The Committee Meeting met via Video/teleconference at 11:00 a.m. EDT, Matthew Kerrigan, GIAC Vice-Chair, presiding.

PRESENT:

DAVID AYERS, Champaign Danville Grain Inspection, Inc.
RANDALL BURNS, Arkansas Bureau of Standards
JANICE COOPER, Wheat Marketing Center
CURTIS ENGEL, The Scoular Company
NICHOLAS FRIANT, Cargill Inc.
MATTHEW KERRIGAN, EGT, LLC
RYAN KUHL, Northern Plains Grain Inspection Service
JOHN LINDGREN, United Grain Corporation
ROBERT SINNER, SB&B Foods, Inc.
ERROL BRENT TURNIPSEED, South Dakota State University Seed Testing Lab
MARK WATNE, Jamestown ND
ALSO PRESENT:

LEE CAPPER, FGIS Chief Innovation Officer
ANTHONY GOODEMAN, Director, FGIS Field Management Division
EDWARD JHEE, Director, FGIS Technology and Science Division
KENDRA KLINE, FGIS Chief of Staff and the Advisory Committee Specialist
JESS MCCLUER, NGFA Vice President of Safety and Regulatory Affairs
ARTHUR NEAL, FGIS Deputy Administrator, DFO
DENISE RUGGLES, FGIS Executive Program Analyst
BRUCE SUMMERS, AMS Administrator
PAT MCCLUSKEY, Branch Chief, FGIS Policy, Procedures, and Marketing Analysis Branch
BARRY GOMOLL, FGIS Grain Marketing Specialist
MR. KERRIGAN: Good morning, everybody, again. I'm showing 8:02. Arthur, Kendra, how are we doing for a quorum this morning?

MS. KLINE: I can count ten for sure.

So we have a quorum.

MR. KERRIGAN: Okay.

MS. KLINE: So we can at least continue.

MR. KERRIGAN: Perfect. That's all we're looking for, right? So just want to start off again by saying thank you to FGIS, all the staff time, the GIAC members -- I know we are all in no shortage of things to do, by any means -- and obviously, those of you that have a vested interest in this, who are silently and quietly behind your black screens, watching this meeting take place.

So with that, we have a quorum. I'll call this day-two meeting to order. I'm assuming that everybody still has the agenda. For the
most part, today is going to be the FGIS FDA MOU
discussion. So public comments and then
recommendations before we get into next-meeting
elections, and, again, agenda topics.

Yes, always want to make sure that we
recap. If anybody has any pressing questions
regarding day one, that we'd like to get out in
the open? Okay. Arthur, do you have any opening
comments on day two, before we run into the MOU
discussion?

MR. MCNEAL: Opening comments: I
thought yesterday we had some pretty good
discussions, so I look forward to today's
continuation of what we started yesterday. And
I'm sure what Tony's going to bring to the table
will add to that. So looking forward to another
good day.

MR. GOODEMAN: Don't get your hopes
too high up here.

MR. KERRIGAN: Okay. With that, Tony,
the show is yours.

MR. GOODEMAN: Oh, great. I used up
all my energy yesterday talking about regulatory policies. It's going to be a tough act to follow, with FDA first in the morning here.

Okay. So good morning, everybody.

Can everybody hear me okay? Kind of sorry to hear that. Okay. Here we go. So it was a recommendation from the committee, to look at the MOU with the Food and Drug Administration. Just as background, I'll read a couple notes just for clarity about our MOU.

The MOU with the Food and Drug Administration was initially established in 1980. It's been in place for a long time. The basic premise of this agreement, since all of FGIS and our official agencies are out in the field, seeing these products that FDA has some regulatory authority over, is that we will report certain things that we see, to FDA; we call these actionable lots. Those are defined by FDA regulations and they're outlined in our MOU with FDA.

Once FGIS reports an actionable lot to
the Food and Drug Administration, FDA takes over. FGIS can assist, we can witness grain transfers, we can seal bins, things of that nature, but we don't mandate nor approve any mitigation plans. Some examples of our really common actionable items include insect-damaged kernels in wheat. Like, if it goes over a threshold -- think it's 33 in 100 grams, 33 insect-damaged kernels in 100 grams of wheat -- that's actionable. Insects in milled rice, whether they're alive or dead, are actionable to FDA. Animal filth or animal excreta in grain is actionable. Anything that is called distinctly low quality.

Basically, anytime we have a really strange situation -- these are very rare. Like, we've had hydraulic fluid accidentally get spilled on grain, or somehow fuel gets spilled on grain. Potentially, flood-damaged grain. Really strange things. If we find an animal carcass or something in grain.

Kind of the wild card for FGIS, for our inspectors, is something that's totally
unusual and not really defined in the standards; we call that grain distinctly low quality, DLQ. Anything in that category is reported to FDA. That also includes deer droppings. We say, if we find deer droppings, we consider that to be a large-animal filth, and it's reportable to FDA. We've seen that in recent years.

The last two that I'll mention just as common actionable lots are commercially objectionable foreign odors. Anytime we find an odor, in grain, that's not common to grain, we report that. This could be some kind of a masking agent. This could be grain was contaminated in some way. And then aflatoxin: over 20 parts per billion is reportable.

So the committee asked us to look at our MOU and our directive because, in some of the discussion, some of the references were outdated. We agree with that assessment. In these past couple of years, we've worked very closely with FDA. We've also determined that it's not in our best interest to update the MOU. The MOU
framework is still valid. We are updating our
directive. And so we've worked alongside FDA to
make updates to our directive, and we anticipate
-- you know, those changes are becoming ready for
publication.

The biggest thing, though, that I
think the committee was looking for when we
talked with industry is more pre-approved
mitigation plans, because sometimes as we notify
FDA, there can be delays in how quickly FDA
responds. Some of those are very meritus,
because they need to evaluate, you know, the
risks and the human health concerns. Others are
just because they may not see violations very
regularly and just need to get up to speed. And
just the availability; they may not have staff
available on a weekend, for example, when
something like this comes up at midnight, you
know, Friday night, Saturday morning, and the
elevator's got some kind of a carrier tied up, be
it a shipping bin or railcar. They want to know
what they can do with that. The industry seems
like they're very interested in these pre-approved plans.

And so what FDA informed us is that they typically work with industries to develop those plans and to receive those ideas. From the FGIS side, we're very willing to help carry that and help relay the significance to FDA and then do whatever we can, once they're approved, to help shepherd that process. So if FDA does have some kind of recognized pre-approved plan, we will then help carry out whatever that is, because it's in the interest of everyone to get that handled smoothly and not have anything bad in the food chain there.

So I think that's the primary update that I wanted to give. I'm sorry that I'm not going to drone on for 30 minutes on the FDA MOU. But I do want to get feedback from you; I think it's really important. Like, the biggest thing I think that this committee or the industry could provide is what are the incidences that are most critical that we should look at; and then, on top
of that, what would the pre-approved-plan
proposals be -- it's a lot of Ps, pre-approved
plan proposals -- that we'd like to send to FDA
for consideration. So would that be -- and I
mentioned a lot of things there. Would it be
deer droppings? And if it is, what would be the
proposed plan to mitigate that situation?

The same for insects and rice perhaps,
IDK in wheat, because a lot of times we hear from
companies that they end up -- there might be some
time for approval, but they end up approving
similar things in similar situations, whether
that be a reconditioning in some way, whether
that be, you know -- in the rare case, we have to
take it to a landfill or destroy the product. It
ends up being similar in these varied situations.

So I'm going to look to Arthur to make
sure that I covered everything, and see if
there's anything else we want to touch on. But
we're really looking for feedback from you-all,
as to where we can best direct these efforts and
what would be those top situations and, you know,
reconditioning options we'd like to run with.

MR. NEAL Yes, thanks, Tony. I think you've covered everything. The purpose of bringing this back to the committee is we're really going to need the committee's thoughts and support in getting input from industry on what Tony just ended with, on reconditioning methods or strategies to help us try to speed up an approval process by FDA so that customers aren't waiting, you know, weeks at a time for a response.

With all of the things going on in the country, the more work we can take off of some of these agencies in trying to figure out, you know, what's appropriate, what's sufficient, what's good enough, I think it'll help us in the long run. Not only that; we're believing that if we can come to them with these -- I'm calling them pre-approved; we're seeking their pre-approval -- with these pre-approval options, that it'll also help the approval process, in terms of getting a document, where we can get blessed by FDA and we
can begin using out in the field. FGIS will not be able to come up with those options, because FDA has conveyed to us they need to hear from the industry. They can hear from us, that's fine, but the weight comes from the industry, not from FGIS. And so that's why we're coming back to the Grain Inspection Advisory Committee, as you-all have connections to all of the stakeholders and represent the voice of the stakeholders. Doesn't mean that your recommendation alone should be the end-all, be-all, but we do believe that it will help as we try to stress the significance and importance of this issue and the need for attention.

MR. KERRIGAN: So if I can ask you to clarify maybe one comment with that, Arthur, that you had mentioned there regarding that the recommendations, you know, need to come from industry. What does that look like, I guess, from the GIAC? Or does that mean, you know, that we should work with our parent -- our individual companies that are dealing with this, the trade
groups? Or can there be, you know, some document
that actually comes out of the GIAC, that you
guys can use in -- or make sure that I understand
kind of the process with the GIAC and what we are
able to provide out there that’s actually of use,
I guess?

MR. NEAL Yes. Great question. No,
it can look a lot of different ways. One, Matt,
individual companies can send in information to
us, FGIS. Individual companies can respond also
to the GIAC or through members of the GIAC, with
ideas that help serve as these remedial plans for
these lots that have been identified.

The GIAC could present a document that
summarizes some of those options to FGIS for
consideration; that way, it could represent a
collective body of work. The GIAC could also,
amongst yourself, take up some of that work if
they feel that there’s enough members or, like,
there’s enough knowledge around the issues, and
you can create a recommendation around that
internally through subcommittees. Or
subcommittees could do some work and then present
that body of work to the overall GIAC to
consider, and then make that a recommendation.

You know, and there are probably other
ways that it could look. But we're bringing it
to you-all, you know, now because we're going to
need help getting an organized body of solutions
that we can present to FDA for consideration.

MR. FRIANT: So, Arthur, this is Nick.
Just for a point of clarification on that. Based
on what you said, a potential action that the
advisory committee could recommend is forming a
task force then, right? I think you used the
term --

MR. NEAL Subcommittee.

MR. FRIANT: -- subcommittee or task
force could be an approach? Okay.

MR. NEAL Yes. Yes. It doesn't have
to be a subcommittee. Task force is just as
effective. And with respect to a task force,
Nick, in this context, it could be led by a GIAC
member or a couple of members, and it could
include members of the industry that are outside of GIAC. And they can bring that information to the GIAC, for consideration by the whole.

MR. FRIANT: You must've read my mind. That was my next question on membership.

MS. KLINE: Yes.

MR. KERRIGAN: Okay. Yes, I think that that provides an awful lot of clarity. And frankly, thank you very much to Tony for digging into this and getting some clarity, especially with the FDA, because, you know, definitely while quite a bit of time has gone by, not to any fault of anybody else, just because of COVID and such, because it does still feel like a long time ago -- but that's a great step, frankly, from my standpoint, that they are potentially open to it or have seen a process, you know, for that in the past; that I think that the industry definitely can provide something.

And then it's just kind of up to how we get that information. And really appreciate you guys being willing to liaise, you know, not
only on presenting this information to them, on
what you guys can and can't kind of assist with,
I guess, with those remediation plans and
moderating it, but then on that moderation as
well.

So just for the group, I want to kind
of clarify here. Some of those typical items,
Tony, is DLQ, IDK, deer droppings, floodwaters,
aflatoxin above 20. Are there any other -- we
will go out to the group to see kind of what else
is out there, what they've seen. But is there
anything of the heavy hitters -- those are
definitely the ones that I know I've been a part
of, from my experience in industry. Are there
any others that you've seen or have heard about
or -- whether it's Tony or anybody else on the
GIAC or call, that we want to make sure that we
get on that shortlist, to make sure, if we can
come up with some form of standardized plan, that
we address it?

MR. FRIANT: Matt, could I ask you to
run through that list you just rattled off,
again? I couldn't write quite quick enough.

MR. KERRIGAN: Yes. Sorry about that.

DLQ; that's the distinguished low quality -- or I don't have the D right. Sorry.

MR. GOODEMAN: Distinctly low quality, yes.

MR. KERRIGAN: Distinctly low quality.

IDK, insect-damaged kernels. Large-animal droppings; typically I think it's been deer, which has --

MR. GOODEMAN: Deer droppings have been -- yes.

MR. KERRIGAN: -- come up quite a bit.

Grain that has been touched by floodwaters. Aflatoxin above 20 parts.

MR. GOODEMAN: And then I would say -- this is not grain, but insects in milled rice has been a common issue too. Again, that's --

MR. SINNER: Well --

MR. GOODEMAN: -- not grain, so -- but I know that was an issue in the past.

MR. SINNER: Well, I think you also
talked about contamination from different liquids, whether it's hydraulic fluid, antifreeze

MR. GOODEMAN: Yes, those -- Yes, we do see that, and we also see the commercially objectionable foreign odors. I would not put those in the common category necessarily. And I would say, just as insight, it seems like the grain contaminated by those petroleum products -- it doesn't have a bright future. It does not end up getting reconditioned, usually or, you know --

but, like --

MR. KERRIGAN: But part of this, though, much like with grain that's been touched by floodwaters, is -- for the most part, we know what's going to happen with it, right --

MR. GOODEMAN: Right. Right. Right.

MR. KERRIGAN: -- Is that, almost every single instance, it --

MR. GOODEMAN: Right. Right.

MR. KERRIGAN: -- Needs to be quarantined and then go to a landfill or some
other disposal mechanism.

MR. GOODEMAN: Right.

MR. KERRIGAN: But if that is
designated of what needs to happen to it, it
allows us to at least move forward --

MR. GOODEMAN: Right. Right. Right.

MR. KERRIGAN: -- instead of it tying
up the bin space, the belt space, everything,
correct?

MR. GOODEMAN: It's a very good point.
Yes. Yes.

MR. SINNER: So, Tony, I mean, you say
large-animal droppings. I mean, are we including
rabbits, squirrels, other thing that can get onto
grain piles? I mean --

MR. GOODEMAN: It's a great question.

So generally speaking -- it's always funny
talking about this. But generally speaking, we
say that large-animal droppings -- cow, you know,
livestock -- is generally too large to enter a
sampling device. And so basically if we ever see
anything that's too large to enter a sampling
device -- concrete in the rare -- like, you see weird things. When you handle as much grain as you-all do, you just see weird things time to time; pieces of belt coming off, or metal. We say, okay, our sample's not representative, because this big piece of concrete is in the grain, we can't sample that, this is distinctly low quality, you know, this is not something that is represented in this sample here.

We include large-animal droppings in that. We draw the line at deer. Basically, deer and larger is -- anything smaller than that would not be. I hope that answers your question.

MR. SINNER: Yes.

MR. GOODEMAN: We would only count those if they ended up in our 1,000-gram portion, and we'd weigh it out. We have a tolerance, in most of the standards, for rodent droppings.

MR. SINNER: Okay.

MR. KERRIGAN: John, I think you had your hand up there for a second. Did you have a question or comment?
MR. LINDGREN: Yes. It just went up before Tony. He mentioned rice. Because I know rice was a concern at the last meeting that we had together. So once he mentioned rice on that, that pretty well took care of that.

MR. GOODEMAN: Okay.

MR. KERRIGAN: Okay. So it kind of sounds like here obviously, from a GIAC-membership industry standpoint, that we kind of have a path forward, but we have some work to do. I don't think that necessarily in the middle of this meeting its right to make the sausage, personally.

I think Nick was alluding to potentially creating a task force. Because of the outside entities from this committee, I think it'd be wise for us to reach out to other members; industry -- you know, there are a lot of different personnel that each of our companies and outside the company definitely tend to take the lead with FDA, that I think we should approach to start this process.
So I think it'd be my recommendation that we get a few volunteers, we set out a task force with an update at the next meeting, to hopefully try and provide some vetted solutions -- sorry, some vetted potential remediation plans that can be submitted as part of this. Please let me know if anybody feels differently with that. Okay. Arthur, Kendra, as far as creating a task force, I do not have my GIAC handbook handy and how we create a task force formally. Can you assist me with -- is that a voting item? I just need, you know, to garner some volunteers and then kind of set that aside? Or how does that work?

MR. FRIANT: Matt, this is Nick. Based on the reading of that, I think my preference would be we put a recommendation in for this, so then we've got a -- and then, Arthur maybe, or Kendra, they're -- that's not necessarily based on it being in the procedures manual. But I would say, when we get to that point for talking about recommendations, we
should just have a recommendation round, forming
a task force. We can work on the wordsmithing,
but --

MR. NEAL Yes, I agree, Nick. I was
talking on mute. Apologies. Yes, it'll need to
be a recommendation and vote, because you also
need to have those individuals who are going to
be on the GIAC, who's leading the task force,
identified. So that will be something you need
to consider; any recommendation.

The process about how we populate that
task force -- since we're talking about giving
folks an opportunity to participate outside of
the GIAC, we'll need to work that out here
because we'll need to make sure there's
transparency in that process and folks have an
opportunity to express interest. So typically
how we formed task force in the past, we've put
out some type of notice, and people would respond
to that notice, that they would want to be a part
of the task force.

MR. KERRIGAN: And the difference
between a task force and a subcommittee to
explore this topic could be individuals -- could
a GIAC member individually solicit information
but then bring it back to just the subcommittee
members for discussion?

    MR. NEAL   Yes.

    MR. KERRIGAN:   Is that the big
difference with that?

    MR. NEAL   It would be simpler to do a
subcommittee. Why? Because a subcommittee would
be formed of GIAC members, and you can solicit
information from whoever you want, and bring that
information back together. Forming a task force
means we'll basically have to go out with a
public notice, soliciting participation from the
public, for individuals who are interested. And
then there's a process to select those members.
So it's going to take a little longer. May take
a lot longer to establish that task force.

    MR. KERRIGAN:   Okay. Let's throw it
back to Nick and some of the other GIAC members.

    What's your thoughts?
MR. FRIANT: Yes. This is Nick. I mean, I guess I can go first. I hadn't thought of that aspect, Arthur, and I'm glad that you raised that. I guess, just for me personally, I needed to chew on it a little bit more. I think we want to make sure that we've got inclusion, Matt, as you alluded to; some of our key trade associations that have a key interest in supporting and fostering this work. I think, right, a couple that we could probably all guess: NAEGA and NGFA would be really keen on being a part of it or aware of it.

But I think we also do need to act with a little bit of a sense of urgency since this has been out there for a couple of years, and it's questions that continue to arise, particularly for handlers, you know, when we get these actionable lots of grain. You know, I'm willing to roll with the flow of the committee on this one, but I'm not sure that going through that full process of, you know, the notice and comment period to form a task force -- if that
just makes this drag on longer and longer. You
know, I'm not the only voice in this one, for
sure.

MR. KERRIGAN: Yes. It kind of feels
to me, because of that time aspect, you know,
given that several members of the GIAC have
direct contacts to NAEGA, NGFA, and, frankly, our
individual companies, that we may be able to, if
nothing else, start with a subcommittee, bring
that information back. If we feel that we don't
have a good cross-section or, frankly, good
feedback, then we can always go to a task force
to expand it, you know, at the next meeting,
which we'll get into. I'm assuming we're going
to attempt to have a second meeting yet in '21.

So that could be a way to kind of see
if we can garner enough good information, I
guess, even if not for the full list but for some
of the heavy hinders, assuming expediency is
still the main name of the game, because once it
comes down to GIAC, I'm assuming then it's going
to take some time for FGIS to go back to FDA to
have some back-and-forth work, you know, before there's even any thought of some pre-approved plans.

MR. NEAL Yes, this is Arthur. Once we get the recommendation from GIAC, we would run it up the chain through leadership across the street, make sure secretary's fully aware of what the recommendations say. Then we'd engage FDA accordingly. We may have to partner, depending on what comes out of the recommendation.

I kind of sense that we'll need to do some of this negotiation work. And, Tony, you know, correct me if I'm wrong. We'll need to make sure that industry is poised to engage. Industry will have to be poised to engage. And that's another good reason why having a consolidated recommendation that takes into account of industry makes sense; that way, folks would be on the same page and not coming at it from different angles.

MR. GOODEMAN: I don't know if you're interested; we've got Pat McCluskey and Barry
Gomoll on the line; they work on our policy staff and have been instrumental in working with FDA's Center for Food Safety and Applied Nutrition. And I don't know if they've got insights as to some of the comments they've made, Pat or Barry, but might be helpful to the conversation.

MR. MCCLUSKEY: One thought I had from -- can you hear me okay?

MR. GOODEMAN: Barely, but yes. There we go.

MR. MCCLUSKEY: One thought I had from working with FDA over the years on this -- we work with the Center for Food Safety and Applied Nutrition, CFSAN. And of course, their focus is a lot on -- is very much targeted at food safety. They think a lot about microbiology. So I just want to make sure you get a good understanding for yourself, for your subcommittee, on what they think about what's important to them; get very acquainted with them.

And just by way of example, to continue Tony's story about deer droppings: When
we discussed deer droppings with them, I don't know, three, four years ago and tried to come up with a plan that was acceptable to them, they said, Well, you know, if there are deer droppings, there is potentially also deer urine in there, so we better start looking for some kind of microbiological presence of bacteria from deer urine.

And I said, well, that's probably not going to be a big deal to you. And then I went through and explained -- and this is in wheat. So I explained to them about the process of cleaning wheat before it goes into a flour mill, and a lot of technical stuff, and kind of talked them off the ledge of going down that road.

But I say that to you by way of getting familiar with what they're looking for, as you come up with your remediation plans that you want to submit to them, because, you know, they have a lot of high-level scientists that sit on these committees, and you just want to make sure you understand kind of where their come-from
is.

MR. NEAL Well, this is another thing too, Matt: When the subcommittee is established, we'll make sure that we also have a resource person from FGIS that assists, so that the type of perspective that Pat just raised -- we're making sure that we're helping to think through this, along with the subcommittee; it's not that you're off on your own, you know, without any support, any guidance, any direction.

MR. KERRIGAN: These are great comments and a great piece of information to know regarding that subcommittee. You know, Pat, to your point, where I kind of see maybe, you know, some of this industry knowledge going is -- obviously, there's a number of members that have dealt with this -- I don't want to say on a regular basis, but obviously it's come up that maybe we start with, frankly, polling our internal industry on these specific items and, you know, what the end-up outcome was from it, and starting from there, because then we can kind
of get an idea of maybe what has been approved on that one-off basis, to see, you know, how common, you know, that is with it, and trying to evaluate those concerns that could be outliers; for instance, in your case, you know, should that be expanded, or what information that they definitely took into account to actually come to that.

MR. MCCLUSKEY: And another thing I think we've observed over the years -- and I think Nick can probably speak to this more than me. But I think we've seen over the years that they tend to have regional policies, where you-all want a national policy. And so as you put forth your recommendations, that might be something to gently work into your presentation as well. Nick, would you say that's kind of accurate?

MR. FRIANT: You must be a mind-reader, Pat, because that's exactly what I was just thinking. And especially, like, the example around the large-animal excreta. We see
differences regionally, and I think that's important to call out. We got to take that into consideration and be thinking about that.

MR. MCCLUSKEY: That's my two cents' worth.

MR. GOODEMAN: That's worth more than two, Pat, for sure on that one.

MR. MCCLUSKEY: I'll send you a bill.

MR. ENGEL: Pat, this is Curt. I thank you for the comments. This has a little bit of a potential to be creating a solution that goes looking for a problem.

Tony, does FDA have a targeted list? I mean, there has to be some number of these type of contamination issues that are recurring, that are vexing for the industry as well as FDA. I mean, is there a target focus here?

MR. GOODEMAN: Is there a target focus? You know, when we first presented on this topic, we counted up -- and we had a busy year for actionable lots; I think this was in 2019. So it was a particularly -- I think conditions
were present that made it tough, and had a lot of actionable lots; we had about 100 in a calendar year.

And I think the information, how that was broken down, roughly, we -- I think the industry would probably know more about the real pain points there. Aflatoxin, for example -- I meant to mention this earlier, but we have an existing policy of how you can recondition a hot aflatoxin sample: run it over the cleaners, test both portions, the whole grain and the broken pieces, and, if the whole grain is good and the broken pieces are still hot, you know, you're pretty free to release the whole grain. So I mention that because that would be an example of a common actionable lot, but I don't know if it's necessarily a pain point for the industry, given that there's already options.

MR. ENGEL: Thank you. You know, in my career, I've run across a number of these types of issues, and knowing what to do has generally been the largest part of the problem.
It wasn't that anyone was unwilling to do it. It was just, okay --

MR. GOODEMAN: Right.

MR. ENGEL: -- What do we do now? And there's been --

MR. GOODEMAN: Right.

MR. ENGEL: -- no clear understanding of the problem, and no clear path to a solution. So --

MR. GOODEMAN: It seems like there's a lot of interest in trying to, you know, as opposed to starting from scratch each time, say, okay, if you've got deer droppings, if you've got bugs in milled rice, here's what ends up happening in almost every situation; let's just do that; that way, we don't have all these bins tied up, all this -- or a railcar tied up, whatever it is, while we try to figure out what to do and then days or weeks or more go by.

MR. ENGEL: Precisely.

MR. GOMOLL: Tony, you mind if I cut in here for a second?
MR. GOODEMAN: Barry, if that was you, I can't hardly hear you.

MR. GOMOLL: Oh, I'm sorry. Can you hear me currently? My mic might not be picking up.

MR. GOODEMAN: Little bit. Give it a shot.

MR. GOMOLL: Okay. So the FDA maintains compliance policy guides, or CPGs, for different actionable criteria, and one of the back-and-forths right now is talking with them about what we report and what we include in our directive, for factors that we report, whether they line up with the compliance policy guides or not.

And in some cases -- for instance, COFO odors. They don't have any specific CPG to cover COFO orders, but we have been reporting them every time. And I'm trying to get a little more clarification on when we need to report; if we should only report factors that have a clear CPG actionable limit, or if we should just
continue reporting things like that that might
indicate some other underlying factor that could
cause that grain to be -- actionable might not
necessarily be the word, but unsanitary or unfit
for consumption.

So that's one of the ongoing things
right now as far as our directive goes. And I
can't tell you anything right now, but there may
be changes in what we report, based on whether we
just want to go strictly along with those CPGs or
continue to have a bit more of an overarching
reporting. Thanks, Tony.

MR. GOMOLL: Thanks, Barry.

MR. KERRIGAN: Okay. I think that's
some really good discussion. Anybody else?

Again, really, really appreciate all the work on
the FGIS side to assist with this group in
understanding maybe the process forward here, you
know, for something that -- you know, I think
we-all accept it as just the way it is, versus
trying to find a proactive way to maybe make it
easier for all of us.
If there's no other discussion on this, because we have the recommendations coming up a little bit later to give everybody an hour or so to think about some of this, I guess we're going to move on to public comments.

MS. KLINE: I have received no requests to do a public comment.

MR. KERRIGAN: Okay.

MR. FRIANT: Wait. Matt, this is --

MR. KERRIGAN: Yes.

MR. FRIANT: -- Nick Friant. Kendra, I have a question on that. And, you know, I'm not sure, Kendra, if it's for you or Arthur, all the above. And it's more clarification from some of the discussion we had yesterday, around how the committee works and whatnot. So is there opportunity for folks to raise items that were not included on the agenda during the period for public comments, whether that's, you know, yesterday or today, or, if anyone wants to make public comments, those have to be made in response to the Federal Register Notice
announcing the meeting?

MR. NEAL  So thanks, Nick. Was that one question or two questions?

MR. FRIANT: Yes.

MR. NEAL That's fine.

MR. FRIANT: I guess it's really one, right -- or two. I don't know.

MR. NEAL Let me answer it this way, the way I think I heard it: in terms of raising issues for the committee to take up, the committee cannot take up new work that has not been identified prior to the meeting.

MR. FRIANT: Okay.

MR. NEAL Why? Because there may be people who are interested in that topic, who did not have an opportunity to be made aware of it. And the committee will make a decision on that topic, without people being made aware of it, and they may want to have issued or participated in that discussion, through public comment or providing some documentation that would counter, that would support the committee's position. So
that's for agenda-item work.

Someone could make public comment. They should let us know that they want to make public comment. The challenge that you have doing this virtually, I think -- this is our first time -- is that if no one signed up and we have, you know, a lot of people on virtually, that want to comment publicly but have not notified us that they want to comment, then we don't have any type of order to our process.

So for today, if someone wants to comment, they should notify us that they want to comment, so that we can have order in our process. So they still can comment, but they need to let us know that they want to comment during the public comment period.

MR. FRIANT: Okay. That helps. And then just to carry that a step further, then -- and I don't know of anybody that has any public comment, so this isn't a pre-loaded question; I'm just trying to learn the new process. If someone from the public does make some comments, if that
was not already on the agenda as an approved
agenda item, the committee could not take action,
then, on whatever -- you know, if we had a
test-kit manufacturer come talk about their new
latest ethyl methyl test kit, the advisory
committee could not take any action on that
unless that had been a pre-notified agenda item?
Is that a correct interpretation?

MR. NEAL Correct. The --

MR. FRIANT: Okay.

MR. NEAL -- Committee could note that
comment and they could take that item up for the
agenda for the next meeting, if that's what they
chose to do or you chose to --

MR. FRIANT: Okay.

MR. NEAL Yes.

MR. FRIANT: Clear. Thank you. I
appreciate that.

MR. NEAL Yes, sir. And FYI: This
change is not something that's random. We're
doing this based on the Federal Advisory
Committee Act rules. This is how Federal
Advisory Committee boards and committees should handle business under the act, for transparency and inclusion.

MR. KERRIGAN: I appreciate that information. We do have a significant amount of new members on the GIAC. Obviously, there's some that have participated in the past as well, you know, as well as obviously a renewed focus on the GIAC, from yourself, Arthur. And appreciate that, especially, experience from the organic side, and kind of how all of that works. So --

MR. NEAL No, we appreciate the partnership and the openness and the progress that's being made. And I'll share this -- one of the things we talked about -- well, I guess that was 2019, right? Man -- was wanting to make sure that the work of the committee was valued, was valuable, and that had the necessary impact that drew the type of attention and participation that the industry needs. And I believe that that's exactly where it's headed, based on the type of agenda items taken up, how we facilitate
participation from industry, in helping to
resolve some of those issues. It will definitely
elevate the impact and status of the committee.

MR. KERRIGAN: Okay. Well, we are
well, well ahead of schedule here, everybody.
With no public comments, what's going to come up
next here is recommendations. What I'd like to
do -- do you want to take a longer lunch or do
you want to take a short break before we delve
into that topic?

MR. NEAL Oh. We would --

MR. KERRIGAN: We're about --

MR. NEAL It's 11:48. Public comments
at 12:00. Lunch is at 1:15. It's really up to
you and the committee, in terms of whether or not
you want to -- we need to keep lunch at 1:15.
Why? Because on the agenda it says we'll take up
those recommendations at 2:15. So what you
choose to do between now and 1:15 -- you can have
a discussion about that whether or not you talk
-- you know, have pre-conversation whether or not
you take a break. We'll not take up the formal
discussion on your recommendation, before time.

MR. KERRIGAN: Okay. So we can't
discuss recommendations until the 12:30 time?

Because there's --

MR. NEAL Yes. I'm sorry, I said --

MR. KERRIGAN: -- a section there for
lunch.

MR. NEAL 2:15. Yes. 12:30. I said
the wrong time.

MR. KERRIGAN: Okay. So 12:30. So
we've got about 40 minutes here before we can
take that up. I want to take a few minutes here
and then we will take an extended break here.

When we start talking about recommendations --
again, we just went through the process of
potential recommendations. Again, had to be
agenda items for us to take up a recommendation.

There's essentially four agenda items
that we've discussed; it was the corn borer, the
average inspection flexibilities, that falling
number, and then the FDA MOU. From my notes from
yesterday, the corn-borer issue is an item that
does not fall under the USGSA; thus, the GIAC cannot -- or it wouldn't be actionable, I guess, if GIAC decided to make a recommendation to FGIS, even, you know, engage APHIS or Department of Ag., because you wouldn't be able to do it, correct? So that is kind of a non-item for the group. Is that the way I understand that, Arthur? I believe that --

**MR. NEAL**  As a committee recommendation and action item, because that issue does not fall under USGSA, it would not hold any weight for the secretary to have to respond to that, because it would fall outside the scope of the USGSA.

**MR. KERRIGAN:**  Okay. So if it doesn't hold weight, it doesn't hold weight, right? So that is something for the committee to think about; not to lead the committee into anything. But the average inspection flexibilities -- kind of sound like, Tony, that there may be some work on both sides of the table, for some additional research on capabilities, as well as, there were
a lot of recommendations from the GIAC, regarding not only some trade organizations with U.S. wheat; NAEGA as well, who handles a lot of our contract terms; to garner some more information on there.

The falling-number item: There is an ongoing, I guess, evaluation, I guess I'll call it maybe, within FGIS, regarding how it falls underneath of AMA for the authority, and how that's applied officially and unofficially. And then we've had a lot of discussion regarding the FDA MOU and how the FDA could perceive some recommended pre-approved remediation plans for certain actionable items. However, there is a strong emphasis on industry involvement versus FGIS just as a liaison.

Those are very, very quick summaries, but I did want to follow back and touch on all those topics, for everybody to kind of be thinking about here, once we come back from break. If there's anything else, anything in that, I guess, Arthur, that I've misstated
regarding the technicality of those items, you
know, please.

MR. NEAL No, I think you summarized
it well, even with the first item you mentioned
concerning the corn borer; it's still on the
record, and --

MR. KERRIGAN: Sure.

MR. NEAL -- we've got input, through
dialogue, on what options are. And so we've
registered that loud and clear.

MR. KERRIGAN: Okay. Okay. Any
comments, questions, discussion, before we go
into break? My intention is to take a break
until that 12:30 time, and then we'll come back
and circle back with the entire group, on each of
those items, if anybody wants to propose a
recommendation and go through that process. Does
anybody have any other comments before we go do
that?

MR. GOODEMAN: I'm sorry, what time
are we coming back?

MR. KERRIGAN: It'll be 12:30 Eastern,
9:30 Pacific.

MR. GOODEMAN: Thank you.

MR. TURNIPSEED: Matt, this is Brent.

MR. KERRIGAN: Yes. Yes.

MR. TURNIPSEED: Can I ask a question about something that was discussed earlier yesterday? Quick question.

MR. KERRIGAN: Yes.

MR. TURNIPSEED: It's more for Arthur.

Just because I'm questioning -- our FGIS -- our GIAC board had been reapproved, and they had approved recommendations. Did they approve the recommendations to extend the committee members' length of terms?

MR. NEAL The committee members' length of terms -- well, let me let you know how I heard that question, first.

MR. TURNIPSEED: Okay.

MR. NEAL There was a recommendation made that existing members who were on the committee at the time that recommendation was made, have their terms extended before the
re-auth. That did not happen.

MR. TURNIPSEED: Okay.

MR. NEAL However, the reauthorization of the USGSA did allow for committee members to serve two consecutive terms should they be reappointed by the secretary.

MR. TURNIPSEED: Okay.

MR. NEAL So I think I may have gotten to that aspect.

MS. KLINE: And also, Arthur, just to add to that, you have to reapply.

MR. NEAL Right.

MS. KLINE: So when we go out for -- so there's five members rolling off at the end of next month. We're working on the nomination announcement. And if you want to be selected to continue or be part of the next five selected, you have to go reapply. So you have to send in the form like you've done previously.

MR. TURNIPSEED: I think I'm one of those rolling off, so I was curious. I just wanted to make sure I was interpreting that
correctly.

    MR. NEAL No, I appreciate that,

Brent.

    MR. KERRIGAN: Okay. Any other
questions, comments, concerns? Okay. Let's take
about 34 minutes here and we'll be back at 12:30
Eastern Time and we'll delve into
recommendations. Thank you.

    MR. NEAL All right. Thank you.

    MR. GOODEMAN: Thank you.

(Whereupon, the above-entitled matter
went off the record at 11:56 a.m. and resumed at
12:31 p.m.)

    MR. KERRIGAN: Okay. Welcome back,
everybody. I'm hoping that we have the group
here again. As discussed -- or I guess I'll open
it up. Given Zoom, I know there's difficulties.
I know I keep asking, and I get a lot of silence,
but is there anything else, you know, comments
that anybody wants to make, before we jump into
recommendations? Okay. Well, we will get into
it. We'll take them in order. And, you know,
again, as we rehashed right before our break,
there's, I guess, three or four things that the
committee can decide to do: We can make a formal
recommendation. We can do absolutely nothing and
move on. And, as Arthur noted, our discussion,
you know, is documented and taken notice. You
know, we have the ability to kind of punt and ask
that it be put as an agenda item on the next
meeting. And we can also create a subcommittee,
which would have some subcommittee/task force to
continue work on it until the next meeting.

So on the topic of the corn borer, is
there anybody who would like, or thinks, that the
GIAC should make a recommendation of some sort
regarding the corn-borer topic?

MR. FRIANT: Matt, this is Nick. As
sponsor or presenter of the topic, I guess I'm
not sure how much I procedurally can or cannot
say or should or should not say. But I guess,
from my seat, I would say no action from the
committee at this time, and not do anything
further with it.
MR. KERRIGAN: Okay. I'm hearing no calls for a recommendation. Nick has suggested that, for the GIAC, no subcommittee, no task force, no recommendation, no need to keep it as an agenda item, moving forward. We don't really need a vote on this. I guess, kind of a last call for GIAC members if they feel otherwise before we move past it? Okay. I'm not hearing anything from any GIAC member, regarding the corn-borer agenda item, so we're going to move forward. Average inspection flexibilities: This is one that I was the champion sponsor of. I see there was a lot of discussion there. As champion of it, again, if any GIAC member feels otherwise, they'll let me -- as chairperson, you write it.

I kind of think that maybe there's some more background information that even I would like to gather, and some other working groups that I would like to discuss with. Given that Mr. Goodeman has already stated that there's some kind of, you know, potentially more information that they need to look into regarding
this, and after the dialogue and discussion, it
would be my recommendation that we do not do a
formal recommendation to the secretary.

I also don't think at this point in
time that we're ready for a task force or
subcommittee, but rather would like to see this
added as a continuing agenda item at the next
meeting, to possibly give some updates from both
sides, both the GIAC membership as well as from
FGIS, regarding just potential information,
capabilities, and things of that nature, to move
forward.

So with those comments, does anybody
feel differently, that they would like to, I
guess, recommend a recommendation to the
secretary?

MR. FRIANT: Matt, this is Nick. I
guess just beyond recommending, I agree with you
that -- keep this as an agenda item for the next
committee meeting and then allow advisory
committee members to go back to their respective
companies and/or trade associations to gather
some more info. So I think that is a good approach. And I would agree: probably no need, at this point, for a formal recommendation.

MR. KERRIGAN: Okay.

MS. COOPER: I concur with your recommendation as well, Matt. I think that's a good path forward. I think it's an important topic. There's a lot more information that I think we need to gather before moving to a more formal recommendation.

MR. KERRIGAN: Thank you, Janice.

MR. AYERS: David Ayers. Do we need a motion to put it on the agenda for the next meeting?

MR. KERRIGAN: I believe that it's kind of an informal at this point, that we will go out as a committee -- or, sorry, prior to the next meeting, there will be a request for topics before it gets issued to the Federal Register. I don't believe -- Kendra, you can correct me if I'm wrong -- if we need a motion on that or not.

MR. NEAL So this will be old
business. It's carrying over.

MR. KERRIGAN: Okay. Anything else?

Okay. Moving on to the falling-number item.

John Lindgren, as the champion of that, do you have any comments that you'd like to make after all the discussion in the last day, day-and-a-half?

MR. LINDGREN: Well, through most of the discussions yesterday and what my original recommendations were, it appears to capture recommendation 1, which was to get people doing it the same way. Simply moving falling numbers from AMA to USGS would solve that first recommendation. And always looking for new ways to -- different ways, competitive ways, for other results. I leave that on.

The concern, I'm sure, through discussions yesterday, is: to move it over to USGSA would require all official agencies to use the 2:2 method. So I don't know if there's any leeway on that option, to allow some to run 1:2, you know, because it's going to turn into a
time-sensitive issue if official agencies are required to run 2:2 method, with it being under USGSA.

So I'm not sure -- you know, I mean, as a group, that's what we need to discuss. If we simply recommend to the secretary that it be moved from AMA to USGSA, which FGIS was looking at anyway, our recommendation, I would assume, would further that movement along. I'm just concerned for some of the official agencies out there that still want to run 1:2.

MR. KERRIGAN: Go ahead, Arthur.

MR. NEAL Just a question. Whatever you choose to do in making a recommendation or not making a recommendation, if you do make a recommendation, ask yourself, whatever you're recommending, is it helping to solve the problem, because what I hear the problem is: falling-number tests at origination -- different from the results at destination.

And also here, we need efficiency for railcars. And so if you're not ready to make the
recommendation, don't do so. Really take time to look at the issues and see if you can come up with a workable solution, because if you make a recommendation and we move forward with it, there's an industry response that's going to also have to be addressed. And so I just want to make sure; before you do what you do, feel comfortable with whatever choice you're going to.

MR. LINDGREN: So as a group, I'm assuming we would have to vote on whether or not to make the recommendation? That's --

MR. KERRIGAN: If we wanted to make --

MR. LINDGREN: -- True or --

MR. KERRIGAN: If we want to make a recommendation, we would need to finalize some language regarding what was in that recommendation, and then we would vote on that verbiage -- or settle verbiage for that specific recommendation, yes. So, informally, I guess, since we don't have verbiage in front of us, does the group feel -- or does any one person want to, or feel that we need to, make a recommendation in
this meeting, to start working on what that recommendation would look like?

To John's point, to Arthur's point, I think we understand that FGIS is already looking at potentially moving it from AMA to, you know, USGSA. There are definitely some positives. That solves one. But I think we-all acknowledge -- or the discussion around it seems to acknowledge that it may create some pretty significant issues on the other side, right? So I think where we're at is: do we feel that the group is comfortable to start working on verbiage for a formal recommendation out of this meeting?

MR. LINDGREN: From this point -- excuse me -- I don't know that we're ready to work on that verbiage yet, because I think there's too many unknowns on the impact on if it would have to be the 2:2 method, which it currently is. So, you know, and as a group, we can certainly move it forward and continue to discuss. But, you know, talking with other individuals, just within the Grain Inspection
Advisory Committee as well as, you know, outside the committee, one of the biggest concerns is the timeliness of delivery of service, based on that. And I assume -- Tony, you can correct me if I'm wrong -- if FGIS chooses to try to move this to USGSA, it'll go through the Federal Register, and comments and all that stuff have to have happen as well, correct?

MR. GOODEMAN: We're exploring that piece but, in talking with Pat, we think that, at a minimum, it'd be a Federal Register Notice --

(Simultaneous speaking.)

MR. FRIANT: Yes, this is --

MR. GOODEMAN: -- At a minimum.

MR. FRIANT: This is Nick. My follow-up question on that was going to be: yes, is it just a Federal Register Notice or is it actually, during the next reauthorization of the Grain Standards Act, that this one would be taken up?

MR. GOODEMAN: No. I mean, not that it couldn't be resolved legislatively, but --
MR. FRIANT: Okay. It could be handled, though, through the --

MR. GOODEMAN: Yes.

MR. FRIANT: -- notice and the comment --

MR. GOODEMAN: And everything we've got so far --

MR. FRIANT: Okay.

MR. GOODEMAN: -- Says that it can be handled even just as a policy matter; just an interpretation, something at a very low level. But again, since it's such a big issue, we want to be very transparent and upfront about -- I don't think we have to change our regulations. We may have to update our fee schedule, something like that, you know, from the AMA column over to the USGSA side. Again, and our initial review would probably be a notice in the Federal Register that this was taking place, if we did that -- if we went this route.

MR. LINDGREN: So I believe, at this point, then, that there shouldn't be a formal
recommendation and that we just continue on to --
you know, it's under old business like the other,
until we get a better handle on what it is
everybody doesn't need. We'll have to see.

MR. KERRIGAN: Tony, what's -- sorry.

I guess, can you give maybe a little rehash, a
flavor of exactly where you're at with this kind
of discussion review or what you think the next
steps are with timing? Obviously, there's a lot
of stuff going on, you know, with staffing, with
COVID, and things like that. What's your
expectation? And kind of maybe more thinking
about between now until, let's just say, this
fall, do you think that you guys will come back
with much information or kind of thoughts on
where you guys might be at? Do you think that
you may be able to get to that point, or is that
being a little bit presumptuous, with everything
that's going on, to where this is just kind of an
open item that's hanging out in the background,
that you're just kind of mulling around?

MR. GOODEMAN: I would say it's a
priority for us. It's one of our internal Field Management Division goals for this fiscal year, which ends in September: to evaluate options. And I think we're probably, you know, pretty far along in that process. But I think one thing that may help this committee is just what that looks like in implementation. And that's something that we can look at more closely is, if we went this route, what steps would we have to take, what would the time line be. I mean, generally with big policy changes, we try to allow as much time as possible.

You might remember, with the most recent round of falling-number changes back in the spring of 2019 -- I think we published those in the fall, for May implementation, I think is the time line. And so, you know, for something pretty big like this, I think we'd probably look for a similar, you know, notice. But again, we'd want to confirm, and that's something that we can do, that's a part of our, you know, project, is to evaluate exactly what that would look like if
we made this change, what steps we'd go through.
Arthur --

MR. NEAL Tony, questions: In reality now, the falling-number test can be performed by official agencies and unofficial inspection companies, right?

MR. GOODEMAN: Right.

MR. NEAL So whatever we did, you still have the possibility that you've got unofficial companies performing the test, right?
But what we'd be saying -- or is there a potential that they would no longer be able to perform the test?

MR. GOODEMAN: Right. Yes, so no matter what we do, unofficials -- and I hate to name company names but, you know, just so people know.

MR. NEAL Don't name them.

MS. KLINE: You know, any unofficial, non-FGIS overseeing company can run anything they want, unofficially, now, and can run anything they want. Even if we move this to the USGSA,
they could run it unofficially in the future.

And one thing that we're trying to
align is that anytime that you see, you know,
Northern Plains, Champaign, Danville, state of
Missouri, whatever it is -- anytime you see that
name on a certificate, we want to make sure that
there's clarity this was run according to
official procedures, because right now with the
test being run under the less restrictive Ag.
Marketing Act, any of these official agencies,
cooperators, they're allowed to run it just on
their own letterhead. They don't have to follow
the procedures. They don't have to use two
tubes. They don't have to use licensed
personnel. They don't have to go by a USGSA fee
schedule -- or, I'm sorry, a AMA fee schedule.
They operate in that manner, exactly like -- or
could operate exactly like an unofficial company.

And so if we made this change,
according to the USGSA, because of the
restrictive language in the USGSA and the
regulations, they'd no longer be allowed to wear
two hats. They could only wear the official hat, only do it by the book.

MR. NEAL And so if I'm not mistaken, a lot of the catalog -- some of the examples that were brought to us of the differing results from the variation -- some of those tests were run by unofficial companies. And so --

MR. GOODEMAN: Right.

MR. NEAL -- though we could make a change on our end that affects our official agencies, we still have the problem that companies may be using unofficials, and the results they'd get at origination still don't pair up with the results they get at destination.

MR. GOODEMAN: Potentially, yes. Private third parties, unofficials, and house graders, you know, company graders, yes, no obligation to do things officially, unless there's anything at the state level that would mandate something different. But no obligation to follow our rules; that's correct.

MR. NEAL So -- I'm just talking out
loud -- it appears that there may need to be a broader discussion to really figure out where can we get something in place, because, no matter what, it's almost as if -- there's a business decision almost, too. If you're trying to go for speed and efficiency and just get some idea of what a one-drop test will get you, you know, you can do that, but you run the risk, on the back end, not having or not have shipped which you thought you wanted to ship.

If we go 2:2 method, there's the feedback that it's going to slow things down when you're dealing with a unit train; not going to be move; at low-risk fast, make those decisions; may cost more; those type of decisions. But on the back end, you will have probably greater alignment in results, from origination to destination.

I don't know currently how many folks are using third parties versus official agencies in the process. I think that some information that will be helpful to the committee, in terms
of processing whatever we recommend, will this actually help address the situation, because we could be changing something that has no impact or very little impact.

MR. KERRIGAN: Okay.

MR. KUHL: So --

MR. KERRIGAN: Some more --

MR. KUHL: Oh.

MR. KERRIGAN: Yes, go ahead, Ryan.

MR. KUHL: Hey, Tony. You said that there would be a notice in the Federal Registry. Would that be just a notice or would that be available for comment?

MR. GOODEMAN: That's something we have to look at. I suppose I'd say, at a minimum, a notice. Like, I think we've got -- Pat, could you help me out? We just did a notice on some rating procedural changes, interpretation changes, in edible beans, and I'm trying to think if that was a notice and comment or just a notice.

MR. MCCLUSKEY: Yeah, it's notice for
comment.

MR. GOODEMAN: Yes. So that was a notice-and-comment period. It's reasonable for us to evaluate and consult with our internal processes, to see what a change like this would necessitate. There are things that we do with a notice. It's just a notice: here's what's happening and here's when it's happening. And there are things that we do -- here's what we're looking to do, we'll accept comments. Or, you know, I think it's a notice-and-comment period: this is going to be effective; unless we receive adverse comments -- we have a lot options, I think.

MR. NEAL And there's also the possibility that we could do a notice for comment on this problem in general, and seek input from industry, on what type of options they think exist that could help resolve this, and provide that feedback. And we can say in the comment maybe that, you know, we'll be using this to provide information to the Grain Inspection...
Advisory Committee, you know, to help come up with a proposed recommendation on how we should move forward and address it. That's another option.

Now, that's time too, because we have to write that notice up, get it through the clearance process, allow people to comment. We want to try to have all of that done before our next meeting, hopefully, in the fall, which is roughly, what, five to six months away, less than that. I don't know -- yes.

MR. KUHL: John, what is your thoughts on the time for this? We're getting closer to a idea.

MR. LINDGREN: Well, from my point of view -- if you said John, meaning me, Ryan --

MR. KUHL: Yes.

MR. LINDGREN: Yes. It really simply comes down to -- everything is about time, speed, and efficiency. And I don't want to strap down official agencies with what they're currently doing, because that may not even be what all the
exporters want.

To Arthur's point, any time an exporter chooses to use third party, whether it's through the falling number or even just simply grading, you know, that's the risk that we all take, if that third party is used, on whether or not they're doing it properly. You know, the fallback is always to go to official agency. If you're not using official agency, you can, to make sure that it's going to align with how we export grain.

And the official agency -- I certainly don't want to strap official agencies down to having to do something that may not make any difference to anybody anyway, because they may still use unofficial if that's what they choose to do. And then when they fall back to using that term -- I don't know what everybody does use. If they choose to use official agency, then they know what rules are going to be followed.

So from this standpoint, you know, through this discussion, I believe we're getting
closer, but I don't think it's anywhere near a formal recommendation, without further checking with everybody that is affected by it, because there's a heck of a lot more people than just those that are listening to this conversation right now. So I don't know --

MR. FRIANT: And this is Nick. Sorry, John.

MR. LINDGREN: No. Go ahead, Nick.

MR. FRIANT: I agree with you; I don't think at this point we have enough information. Like you said, there's some other pretty important stakeholders that I think would want to connect with advisory-committee members, for input. I think the question I would ask is: do we need, you know -- and this is for you, Tony and Arthur, I think -- you know, can you continue to provide updates on the work that FGIS is doing and/or, you know, different options on how we might address it, or make a recommendation between now and the next meeting.

So in other words, will the agency
keep advising the advisory committee on options in what you're exploring, or do we need to have a recommendation on that, because I do think it's important for us, as the advisory committee, to keep up to speed on the work that you guys are doing and the options that we could pursue. Is that part of the normal operations, where you'll continue to give the advisory committee updates, or do we need to make a recommendation that says, Hey, make sure you guys keep giving the committee updates?

MR. NEAL I think that's necessary.

I think we'll keep you --

MR. FRIANT: Okay.

MR. NEAL -- Updated on progress. One of the things I will try to research and find out, I guess, after our break, after lunch, is whether or not there's an opportunity for the committee to make a request for input on a problem or a challenge that does not have to go through the Federal Register.

I don't know, I've got to explore
this. Say, for instance, out of this meeting,
you want to get input from industry on this
particular issue, and there's a set of questions
that you want people to respond to. Can we post
that on our website, notify folks that it's
there, and they provide responses through
Regulations.gov so that you can have that input
to factor in before our next meeting? I don't
know if that's possible, but I'll try to figure
that out and research it before when we get back
after our break. And what that does, it
potentially helps to facilitate a more timely
response to the challenge and get you information
quicker.

MR. GOODEMAN: I think that would be
good info to have.

MS. COOPER: If I could make just a
general comment about the falling-number test.
The cause for differences between the results
from origin to destination can be caused by many
things, not only the method of testing. And
that's not always true; that's not true for all
the tests. But in this one in particular, it can be problematic. You can get different results from the same field if you use exactly the same testing method.

So I just wanted to note that there's a lot of reasons for results to be different, so I just wanted to remind us all of that so that we're not looking just for alignment in method as the solution for this particular problem. So just wanted to mention that.

MR. KERRIGAN: Okay. So I think, in summary, what I'm hearing is that there is not a need for, at this meeting anyhow, a formal recommendation to the secretary. Going to pause there and ask, if any GIAC member feels otherwise, to speak now. Okay.

MR. KUHL: Yes. Sorry. I'm not sure if this is possible, but can we recommend or talk about -- if FGIS decides to throw this over to GSA, can we recommend not to do it soon, so we have time to figure out the best way?

MR. KERRIGAN: Well, we probably
could, but I think, from what I heard from Arthur and Tony, and especially what we-all know -- no offense to how quickly the federal government moves -- is that I don't think it's going to happen quick; and even with just the public notice, that it's still, you know, five months out, even if they probably submit it today.

And so I guess my general thoughts on that is that, you know, we'll definitely be well into/past at least the 2021 wheat harvest, you know, before anything of that nature happens. And the intention would be that we would have another meeting by that point in time, to likely be able to get an update.

I guess what I'm getting from Tony is I don't think they're at a position and a place here today to even start that process of moving it over, is what I'm hearing.

MR. GOODEMAN: That's an accurate assessment. I mean, even if -- again, just from a policy standpoint, for a change like this, we'd try and do it at the, you know, beginning of the
marketing year. We wouldn't want to do it right before harvest, for example; that might be problematic.

Again, I'll hearken back to what we did two years ago with the procedural changes in falling number. We gave a significant amount of advancement -- it's not quite a year, but a lot of notice, and had made the change in May. You know, I'd hate for it to drag out too long if this is a genuine issue that we could help make progress on. You know, in every harvest that goes by, we could have other issues that come up and -- but you're right, it's not a real quick process. So I'd hate to delay it too much, but I definitely understand the need to evaluate it properly and provide appropriate notice.

MR. NEAL So if I'm going to --

MR. GOODEMAN: I think that that is important, like, how much notice you might need; that's important; or how urgent this issue is. You know, even coming away with this, you know, without a resolution, saying this is a terrible
idea, stop now, I think is, you know, noteworthy, just to continue to look at it. I think it's all really good information.

MR. NEAL  So just upon quick review; there may be a possibility for the committee to craft a request for public comments. You know, and there'll be a need to frame the issue, what it is, you know, that's challenging the industry, and how you want the public to comment, you know, what kind of information you're looking for. There may be a possibility for that to be done without us going through the Federal Register, for the committee. I'll confirm that.

But what I'm seeing, there could be a possibility that that exists. So after lunch, I'll have an answer for you on that and, that way, the committee can take up whether or not you want to develop a recommendation that requests public comment on this issue, and that can get you data to formulate potentially a more firm recommendation to us, on how you think it can be handled. And we'll still continue to do our part
on the back end, assessing options from our perspective.

MR. KERRIGAN: I'll ask the GIAC members: is there anybody who, on that initial, I guess -- what Arthur's going to check into, that could be a benefit? Or would that add value to anybody on the GIAC, before Arthur spends this time over lunch, researching something?

MR. FRIANT: Yes, this is Nick. I think there's value in it. I got to kind of chew on it a little bit more. But I think there's potentially some value in that.

MR. KERRIGAN: Okay. Because, you know, the other option, I think as John alluded to, is with FGIS continuing to work, you know, with maybe some of the -- I don't want to call them revelations, but maybe clarity on official/unofficial, both inside of the, I guess, official agencies, but then also maybe the realization of all of the independent surveyors who are not, you know, held to this in general; that there's definitely -- that probably built
the data set of concern, that we could just leave it on as an agenda item, kind of carry it to the next meeting as well. And I think what Arthur is alluding to as a step further on, if there's a need for actual public comment leading up to the next meeting, to gather information, because there's kind of two levels of information gathered there.

Any other thoughts or comments on this falling-number item? Okay. If not, we'll stay that, I guess, until we -- if we think that there could be some value with what Arthur's going to look into, we kind of make kind of final decision on that, once we hear backup for some clarity on that. Okay?

The fourth and final topic for us to consider is the discussion around the FGIS FDA MOU, specifically regarding coming up with kind of a agreed-upon sample remediation for various actionable items that've been discussed. It doesn't sound like we are at a level of recommendation; however, I will pause to see if a
-- sorry, a recommendation to the secretary.
I'll pause there to make sure that we kind of get
that out of the way. It sounds like we're at the
level of likely a subcommittee. Nick, I believe
that you had expressed some consideration for
recommending the creation of a subcommittee. Is
that correct?

MR. FRIANT: Yes. I would be
interested in recommending a subcommittee to take
a look at it.

MR. KERRIGAN: Okay.

MR. FRIANT: So let me ask a question:
From a process perspective, what does that look
like? So that is --

MR. KERRIGAN: We would need to draft
some language regarding the creation of the
subcommittee. Then I believe we would then take
a roll-call vote, yea/nay, on the creation of
that subcommittee, once we have the verbiage on
that creation and what its intent is, settled.

MR. FRIANT: Okay. And that's just
internal to the advisory committee; that's not
something that would be a recommendation that
goes up to the secretary, then?

   MR. KERRIGAN: Arthur, is that
correct?

   MR. FRIANT: Yes, I guess --

   MR. NEAL Well, all of the
recommendations -- we're going to make sure the
secretary is aware of it. And so this is going
to be an output -- well, no. So in answering, I
guess no. We will inform the secretary, of the
body of work that resulted from this meeting.
But this is not an actual recommendation you're
asking USDA to take action on.

   MR. FRIANT: Okay.

   MR. KERRIGAN: Can you scroll up,
Kendra, to the main subcommittee, not the task
force. There we go.

   So I believe the key here in
discussion regarding the subcommittee is:
responsible for conducting research and analyses
in drafting proposals for consideration by the
full GIAC. So, Nick, is this something that
sounds like you'd like to propose that we work on
the recommendation for, to create a subcommittee?

MR. FRIANT: Yes. Yes. You got it.

MR. KERRIGAN: Do you have a --

MR. FRIANT: During the break, I --

MR. KERRIGAN: -- Suggested language?

MR. FRIANT: I started on some

suggested language during the previous break. I
notice we're kind of getting up close to the
second break here. What's the easiest way?

Should I send this to you, Kendra, for the -- and
it's a draft, so I'm totally open to the
committee slicing and dicing and getting it the
exact way we want it. But I do have something we
can at least start with.

MS. KLINE: I would suggest sending it
to Brent, since he's the acting secretary for the
committee.

MR. FRIANT: Okay.

MR. TURNIPSEED: I've got a --

MR. FRIANT: Okay. Will do that.

MR. TURNIPSEED: -- Word document kind
of going here, so I can put it on the screen or something.

MR. FRIANT: Okay.

MR. KERRIGAN: Okay. Well, if you'd like to send that over to Brent. And we are coming right up here on lunch. Maybe we take the hour lunch and then, when we come back, we will wordsmith that to be able to hopefully take the recommendation to a roll-call vote. Arthur will have some clarity regarding gathering public comment without the Federal Register; we can make a decision on that and then continue on to finish the meeting.

So with that, let's go ahead and take just over an hour for lunch. We'll reconvene back at 1:15 Eastern Time. Is that right? Oh, I'm sorry, 2:15 Eastern Time. And we will start right where we left off here with this subcommittee. Thank you.

MR. GOODEMAN: Thank you.

(Whereupon, the above-entitled matter went off the record at 1:13 p.m. and resumed at
2:19 p.m.)

MR. KERRIGAN: All right. I see everybody we need, on. Brent has a proposed verbiage regarding the establishment of a subcommittee for the GIAC to review FDA actionable items. I think we kind of focus in on the number two there, that, quote/unquote, final verbiage. If everybody'd like to take a couple of minutes to take a look at that, and we'll open the floor for any comments for revision.

MR. FRIANT: So this is Nick. Maybe while people are chewing on it, I'll call up a couple areas that I just struggled with writing, that I want to make sure folks are comfortable with. You know, the identification of the topics, I labeled them FDA actionable items. Does that resonate with folks? That was one area that I want to make sure folks are comfortable with how that was spelled out.

And then the second piece was in the second sentence; start talking about should also propose what actions/activities would be
required. Does that use of the words: actions and activities be required under pre-approved reconditioning plan --

    MR. KERRIGAN: Do we need to put in the --

    MR. FRIANT: -- Does that language resonate?

    MR. KERRIGAN: Tony, I think one of the words that I heard you use quite a bit was the remediation. Is that the technical that the FDA is looking for, or are we playing semantics?

    MR. GOODEMAN: It might be semantics. I think reconditioning -- I might've been using the wrong word, actually. I think reconditioning is probably what they term it if you're going to try and, you know, eliminate the problem or make the grain, you know, better and get rid of it; whatever the issue was. Think the reconditioning is probably the better term.

    MR. TURNIPSEED: Would slash-remediation be better? Because, some situations, you're going to want disposing of it.
MR. GOODEMAN: Right. Sometimes you have to.

MR. FRIANT: I think that's a good suggestion.

MR. SINNER: So, Tony, just back to when you presented this. These are actionable items that were identified by FDA, correct, and that's why it's stated this way?

MR. GOODEMAN: Technically, they'd be identified or first-noticed by FGIS or one of our official agencies, and then reported to FDA. We call them actionable lots; I think it's how they're termed in our directive and our FGIS instructions. But they're actual because FDA -- that's why they set up an MOU when they're actionable, because of FDA regulations.

MR. KERRIGAN: So would we revise that --

MR. FRIANT: FDA --

MR. KERRIGAN: So would we revise that to say: to review FGIS actionable lots which were reported to FDA?
MR. GOODEMAN: Probably semantics there. I think that, you know, they're only actionable because of our MOU with FDA.

MR. FRIANT: FDA defines --

MR. KERRIGAN: A lot of us --

MR. FRIANT: I was just going to say, Tony, FDA defines what's actionable, right?

MR. GOODEMAN: Exactly. And a lot of us, at least on the FGIS side, we refer to them as FDA-actionable so we kind of know what lane it's going down and what instructions will apply.

MR. KERRIGAN: Okay.

MR. FRIANT: How about FDA-actionable conditions instead of items?

MR. KERRIGAN: It kind of sounds like -- if Tony feels we're playing semantics with it, then, like I say -- you know, this is a subcommittee here. I mean, I think the intent is pretty clear, as long as, frankly, Arthur and Tony -- probably more Arthur, I guess, is good with that language.

MR. GOODEMAN: I don't want to
interfere, but I think I understand what you're getting at there. Of course, I had been in the weeds on this the whole time, so it'd almost be better if an outsider, you know, wanted to check it out. But I certainly understand what you're trying to convey here: I mean, a subcommittee to review the actionable items and for which a pre-approved reconditioning plan can be developed; propose what actions or activities will be required under the pre-approved reconditioning remediation plan; work in conjunction with staff; propose findings for the next meeting. I mean --

MR. TURNIPSEED: That need to be defined as FGIS staff?

MR. NEAL What was the question?

MR. TURNIPSEED: Do we need to define that as FGIS staff there that we'd work with on this?

MR. NEAL We understand. But for clarity, that doesn't hurt.

MR. TURNIPSEED: Nick, is that
something you --

MR. FRIANT: Yes, I agree with Arthur: for clarity. The example from last meeting, the recommended subcommittee did not include FGIS.

But I think, for clarity, we should include that.

MR. KERRIGAN: Okay. Any other comments, revisions, questions, concerns? Okay. So I'm assuming, Nick, you would like to make a motion regarding the, quote/unquote, final verbiage to create a subcommittee, as written. Is that correct?

MR. FRIANT: So moved. Yes.

MR. KERRIGAN: Can I get a second?

MR. AYERS: Dave Ayers. I'll second.

MR. TURNIPSEED: David Ayers?

MR. KERRIGAN: Okay. And then I want to go through one by one here. I need either a yea or a nay. Yea will be to, obviously, approve the establishment of the subcommittee, and nay would be to not approve.

So David Ayers? Dave? How you doing?

MR. AYERS: Okay. Yea.
MR. KERRIGAN: Randy Burns? I believe you're on the phone.

MR. BURNS: Yea.

MR. KERRIGAN: Okay. Janice Cooper?

MS. COOPER: Yea.

MR. KERRIGAN: Curt Engel?

MR. ENGEL: Yea.

MR. KERRIGAN: Nick?

MR. FRIANT: Yea.

MR. KERRIGAN: I will also be a yea.

Ryan Kuhl?

MR. KUHL: Yea.

MR. KERRIGAN: John Lindgren?

MR. LINDGREN: Aye.

MR. KERRIGAN: Bob Sinner?

MR. SINNER: Yea.

MR. KERRIGAN: Brent?

MR. TURNIPSEED: Yeah.

MR. KERRIGAN: And Mr. Watne?

MR. WATNE: Yeah.

MR. KERRIGAN: Did I miss any GIAC members? Okay. We have 11 yeas to zero nay.
Arthur, I'll ask, did you find anything interesting regarding a request for comments?

    MR. NEAL  Did. So there's a blended approach. I was wrong in the fact that we cannot ask for comments outside of a Federal Register Notice. But because we do have an active Federal Register Notice for this meeting, we can create an active request for comments on the agenda item for this meeting. So that's positive.

    So we got an active agenda item, which is the falling number. What we could do -- and we also have a document on the website, regarding this issue. What could happen is that the committee could take that document and figure out how it wants to craft a request for comment on that topic, and we could have the public comment on that topic. And the comments will be collected through Regulations.gov and be available for the public to review, as well as all committee members.

    MR. KERRIGAN: Okay. So we have a lot of discussion regarding the falling number. I
guess I'll put that to the GIAC back again. It did not sound like there was a movement earlier to do a formal recommendation to the secretary; however, with this new information regarding comments potentially, to gather that from any interested party, is there anybody on the GIAC who would like to try and move forward with that? Otherwise, this would remain as an open item for the next meeting, as an update.

MR. NEAL Hey, Matt, I apologize for interrupting. There's one thing I forgot to also state. We have to also identify a closing date for the comment period.

MR. KERRIGAN: Okay. So let's start with the first question there: Do we feel that we have enough information to request specific comments regarding the falling-number item as presented? Not hearing anything, do we want to continue without requesting public comments, but continuing to keep this on our agenda item, to come back for the next meeting, to get a further update from FGIS, and potentially further
information from GIAC members?

MR. LINDGREN: I think the second one is a better plan of attack, just because I don't know if we would capture everything we wanted for comments, to put it in the register.

MR. KERRIGAN: Okay.

MR. FRIANT: This is Nick. That's a little bit my concern too, is if we had to put together, like, this afternoon what we would want for account requests in the Federal Register, I don't know that -- I don't feel comfortable -- that feels rushed to me, I guess is the way to say it.

MR. KERRIGAN: Okay. Any other commentary from GIAC members?

MS. COOPER: This is Janice. I would support just keeping it on our agenda as old business and discussing it at the next meeting.

MR. KUHL: I would agree as well.

MR. BURNS: Agree.

MR. KERRIGAN: Okay. We do not need a motion for that. I just want to make sure that
nobody feels otherwise for anything that we do 
need recommendations for. So I'll kind of give a 
moment here for anybody else if they want to 
counter that proposed move forward.

MR. TURNIPSEED: Want me to stop 
sharing my screen so you don't see my typing?

MR. KERRIGAN: Sure. That's fine.

MR. TURNIPSEED: Okay.

MR. KERRIGAN: It kind of sounds like, 
Brent, for the time being, that, hearing no other 
items, we have one recommendation for a 
subcommittee. The other items we'll move to old 
business at the next meeting. Okay. Simple, 
short session compared to the last one I was a 
part of.

All right, Arthur, we're another 45 --
almost an hour ahead of our agenda again. Can we 
move to officer elections or do we need to wait 
until that time comes up?

MR. NEAL Because this doesn't involve 
the items including the public debate, you can 
continue to move forward. Okay.
MR. KERRIGAN: Okay. Nick --

MR. FRIANT: And --

MR. KERRIGAN: -- Did you have something there?

MR. FRIANT: Yes. Sorry to interrupt.

Before we do that, just a point of procedure or process: For the subcommittee -- and I'm asking you, I guess, Arthur -- how does that work? Is that discussion amongst the committee now, on who wants to be part of it? Do we need to have a chair of that subcommittee? I didn't see anything about a chair in the procedures document. So maybe just a little bit of guidance on how we should proceed with that subcommittee.

MR. NEAL Yes, there should be a discussion here about who would chair that committee, so there's a point on it. And you can make those -- you know, to self-nominate, or someone could nominate someone else for it, and you-all decide as a committee if you agree, disagree. And we also need members of that committee, so you need volunteers to be on it, as
MR. KERRIGAN: Thank you, Nick and

Arthur.

Would anybody want to nominate or

self-nominate to chair the FDA MOU subcommittee?

MR. FRIANT: This is Nick. I'd like
to --

MR. ENGEL: This is Curt. I'd like to
nominate Nick, and I'll volunteer to be on it.

MR. KERRIGAN: Okay. Do we need to
vote if there's only one nomination for the
chair? No. Nick, looks like you are the chair
of the subcommittee.

MR. FRIANT: I accept.

MR. KERRIGAN: Okay. I --

MR. FRIANT: Who else besides Curt?

MR. KERRIGAN: Yes, we got Curt. I
would be happy to volunteer for the subcommittee.

MR. FRIANT: Just my opinion: I think
it'd be good to have someone from the official
agencies as well.

MR. KERRIGAN: We'll have a staff
liaison anyhow, correct? Oh, I'm sorry, you're
talking about the other --

    MR. FRIANT: Yes.

    MR. KERRIGAN: -- official agency.

    MR. FRIANT: Yes, Dave or Ryan or

Jimmy or somebody.

    MR. KUHL: I will be able if -- unless
you want it, Dave. I can.

    MR. AYERS: I can do it. I have
plenty of time.

    MR. KERRIGAN: Okay. I'm pretty sure
we can -- I know we had to have a minimum of
three. I think we can go over three if anybody
else would like to participate.

    MR. FRIANT: Janice, is this something
that you would be interested in, from the Wheat
Marketing Center perspective?

    MS. COOPER: Actually, with all
respect, no. It's not within my purview.

    MR. FRIANT: Sure. I wanted to make
sure to ask.

    MS. COOPER: Thank you. Appreciate
MR. KERRIGAN: All right.

MR. KUHL: I can as well, if you're looking for more.

MR. KERRIGAN: We'll go ahead and keep you clued in, Ryan. We'll put you on that; that way, it'll be a little bit easier to make sure that we maintain our minimum for any discussions that we have.

Okay. Any further self-nominations, requests to be a part of it? Basically, I have Nick as the chair, we have Curt, Matt, David, and Ryan as members of the FDA MOU subcommittee.

Okay. And then, Nick, we'll just need to take a look, being back on the policies and procedures. We don't need to do any Federal Register Notice, but we do need to meet on a regular basis and make sure that, obviously, we're documenting our conversations to present to the full GIAC, then.

MR. FRIANT: Okay. Do we need to hear from FGIS on staff liaison or -- going to go out
on a limb and say it's either Tony or Pat.

MR. NEAL I think, from our perspective, you know, we're definitely going to have someone committed to it; it could vary, who it is. It could be more than one. It just depends on what issues -- but you definitely got us on the hook to be connected at the hip with you on the subcommittee.

MR. KERRIGAN: Okay. Well, we will make sure to let everybody know, I guess, on that first conversation. Will likely be a kickoff conversation. And we'll kind of play it by ear from there.

Okay. Anything else that I may have missed, I apologize about that, regarding the recommendations or anything else, I guess, moving forward here, before we go into officer elections and next-meeting and agenda items? Okay. All right. Now, the fun part. Let me see if I can't find -- Kendra, do you have a current list of the members who are not rolling off next month, that you could put up? Otherwise, I have an older
one. I believe, if I'm not mistaken, the five members that are currently rolling off are Randy Burns, John Lindgren, Rick Robinette, Brent Turnipseed, and Mark Watne.

MS. KLINE: I believe so. This is the only list I have.

MR. KERRIGAN: Okay. So basically, everybody except for those five individuals will be eligible for nomination/self-nomination for an officer position. I believe we have a chair, a vice chair, and a secretary position to fill. Would anybody like to nominate or self-nominate for either one of those positions?

MR. AYERS: Matt, David Ayers. I'd like to nominate you as the chair, and Janice Cooper as the vice chair.

MR. KERRIGAN: Okay.

MR. FRIANT: This is Nick. I will second that nomination.

MR. TURNIPSEED: Who seconded that motion?

MR. FRIANT: This is Nick Friant.
Sorry.

MR. TURNIPSEED: Okay. And who made the motion? I didn't even --

MR. KERRIGAN: David Ayers.

MR. TURNIPSEED: Okay. Okay. Thanks.

MR. KERRIGAN: Do we have a nomination for secretary? Nick, would you have any interest in doing it?

MR. FRIANT: I was just going to say I could be secretary. Sure.

MR. KERRIGAN: Since I was nominated by -- or seconded by you, I will be happy to nominate you.

MR. SINNER: I'll second that. Bob Sinner.

MR. KERRIGAN: And we can have competing elections here. So if anybody else is interested or would like to nominate or self-nominate, by all means.

MR. WATNE: If we're not hearing any, can we do a motion to cast unanimous ballot for the candidate for president, secretary, and vice
president? Can we do that? Is that legal?

MR. KERRIGAN: I am staring at Kendra right now; she is giving a thumbs-up, that that is an option.

MR. WATNE: So I will so-move that.

MR. ENGEL: This is Curt. I'll second it.

MR. KERRIGAN: Okay. One second here; I'm also keeping notes. All right. So we've got a motion to accept those as -- we've got a second. I believe I will need to go through roll for the 11 members.

Yea or nay, Mr. Ayers?

MR. AYERS: Yea.

MR. KERRIGAN: Randy Burns?

MR. BURNS: Yea.

MR. KERRIGAN: Janice Cooper?

MS. COOPER: Yea.

MR. KERRIGAN: Curtis Engel?

MR. ENGEL: Yea.

MR. KERRIGAN: Nick?

MR. FRIANT: Yea.
MR. KERRIGAN: I will be a yea. Ryan?

MR. KUHL: Yea.

MR. KERRIGAN: John?

MR. LINDGREN: Yea.

MR. KERRIGAN: Bob?

MR. SINNER: Yea.

MR. KERRIGAN: Brent? Brent Turnipseed?

MR. TURNIPSEED: Yea. I'm sorry. My computer must have muted me.

MR. KERRIGAN: Fine. And Mr. Watne?

MR. WATNE: Yea.

MR. KERRIGAN: Okay. Have I missed anybody? We have 11 yeas for Matt Kerrigan as chair, Janice Cooper as vice chair, and Nick Friant as secretary, for the coming session. All right. Moving along here. Just cruising. The next item I have is: discuss agenda items for next meeting. I believe we have -- far as old business, think all of our items are remaining, if I'm not mistaken.

We also have one new item that has
been requested, regarding the timeliness or time
reporting of shuttle train arrivals, and its
impact on the inspectors. That was presented by
Mr. Jimmy Williams. I spoke with him last night;
he is not able to be on the phone today to
discuss that further. He will have a kind of
one-page white paper to present it to the group,
prior to the next meeting. But he did ask that
we include that as an agenda item as well.

Little bit of a background on that is
-- if any of you have worked with shuttle-train
loadings, we get free advice usually four or five
days before, and then the railroad will adjust
that time. Obviously, with a shuttle train, you
know, 110 to 115 cars typically takes at least
eight hours to load. That can expand out to as
much as 10, 12, you know, 15 hours, sometimes
more.

And the problem lies -- you know, as
you're getting closer and closer, that time will
start to either move up or move back, which makes
it very difficult for the scheduling of
inspectors, which then you start to run into excessive fatigue, just scheduling challenges, and which does impact not only overtime and pay but also especially the retaining of employees, because of the unknown schedule; nights, weekends, and things of that nature.

So that is a summary on that. Let's say Jimmy will have more information. Other than kind of what's been discussed, are there any other known agenda items that anybody would like to request at this point in time, for the next meeting?

MR. AYERS: Matt, David Ayers. I'd like to have an update on the exception program.

MR. KERRIGAN: Okay.

MR. AYERS: If that would be a okay topic, Arthur?

MR. NEAL Yes, sir.

MR. AYERS: Thank you.

MS. COOPER: Dr. Jhee mentioned yesterday that they're working on a process for approving new technology in the official system.
I'd be very interested in getting a whole reading on the status of that and maybe, you know, look at some recommendations, depending on how that's going.

MR. NEAL Feedback on that: In Dr. Jhee's comments, what we plan on doing is having a document for the community to review prior to the meeting.

MS. COOPER: That'd be great.

DR. JHEE: We'll be sending the document as well as some focus questions on those areas that I mentioned yesterday we kind of hit some sticking points on and wanted to get some industry input.

MR. GOODEMAN: This is Tony. I have just a clarifying question, out of curiosity: Will there be, like, a Federal Register Notice seeking topics as well, or some kind of outreach to the committee, to gather more topics in advance of the next meeting, or is this the opportunity?

MR. NEAL So the committee can meet
ahead of the next meeting -- I'll probably have
multiple meetings ahead of the next meeting -- to
discuss further agenda items.

    MR. GOODEMAN: Okay. Thank you.

    MR. KERRIGAN: Anything else at this
point in time that anybody would like to request?
As Arthur said, this is not the last opportunity
leading up to the next meeting, but if there's
anything known that we want to get on the docket,
to make sure that we have time to prepare and,
frankly, don't miss it?

    MR. KUHL: I possibly would like to
ask some more official agencies their thought.
But possibly one to review would be the OCIS.

    MR. KERRIGAN: Just an update? Or you
think that there's going to be something specific
when you talk to some of the other agencies
regarding it?

    MR. KUHL: I would like to ask what
their thoughts would be if falling numbers were
to take that path, to see -- on how that would
work. I know that there's going to be quite a
few OCIS agreements, possibly in the hundreds, for each agency that runs falling numbers. I'd like to review the OCIS myself as well as talk to other to OAs, to see if it should be discussed in this committee. So can I potentially add that as the agenda?

MR. KERRIGAN: Sure.
MR. KUHL: Okay.
MR. KERRIGAN: Yes, we can mark that down. Like I say, we do have plenty of opportunity to revise the agenda items before that goes to the Federal Register Notice, prior to the next meeting.

MR. NEAL And also for consideration on that topic, Ryan: if it's connected to that falling-number issue, you can think about handling a lot of that, too, through the subcommittee.

MR. TURNIPSEED: I think I captured that, but my lights have quit working in my office.

MR. GOODEMAN: Was there a
subcommittee on the falling number?

MR. KUHL: Not to my knowledge.

MR. KERRIGAN: No.

MR. TURNIPSEED: Oh.

MR. KERRIGAN: There's only a subcommittee on the FDA MOU. We were going to --

MR. GOODEMAN: Okay.

MR. KERRIGAN: -- Basically use it as --

MR. GOODEMAN: Yes, business item.

Yes, yes.

MR. KERRIGAN: -- An old-business item, to kind of have everyone, like, collect some information, bring it back to the next meeting.

MR. NEAL: Yes, thanks for -- I got the issues mixed up, Tony. Thanks.

MR. KERRIGAN: Arthur's getting ahead of himself on what we're going to do at the next meeting.

No, Brent, if you could turn yourself into a cat as well, while you're kind of fading
in and out there, it would bring a nice end to this meeting.

MR. TURNIPSEED: Technology beyond me.

MR. KERRIGAN: Anything else for agenda items? Okay. I'll just end with closing remarks for myself. I do want to really thank everybody for their time over the past two days.

I want to thank all the staff members at FGIS, for the updates as well as all the cooperation. I really think that we're all getting a lot better at this technology thing and remote meetings. While it may not be preferred, I actually think this is one of the smoother group meetings that have had, what, upwards of 50 people on, most of the time. So thank you very much for making this go very, very well.

Thank you for all the cooperation.

Been a very, very good discussion on these topics. I know that some are little surprised because of past meetings and the sheer number of topics, but I feel that the quality of these items and the impact, you know, on the industry,
at various levels, with the impact that FGIS can
have and vice versa, has been great. So on
behalf of me, thank you very, very much to the
GIAC, FGIS, as well as all the other
participating members, and come back.

I'm going to turn it over to Arthur.

There is a little bit of a question. If you can:
not only end the closing remarks; kind of talk
about maybe the plan for -- you know, what your
thoughts are for next meeting, rough time line,
and things of that nature.

MR. NEAL Excuse me. Well, first of
all, I want to say thank you. Thank you for
flowing with us. When I say flowing, this is
different. But everybody was very flexible in
this process, coming up to this meeting date;
very participative. And I just really wanted to
say thank you for being great partners and, you
know, servants to the industry, in this way, on
this committee.

I want to say thank you for those
members rolling off: Rick, Randy, John, Brent,
Mark. You know, we didn't get a chance to spend
a full three years together, but the time that we
did have to connect has really been a pleasure.
And I hope we have an opportunity to do it more,
whether it's through GIAC or some other venue.

For those that are going to be staying
for the ride: This is a evolutionary process as
we improve how we interact with each other and
with our stakeholders, and how we provide more
prepared, more structured, thoughtful
recommendations that could impact the industry.

I'm really grateful to be a part of
FGIS. This is an organization that stands for
excellent service. You know, and as I, you know,
meet with employees, it just iterates the spirit
of excellence that flows throughout the industry,
in terms of providing quality product and us
providing quality service to help market the
products that are being produced, shipped
worldwide.

So I think this has been a great
meeting. I look forward to the next meeting. In
terms of time, that's going to really be -- I
guess it's a shared responsibility. We're
anticipating better, more free movement in the
fall; that's an anticipation. I didn't get a
chance to read it thoroughly; I did see the date
that the CDC came out with guidance that said
people who were fully vaccinated no longer had to
wear masks outdoors or indoors. What does that
mean for us in terms of travel? I don't know.
But I'm hopeful that we'll get the green light
that we can start traveling again.

I've already put the request, you
know, to Bruce, our administrator, that we have a
desire to want to meet in person for our next
meeting. We have to wait before -- you know,
wait for the White House to give us the okay to
start traveling and gathering together on behalf
of the federal government. But that's our goal.

We were looking at a time line of
November to get us past any potential COVID
issues. I think if we target any date sooner
than that, we may not have clarity. And it's
going to take a lot of planning on our end to make it happen. As we don't want to facilitate that meeting in the National Grain Center, we'll probably target a hotel. And so that means getting a contract in place and the like, making sure we got audio-visual in place. You know, we got to get your flights arranged, and things of that nature. So it'll take a little bit more coordination and so we need to make sure we've given ourselves enough time to plan for that, and adjust for any unexpected circumstances that we hope not to occur.

So that's my thoughts on a future meeting. It gives the committee and subcommittees plenty of time to work on issues, reach out to stakeholders, have conversations, bring information back. It gives us the time that we need to continue working on items as well, in partnership with you.

I think our next meeting's going to be a even greater meeting than this one. And I feel like this has been fairly productive, considering
the topics that we had on the table. And some of these topics that we had for this meeting were rollovers from when we were planning in March, I think, of 2000.

So, lots's happened since then. I'm sure there's more that may pop up between now and our meetings, to plan for the next GIAC meeting. So that's my perspective. Any questions or additional thoughts on that?

MS. COOPER: Arthur, you said you weren't planning on using the National Grain Center. Does that mean that you might have the meeting somewhere else besides Kansas City?

MR. NEAL No, we're still looking at Kansas City.

MS. COOPER: Okay. Perfect.

MR. NEAL Kansas City right now -- you know, when we have these meetings, -- this is my thought process. I could be wrong. And it's not all up to me. If there are locations that you-all think we should look at, feel free to recommend those to us. Cost is always going to
be a factor. So we're looking at Kansas City, one, because of cost. We were planning to have our in-person meeting in Kansas City at a hotel, if we were to have met in 2020. We had a good deal with the hotel.

Kansas City is pretty central to a lot of our stakeholders, so people can get to it fairly easily, whether by driving or flying in. We'd like to be able to move our meetings across the country, to other parts of, you know, grain country, but those locations need to be such that it's easy for us to access our stakeholders.

So that's kind of our thought process, is that when we meet in public, we want people to be able to participate and us not be too far out of reach from them. Any additional thoughts, comments? Before we meet next time, we should have an undersecretary in place here for our Marketing and Regulatory Program. If there are any other changes administratively through appointments, we'll do our very best to make sure we keep you-all apprised. And if there's an
opportunity for us to get those individuals in
front of you, we'll do our very best to do that
so that you have an opportunity to meet them and
know who they are. And that's about all I have,
you-all.

MR. KERRIGAN: Okay. Anything else
from anybody? Hearing none --

MR. NEAL Let me ask a quick question
to make sure I --

Dave Ayers -- Dave, you're on with us
for another year, right?

MR. AYERS: Yes.

MR. NEAL Yes. Okay. Just wanted to
make sure I didn't forget you. I didn't think
you were off. Okay.

MR. AYERS: You're not getting rid of
me that easy.

MR. NEAL Right. I haven't been able
to do it yet, so --

MR. KERRIGAN: Okay. Well, I will
entertain a motion to adjourn.

MR. AYERS: So moved.
MR. KERRIGAN: And a second?

MR. FRIANT: Second.

MR. KERRIGAN: Okay.

MR. TURNIPSEED: Who made the motion?

MR. KERRIGAN: Meeting's adjourned.

MR. MCCLUSKEY: David Ayers, Nick Friant.

MR. FRIANT: Yes.

MR. NEAL: Thank you-all. You-all continue to be safe.

MR. KERRIGAN: Thank you-all.

(Whereupon, the above-entitled matter went off the record at 3:02 p.m.)
recommend 15:12
recommendations 6:7
regard 13:11 14:21 15:3 23:1
regarding 23:17 24:1,6 10 28:5
registered 28:10,17 44:1,17 45:3
regional 45:10 47:17 48:19,21
registered 51:4,14 52:2,4 53:2,3
regional 53:15 54:3,6,10 55:11
registered 55:14 56:8,14,15,16
regional 57:1,4,11,15,17,19,22
region 58:2,13 61:1 69:2
registered 71:2,20 72:3,9 74:14
region 77:18,21 79:22 80:1
regional 81:1,12 82:2 83:9
region 92:3 94:11
recommendations 3:7
region 3:11 5:3 13:18 23:22
recondition 28:8 32:15 38:2 43:7
recondition 43:18 44:3,14,16 46:1
reconditioned 48:12,13 50:8,21
regional 55:10 81:7 94:2 99:16
recondition 106:3 112:11
recommended 46:13
regional 89:4
recommending 53:18
recommended 56:17 80:6,9
regional 11:12
reconditioned 19:11
reconditioned 11:13
reconditioning 12:1,7 85:3,13,14,18
regional 88:8,11
reconvene 83:15
record 47:6 50:12 83:22
recurring 118:13
refer 33:15
reference 87:9
references 8:18
regarding 5:7 13:17
regional 31:13 46:1,8,11 47:1
regionally 51:15 52:9,22 53:10
register 57:16 79:18 80:16
register 81:19 83:10 84:4 89:9
regionally 91:2,12,22 92:4,17
register 99:15 104:1 107:18
regional 32:13
register 33:1
register 38:22 54:19
regular 59:6,11,17 60:19
registered 72:21 77:12 83:11
regularly 91:5,7 93:5,10 98:17
register 106:17 108:12
regular 47:10
Registry 67:11
regular 31:18 98:18
regularly 9:15
regulations 6:20 60:14
46:22 86:16
Regulations.gov 73:7
91:18
regulatory 2:6 6:1,17
recommending 116:19
relate 9:7
release 34:14
remain 92:8
remaining 103:20
remedial 14:12
remediation 17:3 23:5
remedial 30:18 46:13 79:19
remedial 85:10 88:11
remember 62:13
remind 74:7
remote 110:11
renew 42:8
report 6:17 8:12 36:12
12:1,7 85:3,13,14,18
reportable 36:18 37:1,12
reported 104:2
reports 6:22
represent 13:9 14:16
representative 21:5
represented 21:9
request 54:18 72:19
requests 77:6 91:2,8,15 92:16
requests 105:11 107:6 113:12
requested 104:1
requesting 92:19
requests 38:7 77:18
39:10 98:11
require 55:19
required 85:2 85:1,2
required 88:10
research 45:22 72:16
researching 73:10 81:20
researching 78:8
resolution 76:22
research 43:2 68:19
resolv 59:22
resonate 84:17 85:7
resource 31:4
respect 15:20 97:19
respectual 53:21
respond 14:10 24:19
responds 45:13 73:4
responds 9:11
response 12:11 38:22
57:5 73:13
responsibility 73:6
responsible 113:2
responsible 81:20
restrictive 64:9,21
resulted 81:11
results 55:16 56:20
56:1,13,14 66:17
73:19 74:2,6
resumed 50:12 83:22
retaining 105:4
revelations 78:17
review 60:17 61:8 77:4
84:5 86:21 88:7 91:19
106:7 107:14 108:3
revision 86:17 20:108:11
revision 84:10
revisions 89:7
rice 7:10 11:8 18:17
22:2,3,4 35:14
Rick 100:3 111:22
rid 85:17 111:16
rid 112:7
risk 9:15 104:2
risks 9:13
road 30:15
ROBERT 1:16
Robinette 100:3
rodent 21:18
roll 26:19 102:11
roll-call 80:18 83:9
rolling 49:14,21 99:21
100:2 111:22
rollovers 115:3
rough 111:10
roughly 34:5 69:10
round 24:1 62:14
route 60:20 62:9
RUGGLES 2:7
rules 41:22 65:21 70:20
run 5:9 12:11,17 17:22
28:5 34:10,20 55:21
56:2,11 63:20,21 64:1
64:7,9,11 65:6 66:8
105:1
runs 108:2
rushed 93:12
Ryan 1:14 67:9 69:16
90:11 97:5 98:6,13
103:1 108:15
saying 4:13 63:11
76:22
says 43:17 60:9 72:9
SB&B 1:16
schedule 43:5 60:15
64:16,16 105:5
scheduling 104:22
Science 2:4
scientists 30:20
scope 45:14
Scolar 1:13
scratch 35:12
screen 83:1 94:6
screens 4:18
scroll 81:15
seal 7:3
seat 51:20
second 21:21 27:15
35:22 82:10 84:20,21
89:13,14 93:2 100:19
101:14 102:6,8,11
118:2,12
seconded 100:20
101:12
secretary 45:12 49:6
53:3,16 56:6 74:14
80:1 81:2,8,10 82:17
93:3 100:11 107:10
101:22 103:16
secretary's 28:7
section 44:6
Seed 1:17
seeing 6:16 77:14
seek 68:17
seeking 12:19 106:18
seen 8:7 16:17 17:11,15
32:12
select 25:17
selected 49:16,17
self-nominate 95:18
96:5 100:12 101:19
self-nominations 98:10
semantics 85:11,12
87:1,16
send 11:3 14:9 33:8
49:18 82:11 83:5
sending 82:16 106:10
sense 26:14 28:11,18
sentence 84:21
September 62:3
servants 111:19
serve 14:12 49:5
service 1:15 59:3
112:14,18
session 94:14 103:16
set 23:2,13 73:3 79:1
86:15
This is to certify that the foregoing transcript
In the matter of: Grain Inspection Advisory Committee
Before: USDA
Date: 05-13-21
Place: teleconference
was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter