went out
18 every February and new appointments began every
19 January, like is there a place for that in the
20 conversation?

21 MS. GROVE: And I just would say that
22 the conversation we had, you know, it was during

1 our business meeting. The committee operates on
2 a calendar year, funded on a fiscal year, and
3 nominations are whenever. So we don't -- it's
4 hard to say somebody's -- you know, we may be in
5 the middle of a year, and then you have five
6 people rolling off in the middle of something.
7 And I think that's where Nick was coming from.

8 Can we start that, say -- yes, he may
9 have approved -- or whoever the secretary of ag
10 is approved them October 25th, but their term
11 starts on January 1st. So we have a clear-cut
12 line, then, just whenever they happen to have
13 been approved. Some could be September; some
14 could be November. Could be January if it was
15 delayed.

16 Is there some -- if we have it as an
17 item, does that give you time to think about how
18 that could -- could we do it?

19 MR. NEAL: Yeah, I think we could
20 think about it. I think at the end of the day,
21 it's going to be up to the White House on how
22 they want to facilitate that. So, I mean, you

1 can say it. You can propose it. But at the end
2 of the day, it's going to be how the
3 administration controls their time for -- because
4 that's not in statute. You see?

5 The statute governs the time. It's a
6 three-year appointment. So if they're appointed
7 in January, who determines when their clock
8 starts is going to be that administration.

9 MR. FRIANT: How do other -- is that
10 the same for all advisory committees? I know
11 you've been involved on others.

12 MR. NEAL: Yeah, when they're
13 appointed, that's when their clock starts.
14 That's across the board. So I don't know if
15 they're going to adjust for one advisory
16 committee.

17 MS. GROVE: So is that something we
18 would need to bring under the Federal Advisory
19 Committee Act, a review of that entire act?

20 MR. NEAL: So we've mentioned this
21 before. So the challenge for us is, we never get
22 to stop announcing nominations. We'd have to do

1 it every year. We do it now.

2 So a lot of other committees, like
3 organic, that's a five-year appointment. That
4 gives them time to prepare, you know, so people
5 aren't rolling off every year. You know what I'm
6 saying? Because if someone is appointed for five,
7 they are at least sitting on that committee for
8 about two years' overlap before you have to
9 appoint somebody else.

10 Now, they have -- and I have
11 experienced where people say, you know what?
12 Life has gotten crazy. I have to resign. So you
13 lose some people in that process during that five
14 years, and life changes. But at least it doesn't
15 keep us on a repeating cycle of advertising and
16 asking people to apply and us have to go through
17 this approval process. And that's a statutory
18 change.

19 MS. GROVE: All right. Because when
20 we have people roll off, we roll off a large
21 chunk at a time. That's a large chunk of
22 experience and mentorship. So, yes, as an agenda

1 item, I guess maybe looking at that and how we
2 can affect or change to have stability.

3 Thank you. Thank you for that
4 addition to that.

5 Any other agenda items that people
6 feel at this time? Those are just some things,
7 again, as we went through our meetings, that I
8 kind of picked up on.

9 MS. COOPER: Did you have user fees on
10 there? Budget. Kind of important.

11 MS. GROVE: Yeah, we did on our
12 recommendation as to keep it open. So sorry
13 about that.

14 I will enlist feedback, too, from our
15 public, anybody that is online, anybody that's
16 here in the room. You know, we had some good
17 suggestions last year, and if you have a topic
18 that feels near and dear to your heart that you
19 really feel we need to, then we need to make sure
20 to attach you with somebody on the committee to
21 help write that to make sure it gets in on the
22 agenda.

1 I think that's -- you know, last year,
2 we did have -- or in December, we had numerous
3 people in the gallery but then suggest things
4 that didn't attach themselves to somebody to have
5 the knowledge to write that agenda item or
6 understand the background of it. So again,
7 welcome anybody in the gallery that has a
8 suggestion.

9 And again, they don't have to be
10 listed today. We just have to understand that
11 before posting a meeting or -- Kendra needs to --
12 clearance for a meeting date. We have to have
13 something in 30 days prior to that to post
14 publicly. So if you have something, send it --
15 send it within our group e-mail soon or as soon
16 as you think of it.

17 Or again, go back to your industry
18 sector and say what are some things that in the
19 United States grain standard, what in the trade
20 bills, what is that that is affecting our
21 industry that we really should look at.

22 All right. We will close that section

1 at this time. But again, be sure to add
2 something next time and realize, if you -- if you
3 bring an agenda item, be prepared to write the
4 background of why and -- why we need to talk
5 about it.

6 At this time, Arthur, if you'd like to
7 go up to the podium, we'd like to present
8 certificates to those of our members that will be
9 leaving the committee.

10 And I want to say to all of you, thank
11 you for, again, the time served for the
12 mentorship. Many of you have served other times,
13 and I think that is also important for people to
14 come back even if you're away for a year or so,
15 and you come back on. Because, again, that
16 knowledge and that mentorship.

17 And I certainly appreciate in this
18 last year that guidance that I have gotten from
19 members of you. That, to me, has helped me feel
20 comfortable and confident in understanding what I
21 need to do here and just being a part of this
22 group.

1 So, Arthur, who he has -- so our
2 outgoing members, and if you would go one at a
3 time and stand up front with Arthur.

4 MR. NEAL: Well, first, I'm going to
5 concur or agree with what Barb has shared. Every
6 member that serves on this committee has been
7 amazing.

8 The issues that we're discussing are
9 important to this industry, and we can't make
10 progress without you, not together. Because I
11 think work that is performed happens best when
12 there's agreement and there's collaboration, and
13 so for the time that you've served, for the input
14 that you've shared, for the representation that
15 you've made, we just want to say thank you.

16 This is not the end because you always
17 have an opportunity to reapply to serve on this
18 committee, and we would welcome you back anytime.

19 So first, I'd like to call up Mr. Curt
20 Engel.

21 Mr. Nick Friant.

22 MR. FRIANT: Thank you.

1 MR. NEAL: Ms. Janice Cooper.

2 Mr. Robert Sinner.

3 Last but not least, Mr. Trainman,
4 Jimmy Williams.

5 MS. GROVE: Jimmy, is that -- where do
6 I now fit in the bell curve, Curt? Because now
7 I've got the feels thing going versus the works
8 thing going.

9 Unfortunately, I do get emotional on
10 those things because when you meet people that
11 impact you so positively, you know, to think
12 about the next meeting, we're not going to be
13 here to have someone lead us in phenomenal supper
14 plans or scare the heck out of me because of
15 their driving skills.

16 You know, those, again, all make us a
17 great group because we are here to, you know, not
18 just bring our perspective but to know and
19 understand each other. So very important. So
20 thank you again. Thank you for this week, for
21 all the time that you people put in ahead of time
22 and putting in your industry proposals.

1 And thank you for then -- you know, I
2 don't think people understand. It's like we
3 don't just walk out of here after the session on
4 Tuesday and, you know, just go have cocktails.
5 There's work to be done in that evening. And in
6 writing -- writing those proposals, they may look
7 simple, but time and thought is put into what in
8 reality is going to affect positively our
9 industry.

10 So again, thank you for your time. I
11 look forward to the next. And we will probably
12 have a group call in between time just to get us
13 back together and make sure we stay on track.

14 And thank you again for everybody that
15 is in the room today. Thank you, FGIS, for your
16 time and your attention and just bringing us
17 those updates and helping -- what's going on,
18 what's going on with you. So thank you very
19 much.

20 Arthur?

21 MR. NEAL: Barbara, I just want to say
22 thank you for your leadership. It's been superb.

1 It's been like a work of art, you orchestrating
2 the meeting after events and everything.

3 For the new members that have joined,
4 I hope that you felt like your time has been
5 spent well, really for everybody. Dr. Hurburgh,
6 I appreciate the fact that you served on this
7 committee before, and you have a different
8 perspective of how it operated prior.

9 I think that where we are, you know,
10 given the conversations we've had over the past
11 few days is, how do we improve? And I appreciate
12 every person that's serving because you're part
13 of a historical -- from my perspective,
14 historical portion of the life of the grain
15 industry.

16 We're taking on some serious issues.
17 They're not minor. They're not trivial, but it's
18 to try to make us better. So I just want to say
19 thank you for the time that you've spent, for
20 every thought that you have when you're away from
21 this place about a problem. Just thank you. I
22 hope that you have safe travels home.

1 I just want to say thank you to the
2 FGIS staff, as well, for your support. We look
3 to see you soon. Take care.

4 MS. GROVE: All right. Thank you.

5 I would entertain a motion to adjourn.

6 PARTICIPANT: Second.

7 MS. GROVE: Thank you. I don't think
8 we have any nays, but I think that's all we need.
9 Thank you very much, and we will gather up front
10 immediately for a picture.

11 (Whereupon, the above-entitled matter
12 went off the record at 10:44 a.m.)

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This is to certify that the foregoing transcript

In the matter of: Grain Inspection Advisory Committee

Before: USDA

Date: 08-31-23

Place: Kansas City, MO

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Neal R Gross

Court Reporter

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