

**Summary Table
Proposed Action Items Submitted for NASDA's Annual Meeting, September 2008**

No.	Submitted By:	Subject:	Description:	Committee Referral:	Action Taken:
A	Todd Staples (TX)	Livestock Export Protocols	Letter to Agriculture Secretaries of the U.S., Canada and Mexico regarding beef cattle trading protocols.	Animal & Plant Industries + Marketing & International Trade	Recommended for approval
B	Roger Johnson (ND)	Public Access to Common Land Unit (CLU) data	Support for changes and an amendment to Section 1619 of the 2008 Farm Bill regarding access to Common Land Unit (CLU) data	Rural Development & Financial Security	Amended ("Technical" added to the first sentence of the fifth paragraph) and recommended for approval
C	Greg Ibach (NE)	Emergency Communications	NASDA-COSDA-APHIS Communications Plan	Animal & Plant Industries	Recommended for approval
D	Dairy Division	Communication between FDA and State Regulatory Agencies	Urges better communication & coordination between FDA and state regulatory agencies on dairy product inspections	Food Regulation & Nutrition	Recommended for approval
E	WASDA	DHS Ag Advisor	Urges DHS to create an "Ag Counselor" position on the Secretary of Homeland Security's staff.	Animal & Plant Industries	Recommended for approval
F	WASDA	Container Shortages	Survey of container availability to be conducted by AMS' Transportation Branch.	Marketing & International Trade	Recommended for approval

G	SASDA	FDA & Safety Alerts	FDA should establish a better "safety delineation" process	Food Regulation & Nutrition	Recommended for approval
H	SASDA	Abandoned Horses	Urges Congress and USDA to address the growing problem of abandoned horses.	Animal & Plant Industries	Recommended for approval
I	SASDA	Farm Bill Implementation	Urges USDA to include stakeholders on its implementation teams for the Farm Bill and to quickly implement priority sections of the Farm Bill.	All Committees	A&PI Food - Recommended for approval Marketing Natural - Recommended for approval RD
J	SASDA	FDA Communications	Urges NASDA to negotiate a protocol with FDA to assure timely and accurate information.	Food Regulation & Nutrition	Recommended for approval
K	SASDA	Renewable Fuels	Alternative fuels policy	Rural Development & Financial Security	Recommended for approval
L	SASDA	Grant for Comparative Study	Urges NASDA to seek grant to conduct a state by state comparison of successful collaborations and advances in wind energy and other renewable fuels.	Rural Development & Financial Security	Recommended for approval
M	SASDA	COOL	Urges NASDA to provide comments on COOL implementation.	Marketing & International Trade	Recommended for approval

N	Johnson	Interstate Meat Sales	Urges NASDA to send a letter to USDA-FSIS regarding the state review process for meat inspection programs	Food Regulation & Nutrition	Recommended for approval
O	Specialty Crop Task Force	Native Pollinator Steering Committee	Support and promote the efforts of the NAPPC and the Pollinator Partnership.	Specialty Crops Task Force	Recommended for approval
P	Specialty Crop Task Force	Farm Bill Provisions Targeted for Elimination	Support for the farm bill provisions targeted for elimination	Specialty Crops Task Force	Recommended for approval
Q	SASDA	Fever Tick	Support of full funding and fast track product development to combat expanding <i>Boophilus sp.</i> tick infestations.	Animal & Plant Industries	Recommended for approval

ACTION ITEM FORM

Amendment to _____
(Policy Title)

A

Section Number /Title to Be Amended _____

Subject of Amendment _____ ACTION ITEM
Letter to USDA, SAGARPA and Agri-Food Canada regarding
livestock export protocol. _____

Submitted By _____ Commissioner Todd Staples - Texas
(Name) (State)

Amendment Text (Please write legibly):

Draft letter is attached. Will provide updated letter at meeting.

Signature _____

Date _____

Adopted _____
Adopted w/ Amend. _____
Not Adopted _____

Date

DRAFT 09-21-08/1

The Honorable Ed Schafer
Secretary of Agriculture
United States Department of Agriculture

The Honorable Alberto Cardenas Jiménez
Secretario de Agricultura
Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación

The Honourable Gerry Ritz
Secretary of Agriculture
Agriculture and Agri-Food Canada

Dear Secretary Schafer, Secretario Cardenas and Minister Ritz:

RE: Live Cattle Export Trading Protocol

The National Association of State Departments of Agriculture (NASDA) is a nonprofit, nonpartisan association of the Secretaries, Directors and Commissioners of Agriculture from the 50 U.S. states and 4 U.S. territories. We are concerned about the beef cattle export trading protocol with Mexico; we request that you continue to include stakeholder groups in the review and revision of that portion of the protocol agreed to trilaterally.

We want to make it clear that we are pleased with the recent implementation of a protocol for the exportation of beef breeding cattle to Mexico; however, some parts of that protocol have proven to be impractical, exceedingly cumbersome and unnecessarily expensive. Proof of the difficulties in trading within the protocol can be seen in the extremely low numbers of breeding cattle exported since the protocol was adopted. Statistics from the U.S. Department of Agriculture (USDA) show that slightly over 800 head have been exported to Mexico under the current protocol. In contrast, in 2003, 16,000 head were exported by the middle of September.

On July 8, 2008, representatives from the Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación (SAGARPA) met with representatives from the USDA, national cattlemen's associations from Mexico (CNOG) and the United States (NCBA), Sonora Cattlemen's Association, and the Texas, Sonora and Arizona Departments of Agriculture to discuss problems with the protocol and to offer suggestions for improvement. SAGARPA representatives at the meeting agreed to present the concerns and suggestions to SAGARPA officials.

Secretary Schafer, Secretario Cardenas and Minister Ritz:

September , 2008

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In a letter to CNOG President Oswaldo Chazaro, Dr. Francisco Velarde, Director General of SAGARPA's Dirección General de Salud Animal, indicated its willingness to unilaterally modify the items in the protocol that we have concerns with that would not require trilateral negotiation. Although we are pleased with SAGARPA's commitment to adjust the protocol and simplify the importation process, the items in the protocol negotiated trilaterally must still be adjusted in order to make this protocol workable for producers on both sides of the border. Those items in the protocol agreed to trilaterally that need to be reviewed and revised are:

- Item 10 (Campylobacter and Trichomoniasis testing),
- Item 5 (inspection at loading at origin) and
- Item 16 (transport in sealed vehicles).

In addition, some producers estimate that the protocol is adding \$200 – 300 or more per head to the cost of doing business. In an era of increasing global competition, we believe that transaction costs associated with government actions ought to be kept to a minimum to encourage more trade. For example, the use of local, qualified Mexican veterinarians, whenever possible, can assist in keeping cost in check.

We appreciate your attention to our concerns and look forward to your timely response regarding our request for trilateral review of the beef breeding cattle export trading protocol. Please let us know when further discussions will be held so we may provide appropriate input.

Sincerely yours,

President

ACTION ITEM FORM

B

Subject of Action Item: Farm Bill Section 1619—Public Access to CLU data.
(Policy Title)

Submitted By: Roger Johnson North Dakota
(Name) (State)

Text (Please write legibly):

Section 1619 of the 2008 Farm Bill prohibits public access to Common Land Unit (CLU) data. Since 2004, CLU data has been accessible on the Natural Resources Conservation Service (NRCS) data gateway to anyone requesting such information.

It appears that Section 1619 is intended to counter a successful legal action brought against the U.S. Department of Agriculture (USDA) by Multi Ag Media, LLC. The lawsuit requested the release of USDA program compliance data. On February 15, 2008 the U.S. Court of Appeals, DC Circuit, overturned a district court ruling in favor of Multi Ag Media and ordered the release of USDA program compliance data.

In addition to providing non-disclosure protection of USDA program compliance data, Section 1619 also closed public access to CLU data, which is widely used by a variety of agriculture related individuals and entities.

Examples of individuals and entities that rely on access to CLU data include farmers, ranchers, rural appraisers, chemical companies, seed companies, crop consultants, co-ops, country elevators, auctioneers, bankers, realtors, government agencies, software companies, carbon credit programs, universities, easement personnel, livestock fencing companies, county taxation departments, crop insurance and crop hail insurance companies, custom farm operators, ag applicators (aerial, chemical, fertilizer), farm consulting firms, land managers and more.

We recommend and support an ^{Technical} amendment to Section 1619 of the 2008 Farm Bill that allows the CLU data to be placed back into the public domain with the following attributes: Field Boundary, Acres, Tract Number, Farm Number, Field Number, Primary Classification of Land Unit Type, Administrating County and State Office.

• NASDA • COSDA • APHIS •
Communication Officers of State Departments of Agriculture
Emergency Communications Plan

Purpose

To optimize public messaging during an animal or plant health emergency of regional or national significance by sharing critical information between APHIS, participating states, and U.S. territories prior to APHIS or the affected state/territory making a public announcement. This agreement does not supersede other channels of communication or systems of notification with respective state authorities, e.g., agency heads and animal/plant health administrators. The purpose of this communication plan is to complement other networks of information sharing and to assist agency heads/program administrators and communication specialists in the formulation of appropriate public messages through cooperation with our federal and state partners.

Protocol

1. The NASDA COSDA APHIS Emergency Communications Plan¹ will take effect upon an emergency situation with regional or national consequence.
2. The federal or state Agency that plans to make the public announcement will make every effort to notify affected NASDA/COSDA members, as well as the NASDA Animal and Plant Health Safeguarding Coordinator² in advance of said announcement, providing as much information as is available.
3. **A.** The Agency with jurisdiction over the situation will arrange a conference call to notify all NASDA members, COSDA members, and other primary contacts of the emergency and rely on the NASDA Animal and Plant Health Safeguarding Coordinator to distribute call specifics. The call will be held, preferably, at least one hour prior to any media announcement.
3. **B.** It is recognized and acknowledged that extreme market sensitivity or direction from USDA's Office of the Secretary could prevent prior notification to COSDA and NASDA in certain emergency situations. In the event a conference call cannot be convened prior to a public announcement, the Agency making the public announcement will notify the NASDA Animal and Plant Health Safeguarding Coordinator or, if unavailable, the surrogate, as soon as practical – prior to the media announcement, if possible. The NASDA Animal and Plant Health Safeguarding Coordinator or surrogate will then notify NASDA and COSDA membership and other primary contacts. All reasonable attempts will be made to inform State and/or Federal PIOs and/or other pertinent official(s) of a plant and/or animal emergency situation before a public announcement is made.
4. Information to be shared should include as much information as possible, but at a minimum, it should provide a rudimentary description of the situation, e. g., what is the message that is being presented to the public and the press, and how those interested in more information may receive it. Generally, this kind of information can be distributed via email, as should any routine information subsequently released.
5. Should a conference call occur, the PIOs of the affected state/territory and/or the APHIS public affairs office will share with NASDA members, COSDA members and other primary contacts

¹ Information as detailed in this agreement will also be made available to Animal Health and Plant Health agencies in those states where such authority is separate from the NASDA member agency so long as the senior executive officer of the other agency has signed this agreement

² If the NASDA Animal & Plant Health Safeguarding Coordinator is unavailable, the Chair of the Animal & Plant Industries Committee or the COSDA President, hereafter referred to as surrogate will be contacted to initiate contacts with others per this agreement (protocol(s) to be determined).

pertinent information about the emergency situation as well as any information on the desired message that will be provided to the public.

6. The PIOs of the affected state/territory and the APHIS public affairs office will share news releases with NASDA's Washington, DC, office for posting on the plant and animal emergency press clearinghouse web site or other appropriate site and will provide updates via follow-up conference calls to NASDA members, COSDA members and other primary contacts. NASDA will provide a link to the APHIS web site for pertinent releases.

Alternative methods to keep NASDA, State PIOs and/or APHIS informed may include:

- Conference calls, as soon as possible after the media release
- Email notices of pertinent information, web casts, web postings, technical briefings, press conferences, etc.
- Participation in (at least the opportunity to listen in on) technical briefings or press conferences
- Distribution of transcripts, press releases and other background documents as soon as possible
- Use of chat room and/or postings on a members-only electronic bulletin board.

7. Each participant in the conference call agrees to protect any and all confidential information shared during the conference call. All parties agree to keep confidential information confidential. Each participant also agrees to embargo shared information until an agreed upon time for release.

8. Significant animal disease and/or plant pest emergency situations, which would not necessarily directly affect other states/territories and which would be designated as only topics of interest to those states, should be shared via email and/or regularly scheduled conference calls.

Agreed to on behalf of the state/commonwealth/territory of _____

State Secretary/Director/Commissioner of Agriculture Date

NASDA Executive Vice President & CEO Date

NASDA Animal & Plant Health Safeguarding Coordinator Date

APHIS Administrator Date

APHIS, Deputy Administrator, Legislative and Public Affairs Date

ACTION ITEM FORM

Amendment to _____
(Policy Title)

D

Section Number /Title to Be Amended _____

Subject of Amendment _____ ACTION ITEM

Encourages better communication & coordination between FDA and state regulatory agencies on dairy product inspections.

Submitted By _____ Dairy Division
(Name) (State)

Amendment Text (Please write legibly):

Some Dairy Division of NASDA state regulatory members have experienced a lack of communication from FDA when FDA conducts manufacturing dairy plant inspections. State regulatory agencies have personnel trained in dairy product safety requirements and FDA currently has a shortage of staff trained in dairy product safety requirements.

Action Request

The Dairy Division of NASDA requests NASDA to encourage FDA to better coordinate FDA's communication and inspection efforts with state regulatory agencies to reduce duplication, better utilize available resources and provide dairy product safety. The Dairy Division of NASDA also requests NASDA to encourage FDA to contract with state regulatory agencies to conduct inspections of manufacturing dairy plants.

Signature _____

Date _____

Adopted _____
Adopted w/ Amend. _____
Not Adopted _____

ACTION ITEM FORM

Subject of Action Item: **Agricultural Advisor on the DHS Secretary's Office Staff**

(Policy Title)

E

Submitted By WASDA
(Name) (State)

The mission of the Department of Homeland Security (DHS) includes many activities that are agricultural in nature. The mission of the Agricultural Quarantine Inspection program is to safeguard against the entry of invasive species, including exotic plant pests and diseases and foreign animal and poultry pests and diseases. The defense of the nation from intentional contamination of food and agricultural products and the national infrastructure for food and agriculture are also core mission areas. Responsibilities within several other areas of DHS also have important agricultural components. In order to assure that the importance of the agricultural mission within DHS and the coordination of those issues within DHS policies and procedures, NASDA seeks the establishment of a staff position within the Secretary's Office as the Agricultural Counselor.

The precedence for having an Agricultural Counselor in the Office of the Secretary of an administrative agency is not new. The Environmental Protection Agency has had such a position for many years. When staffed with a knowledgeable incumbent, increased dialog and understanding of agricultural issues has resulted to the benefit of the industry and the agency.

Adopted _____
Adopted w/ Amend. _____
Not Adopted _____

ACTION ITEM FORM

F

Subject of Action Item: **Container Availability**

Submitted By _____ WASDA _____
(Name) (State)

Action Item:

NASDA urges AMS's Transportation Branch to conduct regular, periodic surveys of container locations and availability and to make the results readily available to assist in fostering increased international agricultural marketing opportunities for the US agricultural industry.

Adopted _____
Adopted w/ Amend. _____
Not Adopted _____

ACTION ITEM FORM

Subject of Action Item: **FDA's Raw Commodities Safety Alerts**
(Policy Title)



Submitted By SASDA
(Name) (State)

Since mid April, several hundred reported cases of salmonellosis occurred in at least 40 states, including over 200 hospitalizations. The causal agent was identified as *Salmonella* Saintpaul, an uncommon type of *Salmonella*. Raw tomatoes were initially implicated as the source; jalapeño and Serrano peppers were ultimately determined to be the source. The Food and Drug Administration's (FDA's) traceback review looked at production pattern information to determine potential sources.

NASDA urges FDA to employ a rational, reasonable and common sense approach when delineating safe raw commodity sourcing areas in the future. Unfortunately, many sources, initially included as potential sources of contamination by FDA, were not, in fact, associated with the outbreak.

Under the process used by FDA on this outbreak, a state was listed as a safe source once FDA was notified that harvesting in an area had not begun until after the onset of the incident. FDA publicized the initial list without adequately including available harvesting or distribution data. This amounted to a *de facto* implication as a source of the outbreak for many states. These actions, along with media reports, resulted in significant loss of consumer confidence in all sources of raw tomatoes.

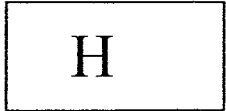
NASDA urges FDA to re-evaluate its traceback protocols and its process used to delineate safe raw commodity sourcing areas to ensure that states are active participants, all available data are used and FDA's actions do not implicate growing areas that clearly are not the source of contamination.

In addition, when implementing safety alerts regarding areas of possible contamination, FDA should provide for some recognition for growers that are voluntarily participating in a state-certified or industry sanctioned food safety programs that include Good Agricultural Practices (GAPs) and Best Management Practices (BMPs) as well as compliance verification.

Adopted _____
Adopted w/ Amend. _____
Not Adopted _____

ACTION ITEM FORM

Subject of Action Item: _____ **Abandoned Horses**
(Policy Title)



Submitted By _____ SASDA _____
(Name) (State)

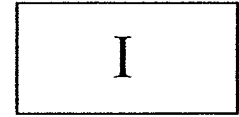
The NASDA states have seen an increase in the number of reported cases of horses being abandoned, as a result of the loss of the option to send horses to slaughter for possible export as human food.

NASDA urges Congress and the U.S. Department of Agriculture to address the growing number of abandoned and aging horses in the United States and asks for help in reaching a solution.

Adopted _____
Adopted w/ Amend. _____
Not Adopted _____

ACTION ITEM FORM

Subject of Action Item: **Speedy Implementation of the Farm Bill**
(Policy Title)



Submitted By SASDA
(Name) (State)

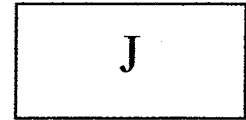
NASDA asks the U.S. Department of Agriculture (USDA) for clarification and speedy implementation of the Farm Bill. NASDA also requests that USDA recognize and include stakeholders as a part of the implementation team.

NOTE: NASDA sent a letter to Secretary Schafer on June 2, 2008 and received a response from Secretary Schafer on July 7, 2008. Since implementation procedures are still needed in several priority areas, NASDA reiterates its desire that more of its members be included on implementation teams, particularly those areas of highest priority to the states. Letters attached.

Adopted _____
Adopted w/ Amend. _____
Not Adopted _____

ACTION ITEM FORM

Subject of Action Item: Food Regulation & Nutrition – FDA
Communications



Submitted By SASDA
(Name) (State)

Text (Please write legibly):

Urges NASDA to negotiate a protocol with FDA to assure timely and appropriate communications on food safety issues of importance to state agricultural officials. The NASDA / COSDA / APHIS Emergency Communications Plan may serve as an appropriate model.

Adopted _____
Adopted w/ Amend. _____
Not Adopted _____

ACTION ITEM FORM

Subject of Action Item: Rural Development and Financial Security
Committee – Renewable Fuels _____
(Policy Title)



Submitted By SASDA _____
(Name) (State)

Text (Please write legibly):

NASDA promote a national alternative fuels policy that does not rely on only one commodity for biofuel production. Many agricultural products have great potential for biomass development. This diversity will create more opportunity for a broader geographical area. This broader policy could also relieve pressure on the livestock industry.

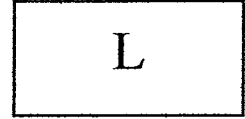
Signature _____

Date _____

Adopted _____
Adopted w/ Amend. _____
Not Adopted _____

ACTION ITEM FORM

Subject of Action Item: Grant to compile data on successful collaborations and advances in renewable fuels
(Policy Title)



Submitted By _____ Rural Development & Financial Security _____
(Name) (State)

Text (Please write legibly):

NASDA to seek a grant to conduct a state-by-state comparison / state-of-the-art of lessons learned, incentives, assistance, legal precedent and other actions that assist in keeping state agencies, researchers and industry abreast of successful collaborations and advances in wind energy and other renewable fuels.

The compilation should be in concert with existing organization(s). Results should be updated periodically and posted on the website.

Adopted _____

ACTION ITEM FORM

Subject of Action Item: Marketing & International Trade – COOL
(Policy Title)



Submitted By SASDA
(Name) (State)

Text (Please write legibly):

Urges NASDA to provide comments on the COOL implementation regulations stressing that the law be implemented in the originally intended manner.

Adopted _____
Adopted w/ Amend. _____
Not Adopted _____

ACTION ITEM FORM



Subject of Action Item: USDA-FSIS Review of State Meat Inspection Programs

(Policy Title)

Submitted By: Roger Johnson (ND)

(Name) (State)

Text (Please write legibly):

Requesting NASDA to send a letter to USDA-FSIS regarding the state review process for meat inspection programs and to request a meeting with NASDA and NASMFID to address this issue.

ACTION ITEM FORM

Subject of Action Item: __ Native Pollinator Steering Committee/
Pollinator Partnership_____ (Policy Title)



Submitted By__ Specialty Crops Task Force_____
(Name) (State)

Text (Please write legibly):

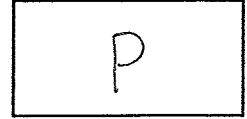
Ask NASDA to support and promote the efforts of the North American Pollinator Protection Campaign (NAPPC) and the Pollinator Partnership. NASDA should also compile a list of research activities and any other appropriate information from these groups for distribution at the NASDA mid-year meeting.

Signature_____

Date_____

ACTION ITEM FORM

Subject of Action Item: _____ Provisions of the 2008 Farm Bill targeted
for elimination or de-funding by OMB _____
(Policy Title)



Submitted By _____ Specialty Crops Task Force _____
(Name) (State)

Text (Please write legibly):

NASDA send a letter to Congress reiterating support for certain provisions of the 2008 Farm Bill that have been targeted for elimination or de-funding by the Office of Management and Budget (OMB) in Washington DC.

Signature _____

Date _____

Draft letter to Congressional Appropriations Committees

Dear :

On August 1, 2008 President Bush sent you a letter regarding some changes in in the 2009 Budget. The letter contained an OMB request, Estimate No. 7" 110th Congress, 2nd Session). The request proposes to severely reduce funding for and/or to eliminate several programs funded in the 2008 Farm Bill.

The National Association of State Departments of Agriculture (NASDA) opposes the changes requested in the President's letter. The Farm Bill was a thoroughly debated compromise which NASDA supports. If any of the changes are considered by Congress we request an opportunity to provide you additional support for these Farm Bill provisions.

NASDA is a nonprofit association representing the interests of the Commissioners, Secretaries and Directors of Agriculture in the 50 states and 4 U.S. Territories.

Sincerely,

President

ACTION ITEM FORM

Subject of Action Item: Animal & Plant Industries – Fever Tick____
(Policy Title)



Submitted By SASDA _____
(Name) (State)

Text (Please write legibly):

Urges NASDA to send a letter to the Secretary of Agriculture and the Secretary of Interior in support of full funding (CCC funds) and fast track product development and approval to combat expanding *Boophilus sp.* tick infestations.

Adopted _____
Adopted w/ Amend. _____
Not Adopted _____

Secretary of Agriculture
Secretary of Interior

Dear :

An emergency situation exists due to the expanding *Boophilis sp.* tick infestation outside the permanent fever tick quarantine zone. The infestation threatens not only Texas but all the states where the habitat supports *Boophilis* ticks, e.g., AL, FL, GA, LA, MS, MO, NC, PA, SC, TN, TX & VA.

Boophilis ticks are the vector for *Babesia spp* (Texas Cattle Fever), which causes high death losses in the naïve cattle populations. These losses cause great economic hardship to agriculture and could affect foreign trade adversely.

NASDA acknowledges and strongly supports the efforts of the USDA and the Texas Animal Health Commission's Texas Fever Tick Control Program. NASDA also encourages immediate and full federal support for the program.

In FY08, \$13.3 million was requested for this program; \$5.23 million was received. An FY09 request is for \$15 million over 2 years. Under funding this program as in the past continues to risk potential spread of the tick to other areas of the US.

Funding is needed for staff and equipment to 1) expand temporary quarantines, 2) trace and treat cattle outside the quarantine buffer zones and 3) scratch and dip cattle at 7 south Texas markets. In addition, accelerated research is needed to determine the nature of the resistance to acaricides and to develop alternative materials, methods and techniques to control resistant strains of cattle ticks, e.g., Ivermectin® Gold, Ivermectin® in molasses and microspheres.

NASDA urges you to work in concert and to act quickly to reduce the risk of further expansion of this infestation.