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September 8, 2010

MEMBER NEWS

MO-AG Executive Director Grain Journal Interview

MO-AG Executive Director Steve Taylor was interviewed for the July/August edition of the "Grain Journal". [Click here](#) to read the interview.

2010 MO-AG Regional Meeting to Be Held October 5th

Don't miss this opportunity to golf on one of the best golf courses in Mid-Missouri and meet with some fellow MO-AG members on Tuesday, October 5th. The registrations for the 2010 MO-AG Regional Meeting at the Country Club of Missouri in Columbia, MO are due by October 1st. The registration brochure has been mailed and is now available online by [clicking here](#).

Agricultural Sustainability Forum

The Agricultural Business Council of Kansas City (ABC-KC) is sponsoring an Agricultural Sustainability Forum on September 23rd. USDA Deputy Secretary Kathleen Merrigan and other nationally recognized speakers will present the global perspective and implications of agricultural sustainability at the September Issue Forum. Deputy Secretary Merrigan has been a very influential voice within the Obama Administration on agricultural sustainability and food policy issues. She will provide an insight into the USDA's perspective on this topic.

The other speakers to complete this high quality program are:

- * Sara Wyant, publisher, AGRI-Pulse Newsletter
- * Sharon Bomer Lauritsen, executive vice

Shawnteetown Feed & Seed
Jackson

Wayne Orey
Riggins R-Co, LLC
Marshall

Jason Paris
MFA Inc.
Columbia

Duane Simpson
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St. Louis

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president,

Biotechnology Industry Organization

* Rick Tolman, CEO, National Corn Growers Association

* David Darr, vice president, Dairy Farmers of America

* Marty Strauss; partner; Kahn, Strauss and Associates

* Charlie Arnot, CEO, Center for Food Integrity; president, CMA Consulting

The session will be held from 10:00 a.m. to 2:45 p.m. at the American Royal, Kansas City, Missouri. For more information and registration, please [click here](#).

Your Input Is Needed on MO River Freight

A new project to bring more freight transportation to the Missouri River is just getting started. In order to provide a thorough understanding of the opportunities and challenges facing freight development on the Missouri River, your assistance is needed. [CLICK HERE](#) for surveys pertaining to market development and commodities, physical infrastructure, and navigation and operations support. Please take a look at each of the surveys and complete all questions applicable to your areas of expertise or interest. Completion of these surveys is critical to this important project to increase freight movement on the Missouri River.

Please return the surveys by Friday, September 17th. Return instructions are provided at the end of each survey.

REGULATORY NEWS

Final Ruling on National Emission Standards for Hazardous Air Pollutants

In February, 2010, the EPA provided a final ruling on National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE). This ruling affects existing stationary diesel engines. The rule is applicable to following categories of diesel engines:

- Engines used at "area sources" of air toxics emissions and constructed or reconstructed before June 12, 2006
- Engines used at "major sources" of air toxics emissions, have a site rating of less than or equal to 500 hp, and constructed or reconstructed before June 12, 2006
- Engines used at "major sources" of air toxics for non-emergency purposes, have a site rating of greater than 500 hp, and constructed or reconstructed before December 19, 2002.

"Major sources" of air toxics are defined as those that emit 10 short tons per year of a single air toxic or 25 short tons per year of a mixture of air toxics. "Area sources" are those sources that are not "major sources."

RICE NESHAP requires end-users (facility operators) to report to their regional EPA office if their facility falls under the provisions stated in 40 CFR Part 63 Subpart ZZZZ. This notification must be submitted in writing by either August 31, 2010 (120 days after the effective date of the relevant standard), or 120 days after you become subject to the relevant standard. Initial notification is the responsibility of the owner/operator of the source.

Questions and notifications can be submitted to EPA and directed to:

EPA Region VII
Rebecca Webber
Director, Air and Waste Management Division
901 N. 5th St
Kansas City, KS 66101

The notification documentation can be obtained on MO-AG's website by [clicking here](#).

Please include the Missouri Department of Natural Resources on the notification by providing a "cc" to:

Kyra L. Moore
Missouri Department of Natural Resources
Air Pollution Control Program
Permits Section Chief
P.O. Box 176
Jefferson City, MO 65102
(573) 526-3835

For more background and information, [click here](#).

NPDES "Fix" Introduced in the House & Senate

With the onerous National Pollutant Discharge Elimination System (NPDES) permit looming over our industry, efforts are underway to provide a legislative fix. Ranking Member of the House Agriculture Committee **Representative Frank Lucas** (R-OK), introduced legislation (H.R. 6087) that would amend the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) in order to clarify that additional permits are not required for pesticide applications made in accordance with FIFRA. Lucas's bill is companion legislation to S.3735, which was introduced earlier in the Senate by **Senators Blanche Lincoln** (D-AR) and **Saxby Chambliss** (R-GA). The bills would clarify that pesticide applications made in compliance with FIFRA do not need additional permits like a Clean Water Act (CWA) NPDES permit.

On June 4th, EPA issued its draft Pesticide General Permit (PGP) under the CWA. EPA is currently reviewing comments on the draft PGP. Several U.S. Senators sent a letter to the EPA expressing their opposition to the Court's decision and addressing concerns with EPA for moving forward with the final permit. The Senators cautioned EPA to ensure that its final PGP "address only the specific issues addressed in National Cotton Council, et al. v. EPA and not attempt to cover any additional activities." The rule will lead to extensive federal overreach and "heavier economic burdens on farmers and states." EPA is working to finalize the General Permit by December 2010; states and EPA must have permits in place by April 9, 2011. [Source: *Asmark Institute*]

EPA Proposes SPCC Compliance Date Extension - Again

On August 3rd, EPA proposed to amend the date by which certain facilities must prepare or amend their Spill Prevention, Control and Countermeasure (SPCC) Plans. The proposed date, November 10, 2011, is one year from the current SPCC compliance date of November 10,

2010. EPA said an extension is appropriate due to ongoing uncertainty surrounding EPA's regulatory review and year-long delay of final SPCC amendments that were first published in December 2008, but not made effective until January 2010.

EPA is proposing to extend the compliance dates to provide owners or operators of facilities the opportunity to fully understand the regulatory amendments offered by revisions and to allow these facilities additional time to make any changes necessary to comply with the revised SPCC requirements. **Troy Swackhammer**, with EPA's Office of Oil Pollution Prevention, offered clarification for the extension when he spoke at the Safety School last month. If the proposed rule is finalized, it will be the seventh deadline extension of the final SPCC rule since its original effective date on August 16, 2002. [Source: *Asmark Institute*]

Editor's Note: A facility is covered by the SPCC rule if it has an aggregate aboveground oil storage capacity greater than 1,320 U.S. gallons or a completely buried storage capacity greater than 42,000 U.S. gallons and there is a reasonable expectation of an oil discharge into or upon navigable waters. To view the EPA's guide to the SPCC rule [click here](#).

Grain Engulfment Update

***"OSHA Enforcement Outlook and Bin-Entry
Accident Prevention"***

***A Free Webinar sponsored by the NGFA and
Grain Journal***

Tuesday, Sept. 14, 2 pm central time

Registration Required. [Click here](#) to register.

Following the engulfment deaths of two teenage workers in an Illinois grain bin late in July, OSHA announced that it is stepping up enforcement of its Grain Handling Standard. In an Aug. 4 press conference, Dr. David Michaels, undersecretary of labor for OSHA, announced that the agency no longer will tolerate violations of the standard, and will address willful violations with greatly increased fines and possibly criminal

prosecutions. Safe bin-entry procedures have long been a focus of the National Grain and Feed Association's (NGFA) safety training initiatives.

To update the industry, the NGFA and Grain Journal magazine are sponsoring a webinar that is a must for managers of grain elevators, feed mills, and grain processing plants. "OSHA Enforcement Outlook and Bin-Entry Accident Prevention," a free one-hour webinar scheduled for Tuesday, Sept. 14 at 2 p.m. (CT), features two dynamic speakers. Jonathan Snare, a former OSHA official and partner in the labor and employment practice group Morgan Lewis and Bockius LLP, Washington, DC, will address OSHA's ratcheted-up approach to enforcement of the Grain Handling Standard. And Wayne Bauer, safety and security director for Star of the West Milling Co., Frankenmuth, MI, will cover prevention of bin entry accidents and rescue techniques for those who do become victims of engulfment.

This is an audio broadcast with a live powerpoint presentation. High speed internet is required for this event. If you have any questions, please call Webinar Manager, Greg Sullivan at 800-728-7511. [*Source: Grain Journal and NGFA*]

NEWS YOU CAN USE

Activists Want More Regulations on Antibiotics

A broad coalition of activist organizations hand-delivered to the U.S. Food and Drug Administration (FDA) more than 180,000 letters responding to the agency's request for comments on rules governing the use of antibiotics on industrial farms. The letters were collected by a coalition of organizations committed to saving antibiotics as pillars of public health in the United States. The groups include: Center for Food Safety, Center for Science in the Public Interest, CREDO Action, FamilyFarmed.org, Farm Aid, Food & Water Watch, Food Democracy Now!, The Humane Society of the United States, Organic Consumers Association, and Union of Concerned Scientists. The correspondence from citizens responded to requests by FDA for comments on two recent actions related to oversight and control of antibiotic use in food animal production. In

March, the FDA announced its intention to alter its Veterinary Feed Directive (VFD) guidelines, which govern the role and procedures veterinarians must follow with regard to prescribing antibiotic use in animal agriculture. In June, the agency issued draft guidance calling on the food animal industry to voluntarily curtail the non-judicious use of antibiotics on industrial farms, which threatens human health.

Here are examples of comments sent to FDA:

-- "My healthy and gorgeous dream boy of a son, Simon, died within 16 hours of his first symptoms. The cause: antibiotic resistance.

-- "Take this opportunity to protect our food supply, our population, and the future of medicine with a meaningful regulation that helps to solve a dangerous current situation."

-- "Antibiotics in agriculture should be used under direct supervision of a veterinarian on individual animals."

[Source: *AgriMarketing*]

Industry Responds with Common Sense Suggestions

The American Feed Industry Association (AFIA) and National Grain and Feed Association (NGFA) have urged the Food and Drug Administration (FDA) to make "much-needed improvements" to its regulatory procedures that govern the use of certain animal drugs fed at therapeutic levels to food-producing animals. But in a joint statement submitted recently in response to FDA's request for comments on its so-called veterinary feed directive (VFD), NGFA and AFIA also said that even if improved substantially along the lines suggested by the two organizations, the VFD process still would be "ill-suited to serve as a vehicle for providing increased veterinarian oversight" of antimicrobial drugs previously approved by FDA for use at subtherapeutic levels. AFIA and NGFA said that while improvements were warranted, they supported the VFD process in enabling veterinarians to have more oversight in the selection and therapeutic use of antimicrobials that have a safety record dating to the 1950s. But the two groups said they were "extremely concerned about, and would oppose" attempts by FDA to greatly expand the application of the VFD process to currently approved non-VFD animal drugs as a means to address the

issue of antibiotic resistance in humans. [Source: NGFA]

Missouri Reaches Settlement with PSF

The State of Missouri has reached a settlement with Smithfield Foods and Premium Standard Farms (PSF). Attorney General Chris Koster says the settlement provides a firm schedule under which modern technology will be installed in hog barns operated by the company and also includes \$1 million in voluntary payments by the company. PSF will pay \$100,000 each to the local county school funds for the counties of Gentry, Daviess, Mercer, Sullivan and Putnam. PSF will pay a total of \$500,000 to the county road funds for the following amounts: Daviess (\$90,000), Gentry (\$90,000), Grundy (\$50,000), Mercer (\$90,000), Putnam (\$90,000) and Sullivan (\$90,000). Considering the penalties, the Missouri AG is confident PSF will meet the deadlines set in the settlement, \$2,000 per day, per barn, for the first 30-days of noncompliance, the penalty goes to \$4,000 for the next 30 days of noncompliance and then \$6,000 per day for 60 days and beyond of noncompliance. "Now, no company is going to eat those kinds of penalties when the other option is simply to apply the modern technologies to the barn as required," said Koster. Premium Standards Farm President Bill Homan calls the time-line aggressive, but says the company will install the \$7.5 million in equipment on time. And Homan says the settlement should finally resolve the dispute which he says put 1,100 jobs in jeopardy. "I think it is just a great bit of news for our employees and for the economy here in north Missouri," Homan said. [Source: *Brownfield*]

UPCOMING EVENTS

SEPTEMBER, 2010

- 10 Field Day - Southwest Center; Mount Vernon, MO
- 14 FFA Field Day; Bradford Farm; Columbia, MO
- 14-16 The Grazing School; Forage Systems Research Center; Linneus, MO
- 17 Fall Pre-Harvest Meeting; Southwest

Center;
Mount Vernon, MO
21 Field Day - Thompson Farm; Spickard,
MO
30-10/1 Grazing School - Wurdack Farm; Cook
Station, MO

OCTOBER, 2010

2 South Farm Showcase; Columbia, MO
5 MU CAFNR Career Fair; Columbia, MO
**5 MO-AG Regional Meeting; Country
Club of Missouri;
Columbia, MO**
6-8 Missouri Seedmen's Association Annual
Meeting;
Resort at Port Arrowhead, Lake Ozark,
MO
7 Ag Education Day; Wurdack Farm; Cook
Station, MO
8 Field Day - Wurdack Farm; Cook Station,
MO

NOVEMBER, 2010

18 ALOT Annual Meeting Seminar, Dinner
and Auction;
Columbia, MO

JANUARY, 2011

**5-7 MO-AG Convention; Lodge of Four
Seasons;
Lake Ozark, MO**
7-8 Missouri Land Improvement Contractors
Winter
Convention; Ramada Inn; St. Joseph, MO

FEBRUARY, 2011

9-10 2011 Missouri Pork Expo; Columbia, MO

Note: Items in **red** are new postings since the last

Wrap-Up issue.

Letters to the Editor

Do you have a response to the Missouri Agribusiness Wrap Up? Let us know! The Missouri Agribusiness Wrap Up is a bi-weekly publication of the Missouri Agribusiness Association (MO-AG). MO-AG is a member-owned association based in Jefferson City, Mo. which protects members' interests in state legislation and provides educational opportunities.

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