



News & Views

A Monthly Publication Dedicated to the Feed, Seed, Grain and Farm Supply Industries of Wisconsin

Somebody Asked ■

Q.: What is the latest information regarding the Olsen's Mill receivership?

A.: You should already be aware that Olsen's Mill was placed into a court ordered receivership on February 11. This had followed Renew Energy filing voluntary Chapter 11 bankruptcy on January 30. (Utica Energy is unaffected by either of these occurrences.)

Regarding the Olsen's Mill receivership, as part of that action, existing management was replaced by a court appointed receiver and their agents. These parties are now in operational control of the facilities. To this date, all grain that has been received has been paid in full by the receivership. In addition, unlike the VeraSun bankruptcy, **no to-arrive grain delivery contracts have been cancelled or re-priced.** The operation's state grain dealer license is still in place and they are able to buy producer grain. As far as grain operations at Olsen's, it is largely business as usual.

However, the facilities' federal warehouse license has been suspended by the USDA. The warehouse license suspension does not impact the operation's ability to buy grain, rather solely the supervision of depositor inventories. We want to make clear the suspension was done solely for the purpose of giving USDA direct supervision of the warehouse inventories. **There is no allegation or evidence of mishandling or misappropriation of any depositor inventories.**

The receiver has stated in court testimony his intention of selling the entire Olsen's Mill operation as a single unit in order to recover on existing outstanding loan balances. There has been discussion in the industry whether the receiver may consider combining individual bids for parcels of the

operations, but this doesn't match statements made by him. You should be aware the judge is in control and has largely granted the receiver's wishes to date.

Earlier this month, the receiver also stated in court his intention of having the court affirm a sale of the operation as a unit to a new owner on April 8. They are currently entertaining bids, which could include the former management of Olsen's as bidders. Rumors abound as to who the potential winning bidder might be, but at this point, nothing, including what the final disposition of individual facilities may end up being, is for certain. There is the very real possibility this may be with us for awhile.

As for Renew Energy, they are still operating and making ethanol, but as with Olsen's Mill, what the final resolution might be, no one knows.

DATCP Feed Position ■

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) has re-opened the search for a replacement for the head of feed regulatory activities in the state. (The prior occupant, Eric Nelson, went to work for the FDA in Washington, DC. Incidentally, this is one of only a handful of replacement hires being made by DATCP given the current economic environment.) The position application period will remain open until April 13, 2009. Because this is such an important regulatory position in terms of the membership, we are reproducing much of the detail of the job requirements, in hopes of getting a very solid group of candidates. This is very much in the association member's best long-term interests. In addition, the position is responsible for DATCP's toxic-response team. Contact and application information are at the end of this article. The job description is as follows:

Job Duties: This professional position provides primary leadership for programs including

regulation of the manufacture and distribution of animal feeds, and coordination of the department's multi-divisional toxic response team. This position serves as the state expert in these program areas. This position coordinates the feed program with the Food and Drug Administration (FDA). Major responsibilities include; administration of the feed regulatory program, licensing of feed businesses, review of feed labels for compliance with both state and federal laws (medicated feeds), review and disposition of facility inspections and analytical results of feed product samples; review and disposition of compliance inspections under both state and federal law; coordination of investigation and disposition of incidents involving loss of livestock due to toxic substance exposure; and provision of training and information to regulated parties, department field staff, and the general public. This position reports to the Section Chief and functions under general supervision.

Special Notes: Position involves regular travel, including occasional overnight work. Possession of, or ability to obtain a valid driver's license, or the ability to provide one's own transportation for work assignments is required.

Job Knowledge, Skills and Abilities:

- Extensive knowledge of federal and state laws and regulations, procedures and policies pertaining to the feed program, and compliance, production, storage, labeling, safety, disposal, distribution, and use as they relate to animal feed and the regulated industries.
- Extensive knowledge of official inspection, sampling and reporting methods, techniques, procedures (state and federal), and the maintenance of the chain of custody.
- Extensive knowledge of the basic principles of agricultural production and nonagricultural practices as they relate to laws enforced and products regulated.
- Extensive knowledge of animal nutrition and scientific research methods.
- Considerable knowledge of the characteristics of pesticides, antibiotics,

animal drugs, and other inputs used in agricultural production, and the potential toxic effects of these compounds on humans, animals, and the environment, resulting from exposure or misuse.

- Effective oral and written communication skills, including risk communication and conflict resolution.

How To Apply:

To apply and for further information, please follow the following link;

http://wisc.jobs/public/job_view.asp?annoid=35089&jobid=34604

Note: The application materials are an examination of your qualifications. Applicants whose materials meet the minimum qualifications may be considered for the next step of the selection process.

Application materials must be received by 4:30 p.m. April 13, 2009. Questions regarding this specific application and job can be directed to Leah Herzberg at leah.herzberg@wi.gov or (608)224-4762.

Frozen Road Declaration

The Wisconsin Department of Transportation (WisDOT) ended the "Frozen Road Declaration" earlier this month.

This declaration applied to all highways on the State Trunk Highway System statewide, other than the Interstate highway system (except that portion of I-39 from the I-90/94 interchange, near Portage, to the north) and any state trunk highways where special weight restrictions have been imposed.

- Current road conditions and long-range weather forecasts for above normal temperatures means that the subsurface below state highways will be thawing and heavier loads of specific commodities can no longer be allowed on these highways.

In addition, Class II road restrictions also became effective March 9, 2009, on all state highways, as well as some posted road restrictions on Class II highways. These include:

- Non-divisible overweight permits cannot be used on Class II Roadways,
- divisible overweight permits cannot be used on any state highway, and
- accordingly, until further notice from WisDOT, sealed containers of DDGs for export must be transported at legal weights (80,000 lbs. max.).

Additional information on the frozen road declaration and seasonal weight restrictions is available on the WisDOT web site at: <http://www.dot.wisconsin.gov/travel/truck/weightrestrictions.htm>

Employment Law Update

Are undocumented workers entitled to workers' compensation benefits? Employers may have questioned whether an employee who misrepresents his or her immigration status should receive workers' compensation payments. After all, benefits may be denied for other forms of dishonesty or misconduct, such as use of illegal substances during a work-related accident.

The Illinois Appellate Court, ruling on a case of first impression in Illinois, concluded that undocumented aliens may receive benefits under the Illinois Workers' Compensation Act. The court held that (i) an undocumented alien is included as an "employee" under the workers' compensation statute, (ii) the result is not preempted by federal immigration law, and (iii) there is a unique standard for determining whether an undocumented alien may receive benefits under the "odd-lot" doctrine.

The particular impact on each employer will be based on a number of factors, including the frequency of workers' compensation claims and the potential for unwittingly employing undocumented aliens. Any employer that employs undocumented aliens—whether consciously or not—will need to pay full workers' compensation payments to undocumented workers in Illinois for any covered work-related accidents. This will eliminate any incentive, to the extent it exists, to hire undocumented workers on the grounds that such workers would be ineligible for workers' compensation.

To read more and view a full-text version of this article click [here](#).

Source: *Michael Best & Friedrich Law Firm*

State Budget Clarification

In last month's newsletter, we wrote of a provision in the governor's proposed budget that would grant the ability for the state Department of Administration to allocate yet to be determined fund lapses. We reported last month what we heard at a budget briefing, however it was not entirely correct. The correct accounting of the potential lapses is as follows: 1) A total of \$125 million from a combination of this year's budget and/or the 2010/2011 budget years, and 2) a total of \$137 million over the 2010/2011 budget years.

That said, we still stand by our statement last month, in which we held the numbers involved in just this one item eclipse all the other DATCP budget adjustments combined. And we don't know which funding source will be tapped to fill those amounts, either at DATCP or elsewhere.

WASA Directory Update

The following updates should be made to your WASA Directory.

Change:

Badgerland Financial
3448 State Road 23
Dodgeville, WI 53533
Phone: (608) 935-3396

As additions or changes are made throughout the year, we will notify you here in *WASA N & V*.

Looking Down the Road

Mch. 29-31 **NGFA Convention**
Orlando, Florida

Sep. 10 **WASA Golf Outing**
Northern Bay Golf Resort, Arkdale

Route:

- General Manager
- Feed Department
- Grain Department
- Agronomy
- Safety Director
- Personnel
- _____

WASA Board of Directors

Tom Lefeber, President
(920) 773-2505

John Van De Wiel, Vice-President
(608) 744-2287

Doug Cropp Secretary/Treasurer
(608) 882-2620

Doug Bastian (608) 838-4354

Steve Hanvold (715) 443-2241

Erik Huschitt (608) 329-3900

Tim Lange (608) 676-2255

Dennis Schultz (715) 654-5134

David Wiederholt (608) 739-3103

WASA Staff (608) 223-1111

John Petty, Executive Director

RB "Bob" Willder, Loss Control Dir.

Denise Poindexter, Office Manager

WASA Loss Control Program
Safety/Environmental/Transportation/
Facility Security

- Affordable
- Professional
- Complete or Cafeteria Plans
- Customized to Your Operation