



News & Views

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

Agricultural Producer Security ■

In last month's newsletter we discussed the Department of Agriculture, Trade and Consumer Protection's (DATCP) proposed administrative rule regarding increasing license fees for grain dealers and warehouses. We also noted the DATCP Secretary was putting together a Task Force to discuss the underlying situation regarding Agricultural Producer Security (commonly referred to as the indemnity fund).

We'd like to report a couple developments regarding the Task Force to the membership. First, WASA Board member and Landmark Cooperative grain manager Doug Cropp was appointed to and is serving on the Task Force. Doug is a great representative and understands the issues very well. WASA Executive John Petty also attends the meetings and will submit comments at the appropriate time.

Secondly, the Task Force is on a fairly tight schedule, having already met once and has another meeting scheduled for November 1. It is also our understanding that DATCP would like the Task Force's work wrapped up and to have legislative remedies ready for consideration at the January session. A very ambitious goal.

An interesting point should be noted that came up during the first meeting of the group. The Department was keeping the discussion and background information pretty tight around the subject of the fund itself and wasn't really touching the idea of fee levels or the scope and breadth of coverage. A couple Task Force members brought up the idea that these subjects definitely are part of the discussion and are part of the solution. (Our point exactly.) In addition, we were surprised what has

been referred to as the "nuclear option" was brought up as a concept at this meeting.

The "nuclear option" refers to the idea that coops should be exempt from participation in the indemnity fund. The idea broadly stems from the thought that coops are being forced by involvement in the program to insure themselves against themselves. The argument goes, as producers own and manage the operation, why should they have to pay for "insurance" against actions by themselves? This is referred to as the "nuclear option," because if coops were exempt, the program funding could not be sustained solely by privately-owned businesses. (To clarify; the "nuclear option" only deals with fund assessments, not license fees.) We're not implying by any stretch that a "nuclear option" will actually occur. We were simply surprised that at the very first meeting of the Task Force, the subject was even brought forward for discussion.

It is our understanding that within the cooperative community, especially some in the dairy industry, there are very strong advocates for exempting coops from the program. We don't want to put any odds on any potential outcome occurring, but discussion of this subject raises some very interesting scenarios.

Facility Security Thoughts ■

We want to make you aware of a troubling incident that occurred last month involving a WASA member and how it brings the new reality in which we are living into focus.

This particular member currently has some construction in progress (as many of our members do) on their facility grounds. Facility management, in accordance with federal facility security rules required by USDA, FDA, DOT and the Department of Homeland Security, has prominently posted signage both at the entrance to the property and

around the property. This signage clearly states that “All visitors must sign in with the office.”

A construction employee at this facility approached the general manager and asked about the two unescorted people who had been walking around the property for an hour. What?! The manager didn't know because the people hadn't checked in with the office. The manager then asked where they were and was directed to them *on the construction site*. The individuals were confronted and escorted to the office. They were questioned as to who they were and what their business on the property was. Both gave their names and replied they were with the Wisconsin Department of Natural Resources (WDNR). Both were asked to produce identification and they were unable to do so. Both were instructed to sign in on the visitor's log and both refused. The manager then wrote the names they had given onto the log. The pair subsequently left in a car that had been parked directly in front of a “visitor sign-in” sign. The manager noted the individuals left in a non-state license plated car.

We are still unsure if these individuals were actually WDNR employees. The names they gave are names of actual WDNR employees but that proves nothing. (We are aware of subsequent contacts from the individuals, which lend credence to the idea, they are actually WDNR employees.) A report regarding this incident was hand delivered to the Secretary of WDNR by WASA staff. We have not yet heard back as to what their investigation of the events has uncovered. We impressed upon the Secretary that the old days of WDNR employees entering and doing, at their own discretion, what they wanted on private company property are gone because of new federally-mandated facility security guidelines. We left the Secretary with the comment that in our opinion one of the quickest and easiest ways to increase the business community's respect for WDNR as an agency was to end monkey-business, and the accompanying arrogant attitudes, like this by its employees.

So, what can we learn from this incident? First, you should be aware that you as management are required by state law to do your best to insure the

safety of *anyone* (including WDNR inspectors) on your property. If these two individuals had, God forbid, been injured on your site regardless of whether they checked in prior to wandering around the site, there is a reasonable opinion and precedent that you would be responsible. If they had been injured, this incident would trigger a full-site OSHA inspection and could have negative consequences for you regarding your insurance. Secondly, this is a tangible example of why you should have a facility security plan. This stuff really happens. If you don't have a security plan, get one. Contact WASA and we can help. But, you say, didn't these folks have a facility security plan and look what happened there. Yes, that's correct. But they and we are modifying our policies in response to this incident.

We recommend when confronting unidentified individuals on your property, to always exercise caution and discretion, and have your own and your employees' safety always in the forefront of your thoughts. If you do confront unidentified individuals on your facility grounds, ask for identification from them. If they fail to produce satisfactory identification, ask for a phone number of their supervisor. Then call that number to both inform the business/agency that an employee with no identification is representing themselves as an employee at your facility and to check out their story. If they fail to or are unwilling to produce identification, simply call local police and let law enforcement deal with them. As a business manager, you have both rights and responsibilities. You have obligations under federal and state law to provide a safe work environment and that includes the security of your facility. You also have a right when dealing with any government agent to ask for and to be allowed to see identification. In addition, government agency personnel are required to act lawfully. If they don't, let the police deal with them.

Unified Carrier Registration■

Recently, WisDOT sent a notice to all Wisconsin based interstate motor carriers explaining the newly enacted Unified Carrier Registration [UCR] plan. As a number of WASA members still have questions

regarding how the UCR affects their operations, we are providing the following information.

The UCR fee is not a new Wisconsin tax. It is a federally-mandated program that only applies to companies that operate in **interstate or international commerce**. The fees are established by the UCR Board of Directors, based on the total number of commercial motor vehicles (CMVs) the carrier reported on their most recent MCS-150 form, or the total number of CMVs it owned or operated under long-term lease for the period ending June 30, 2006.

Unfortunately, all UCR credentials expire annually on December 31st regardless of when the fees are paid. As Wisconsin has elected not to process any UCR applications directly; in order to process your UCR application, including the determination of your fee, you must go to the Unified Carrier Registration Center at: <http://www.ucr.in.gov>

Enforcement of the UCR program will begin no later than November 15, 2007. While WisDOT will start with "soft enforcement" (awareness and warnings), WASA has been advised that neighboring states intend to begin their enforcement with citations and penalties. For enforcement purposes, a carrier's UCR status will be verified electronically. While a hard-copy of your UCR registration is not required to be carried in a CMV, WASA recommends that a copy of your electronic receipt be kept in each truck until it is clear that the UCR electronic registration system is fully operational.

If you have any further questions, please feel free to contact the WASA office at your convenience.

Congratulations on 100!■

Last month we celebrated the 100th anniversary of one WASA member and this month we have another celebrating the same anniversary, LaBudde Group, Inc.

Since 1907 LaBudde has been supplying ingredients and services to a wide variety of users. As company President Richard Erickson says, "There are few things we enjoy more than hearing that someone was told to 'call LaBudde because they can find (or sell)

anything'". Apparently that is exactly what they have been doing as it would be very difficult to find a pet food retailer anywhere in the country that is not selling pet food for which LaBudde has supplied ingredients.

In addition to providing customer-driven service all these years, LaBudde employees and the company give back to their communities with employee involvement in civic, fraternal, charitable and educational groups, all supporting a wide variety of worthwhile charities and causes.

We are fortunate to have such a nationally recognized business and group of employees here in our state and as a fellow WASA member. Congratulations again on 100 years in Wisconsin agri-business.

WASA Directory Update■

The following updates should be made to your WASA Directory.

New:

BioDiagnostics, Inc.
507 Highland Dr.
River Falls, WI 54022
(715) 426-0246

Looking Down the Road■

Nov. 28 & 29 National Dialogue on Ingredient Import Safety, sponsored by AFIA
Crowne Plaza Airport
Rosemont, IL

Dec. 9-11 NGFA Country Elevator and Feed Industry Conference
Marriott Magnificent Mile
Chicago

Jan. 23 WASA Safety Day
Kalahari Resort, Wisconsin Dells

Jan. 24 & 25 WASA Annual Convention & Trade Show, held in conjunction with the Wisconsin Corn/Soy Expo
Kalahari Resort, Wisconsin Dells

Route:

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

WASA Board of Directors

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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