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Thursday, March 22, 2012

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Legislative & Regulatory News

USDA and Interior Announce Wildlife Conservation Efforts

Agriculture Secretary Tom Vilsack and Secretary of the Interior Ken Salazar recently announced a \$33 million partnership with farmers, ranchers and forest landowners to rehabilitate and protect wildlife habitats, which include at-risk species. "Agricultural lands with healthy and abundant wildlife habitat support strong incomes for our farmers and ranchers and provide great opportunities for enhancing hunting and fishing, outdoor recreation and wildlife viewing," said Secretary Tom Vilsack.

Federal, state and local wildlife officials will use joint efforts to identify at-risk species that would benefit from targeted habitat restoration practices on private lands. If landowners voluntarily make habitat restoration improvements on their land, the Federal government will provide them with regulatory certainty that they will not be required to practice additional conservation acts in the future. Landowners can sign-up with the Working Land for Wildlife Program to restore and manage targeted habitats for seven specific wildlife species across the country.

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

EPA Preps Clean Water Act Jurisdiction Guidance

Despite receiving comments last year from a number of associations representing state and local governments, as well a number of agriculture and industry groups, to pull back draft guidance on Clean Water Act (CWA) jurisdiction, EPA is reportedly close to finalizing guidance expanding the scope of waters under federal jurisdiction.

A copy of the guidance document EPA submitted to the White House Office of Management and Budget (OMB) for clearance was leaked to the public last week. While this draft provides a few additional minor exemptions, most of the original draft guidance has been left intact. Some organizations have expressed concerns with EPA's use of guidance (instead of a formal rulemaking process), the agency's failure to fully account for the costs of the proposed changes, and other specific elements of the guidance.

[Read the EPA guidance document](#)

Korea - U.S. Trade Agreement Implemented

The U.S.-Korea Free Trade Agreement (KORUS) was been implemented on Thursday, March 15. As this state-of-the-art agreement enters into force, 80% of the tariffs American products face when entering the Korean marketplace will be eliminated. NAEDA, along with a large trade coalition, worked to see this agreement approved by congress and the president. This agreement will now allow U.S. businesses to take advantage of increased market access to this \$1 trillion economy. To [read](#) Statement from Agriculture

CEO Blog

You Think You Had A Bad Day?

March 2012



The next time you are having what you think is a "bad day," I want you to remember the story I am about to share with you. It is not my story, but one of Air Force Captain Brian Udell, or

"Noodle" as his friends call him. It is a story of "Desire," "Determination" and "Discipline"—one of facing and overcoming extreme obstacles.

Brian began flying at age 9 and took his first cross-country flight at 10. He was one of only 60 candidates across the United States selected to attend the Euro-NATO Joint Jet Pilot Training program. Brian graduated No. 1 in his class and was awarded the Air Training Command—Commanders Cup Trophy. He was one of the first lieutenants selected to fly the F-15E Strike Eagle.

During his career, Brian has accumulated over 9,000 hours in a variety of both civilian and military aircraft, including missions in Southeast Asia and Iraq. So, one might conclude that Brian Udell is a well-trained, excellent pilot.

On February 21, 1995, Captain Udell was conducting a routine training flight about 65 miles off the North Carolina coast over the Atlantic Ocean. Partway through the flight, while making a banking maneuver, something happened to the computer system that caused the plane to lose altitude rapidly and accelerate at the same time. The plane descended from approximately 30,000 feet to 1,500 feet in a matter of a few seconds. It also accelerated from 400 mph to 800 mph. After trying to regain control of the aircraft, the only option

Secretary Tom Vilsack on the U.S. - Korea Trade Agreement

NLRB rule to go into effect April 30

The Final Rule issued by the National Labor Relations Board (NLRB) requiring employers to post employee rights under the National Labor Relations Act (NLRA) will go into effect on April 30, 2012.

Under the NLRB rule, employers whose workplaces fall under the NLRA will be required to post an employee rights notice in the workplace where other notices relating to workplace policies and procedures are posted. The notice, currently available at no cost from the NLRB, outlines employees' rights to participate in or abstain from union activity. It also provides examples of unlawful employer and union conduct and explains how to contact the NLRB with questions or complaints.

The poster is available from the NLRB at no charge and must be posted using the following guidelines:

- The 11-in.-by-17-in. notice should be posted in a conspicuous place where other notifications of workplace rights and employee rules and policies are posted.
- Workplaces where at least 20 percent of employees are not proficient in English must post a translated version, also available from NLRB.
- If personnel rules and policies are posted on an intranet or Internet site, the notice must be posted there as well.

While the U.S. District Court for the District of Columbia ruled that the NLRB has sufficient rulemaking authority under the NLRA to make this requirement, the court did invalidate some enforcement sanctions in the rule, including the following:

- The NLRB does not have the authority to state that an employer's failure to post the notice will always constitute an unfair labor practice. Instead, the NLRB must determine in each individual case that the absence of the notice actually interfered with employee rights under the NLRA.
- The NLRB has no authority to extend the time period set by Congress for filing unfair labor practice charges against an employer.

[Click here](#) for more information and the required poster.

Supreme Court allows Idaho couple to challenge EPA on wetlands ruling

The Supreme Court unanimously ruled for an Idaho couple who have been in a four-year battle with the Environmental Protection Agency over the government's claim that the land on which they plan to build a home contains sensitive wetlands.

The decision allows the couple to go to court to challenge the agency's order. More broadly, it gives landowners and businesses a tool to fight EPA administrative compliance orders that try to force immediate halts to what the agency considers environmental damage.

The decision was seen as a victory for developers, corporations, utilities, libertarians, and others who have said the EPA's actions were an abuse of power.

[Read more](#)

Source: Washington Post

House Budget Committee Releases New Budget Proposal

On Tuesday, Rep. Paul Ryan (R-WI) released his proposal for the FY2013 Budget. On the agriculture side, the proposal would reduce spending by \$30 billion over 10 years by reducing direct payments and reforming crop insurance so that agriculture producers take on more responsibilities related to managing risk. The proposal did note that these savings would not begin until the passage of a new farm bill. In addition to curtailing farmer's safety net, the proposed budget would convert the Supplemental Nutrition Assistance Program (SNAP) into a block grant program administered by the states.

In a statement, House Agriculture Committee Chairman Frank Lucas (R-OK) cautioned about "reading too much into the numbers or policy proposals in either the President's budget or the Ryan budget" and stated that his committee was committed to writing a "fiscally responsible Farm Bill that ensures Americans continue to have a safe, affordable, and stable food supply."

The bill is scheduled for full committee markup on March 21, 2012.

Environmental Groups Sue EPA over Mississippi River

A new lawsuit alleges that the Environmental Protection Agency violated the Administrative Procedure Act when it refused a 2008 petition that would have required states to develop water quality standards for the

left was to eject, so that is what Brian and his co-pilot did—the co-pilot at approximately 10,000 feet and Brian at around 1,500 feet. Tragically, his partner did not survive.

Have you ever turned your hand into the wind outside a car window going 60 mph and felt the air force your arm into a backwards motion? If so, now imagine doing that at a speed of 800 mph. The helmet and mask were ripped from Brian's head causing lacerations over his face. Blood vessels in his face and eyes exploded. His left arm was dislocated from his shoulder. The ejection seat (previously only tested to 600 mph) was ripped away pulling one leg apart to where it was hanging by the skin, blood vessels and nerves, and the other was broken at the ankle to the point where it was turned 180°. By the way, the heavy metal ejection seat was torn to pieces. And the list of damage goes on.

Brian was able to inflate a small rubber life raft during the descent into the 60° water of the ocean using his one good arm with three operating fingers. He hit the water, submerged 10 feet under and the raft pulled him to the surface. His life vest was also torn to shreds during the ejection. Five-foot seas and 15 mph winds faced him once reaching the surface.

Bobbing in the ocean, he now had to figure out how to hoist his badly-damaged body onto the raft or face possibly being a meal for a shark. Following several attempts, he finally turned to his faith in God and prayer. When he was down to only enough strength for one more attempt, miraculously he made it onto the raft.

Most of the survival equipment either did not survive the ejection and was lost or was nonfunctional. After nearly four grueling hours in the cold Atlantic, he heard the sound of a Coast Guard C-130 plane and a helicopter. He could not operate the flares since it required two hands and he only had the use of one. A small radio was his last hope, but it did not appear to be working at first. Again, with one final attempt and through sheer faith and determination, the message was acknowledged. Brian then had to guide the rescuers in near his position, but not too close with the helicopter or it would toss him from the raft and he would ultimately drown.

Once rescued it was off to a hospital. No drugs or pain killers could be administered for hours after his arrival since they needed to know where he was experiencing pain as the medical team attempted to reset legs, arms and generally reconstruct his body

Mississippi River Basin and the northern Gulf of Mexico. The lawsuit, filed March 13 by 11 environmental organizations in six states, asks the U.S. District Court for the Eastern District of Louisiana to declare that EPA's denial of the petition was not compatible with the law.

In the fall of 2011 EPA denied the Minnesota Center for Environmental Advocacy's petition request to develop Numeric Nutrient Criteria (NNCs) for the Mississippi River Basin and Gulf of Mexico. The EPA denied this request with claims that the petition's demands were out of its jurisdictional duties.

If the EPA loses the lawsuit and has to impose NNCs in the Mississippi River Basin, agricultural producers could expect to be constrained by new regulatory requirements. The environmental groups are asking the agency to respond within 90 days.

APHIS Proposes New Rule for BSE Import Regulations

The USDA's Animal and Plant Health Inspection Service (APHIS) will propose a new rule later this week updating import regulations for bovine spongiform encephalopathy (BSE) which would potentially increase the imports of bovines and bovine products. Currently, APHIS is seeking reviews and comments on the proposed rule.

The new rule would allow APHIS to use the same definitions the World Organization for Animal Health (OIE) uses ("negligible", "controlled", or undetermined") for each country's BSE risk to determine import status. In addition, it would allow APHIS to perform its own risk assessment when a country is not classified by OIE. The rule does not change many current safety measures including the ruminant-to-ruminant feed ban and the ban of specified risk materials. The new rule is expected to be published in the March 16th Federal Register.

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

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parts.

Several weeks and several operations later, doctors told Brian that he would never be able to walk normally and that he would never be a pilot again. But this is just one more indication of how strong his will was to not only survive but also to return to a normal functioning life. Within two months after the titanium rods were removed from his legs, Brian was walking again. And, after another four months, he climbed into an F-15E and took off down the runway.

Today, Brian Udell is a pilot for Southwest Airlines. He is a shining example of someone who kept his cool during extreme circumstances. He had the Desire to survive, the Determination to return to a normal life and the Discipline, coupled with his faith, to use his training and skills in a way that allowed him to meet his ultimate goal of survival, by staying focused and breaking the big goal down into manageable pieces and applying his wisdom and knowledge to the task at hand. Part of his unrelenting willpower and courage also had a lot to do with his wife being four months pregnant with their first child!

What can we all learn from Brian and his horrific experience? It is not the situation we find ourselves in that determines the outcome, but how we handle that situation. If faced with what seems to be an insurmountable challenge, we are best served by staying focused on what is most important at that time... and never giving up.

Finally, although I'm sure there are other lessons to garner, the one that was most poignant for me. If I am having a so-called "bad day," I will think of Brian Udell, the only person to survive the highest speed ejection from a U.S. fighter aircraft to put it all in better perspective... And That's The Way I See It!

PAUL KINDINGER is president/CEO of the North American Equipment Dealers Association. The association provides educational, legal, legislative and financial services to approximately 5,500 retail agricultural, construction, large property/rural lifestyle and outdoor power equipment dealers in the United States and Canada.

Industry & Manufacturing News

CNH announces strategic partnership with Orkel AS

CNH announced a long term strategic partnership with Orkel AS, a Norwegian manufacturer of fixed chamber round balers, compactors and tractor trailers.

With the partnership, CNH will acquire intellectual property rights and tooling for Orkel's fixed chamber round balers (FCRB) and Orkel will become CNH's preferred engineering partner for the development of high performance/heavy duty new generation of FCRBs.

[Read more](#)

Source: CNH

Skid-steer accidents a hazard for agriculture industry

Dennis Murphy, a professor for the Agricultural Safety and Health Program at Penn State's College of Agricultural Sciences, is reminding producers and employees that skid-steer operation demands attention to safety factors that are similar to those encountered when operating farm tractors with a front-end loader.

The safety reminder is in response to a recent series of fatal accidents involving skid-steer loaders. The major contributing factors in the fatalities were similar, and the danger can be mitigated by taking precautions, says Murphy.

[Read more](#)

Penn State offers a free fact sheet: [Skid-Steer Safety for Farm and Landscape](#)

Source: Western Farm Press

Seniors and Young Adults Will Influence U.S. Housing Markets

Aging baby boomers and their echo boomer children will significantly impact trends in the nation's housing market over the next 20 years. In a new report released by the Bipartisan Policy Center, "Demographic Challenges and Opportunities for U.S. Housing Markets," researchers at the National Association of Realtors®, The Urban Institute, and the University of Southern California analyze key demographic trends and their likely influence on housing and homeownership in the U.S.

Over the next two decades, the aging baby boomer generation will swell the nation's senior population by 30 million. That demographic shift will likely help increase the supply of housing, since people over age 65 typically release much more housing than they absorb.

Read [more](#)

To read a copy of the [report](#)

Source: National Association of Realtors

The Toro Company breaks ground on new distribution center in Iowa

The Toro Company announced that it is partnering with Ryan Companies to build a 450,000 square-foot distribution center near Des Moines, IA. Upon completion later this year, Toro will transition distribution operations from its current facilities in Lakeville, Minn., and Beatrice, Neb., to the new Des Moines facility.

The new location will primarily distribute Toro and Exmark-branded residential and landscape contractor turf maintenance equipment to distributors, dealers and The Home Depot in the U.S. and Canada. The facility will employ approximately 20 people.

[Read more](#)

Source: The Wall Street Journal

U.S. construction machinery exports gain 43 percent in 2011

U.S. construction equipment exports increased 43 percent in 2011 compared to the previous year for a total \$23.5 billion of machinery shipped to other nations, according to the Association of Equipment Manufacturers (AEM). This follows growth of 28 percent in 2010 after a 2009 decline of 38 percent in the depths of the recession.



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"Export sales continue to help U.S. construction equipment manufacturers stay open for business and sustain American jobs, especially with the domestic construction sector still recovering," stated Al Cervero, AEM vice president construction sector.

AEM and its I Make America campaign have pushed for export-friendly policies that create and sustain American jobs. These include free trade agreements such as the U.S.-Korea FTA being implemented, which will eliminate export duties on about 80 percent of U.S. industrial products and about 67 percent of U.S. farm-related products.

In recent AEM action, the association is calling for congressional reauthorization of the Export-Import Bank, with an increased exposure cap so more companies can benefit from its services. Ex-Im Bank is self-sustaining. It focuses on small to medium-size businesses, since private lenders many times are unable or unwilling to extend them financing and insurance support.

Exports by World Regions and Top 10 Countries

Exports to Australia/Oceania led the way in 2011 with a 73-percent gain as the region took delivery of \$2.8 billion of U.S.-made construction equipment. Construction machinery exports to South America increased 39 percent in 2011 with purchases worth \$4.3 billion, and exports of construction equipment to Central America gained 23 percent and totaled \$2.0 billion.

Export sales to Asia grew 44 percent to total \$3.1 billion for 2011, and Africa's purchases of U.S. construction machinery increased 41 percent to total \$1.3 billion last year. Exports of construction equipment to Europe gained 49 percent for a total \$2.8 billion in 2011, and export business to Canada grew 40.5 percent and totaled \$7.2 billion.

The 10 countries buying the most U.S.-made construction machinery in 2011: (1) Canada - \$7.2 billion, up 40.5 percent; (2) Australia - \$2.7 billion, up 79 percent; (3) Mexico - \$1.6 billion, up 28 percent; (4) Chile - \$1.3 billion, up 45 percent; (5) Brazil - \$951 million, up 25 percent; (6) China - \$903 million, up 81 percent; (7) Colombia - \$811 million, up 38 percent; (8) South Africa - \$683 million, up 72 percent; (9) Russia - \$652 million, up 96 percent; (10) Peru - \$572 million, up 31 percent. ###

Media Contact: Pat Monroe (pmonroe@aem.org, tel: 414-298-4123)

Economists see growth slowing, recession risk falling

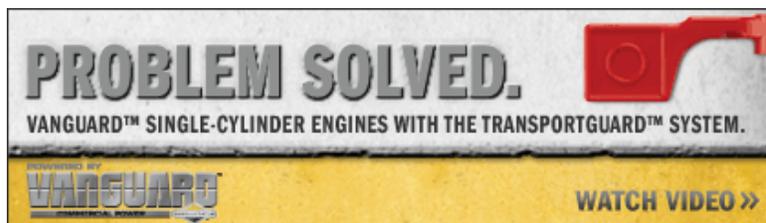
The U.S. economy's growth will slow this year after a blast of stronger growth in late 2011, leaving the 8.5% unemployment rate about where it is now on Election Day, according to USA TODAY's quarterly survey of economists.

The economy will grow at an 2.2% annual rate the first half of 2012 after an estimated 3.1% gain in fourth-quarter gross domestic product, according to the median forecast of the 48 economists surveyed. The government reports on fourth-quarter GDP Friday.

The biggest reason for slower growth is that a late-2011 bounce back from the effects of the Japanese earthquake last March won't last, according to Diane Swonk, chief economist at Mesirow Financial. Slower growth will help keep unemployment at 8.4% or higher through year's end, economists predict.

Read [more](#)

Source: USA Today



NAEDA, Association & Program Partner News

Scott Muehlhauser new Chairman NAEDA Outdoor Power Equipment Dealer Council

Scott Muehlhauser of St. Louis, Missouri has been selected Chairman of the NAEDA Outdoor Power Equipment (OPE) Dealer Council and will serve as its chairman for the next two years. Scott replaces J.P. Bliss of East Peoria, Illinois.

Scott manages Scott's Power Equipment, Inc. (www.scottspower.com), catering primarily to the commercial and municipal landscape industry. He has been in the OPE industry for over 30 years, starting his own business 11 years ago. He has expanded it to four locations, three in Missouri and one in Illinois.

[Read News Release](#)

Arizona Dealer Elected Second Vice Chairman of NAEDA Board

Blaine Bingham, of Mesa, Ariz., has been elected second vice chairman of the board of directors of the North American Equipment Dealers Association (NAEDA).

Bingham is President/General Manager of Bingham Equipment Company (www.binghamequipment.com). The dealership sells AGCO, Bobcat, Carquest, Case Construction, Kubota, MacDon, and New Holland equipment from nine locations in Arizona.

[Read News Release](#)

Illinois Dealer Elected First Vice Chairman of NAEDA Board

Tom Nobbe, of Waterloo, Ill., has been elected first vice chairman of the board of directors of the North American Equipment Dealers Association (NAEDA).

Nobbe is general manager of Wm Nobbe & Co. (www.wmnobbe.com), a seven-location John Deere equipment dealership serving southern Illinois and southeastern Missouri. Wm Nobbe & Co. locations include Waterloo, Ill., as well as Jerseyville and Steelville, Ill., and Scott City, Mo.

[Read News Release](#)

Mississippi Dealer Elected Chairman of NAEDA Board

Joe Nash, of Greenville, Miss., has been elected chairman of the board of directors of the North American Equipment Dealers Association (NAEDA).

Nash is chief operating officer of Delta Implement (www.deltaimplementco.com) and Ayres-Delta Implement (www.ayresdeltaimplement.com). The dealerships sell Case IH, New Holland and Kubota equipment from six locations in Mississippi.

[Read News Release](#)

Credit Card Processors - Are you taking advantage of the Durbin Amendment?

The Durbin Amendment is a provision in the Dodd-Frank Wall Street reform and Consumer Protection Act signed into law in July 2010. Dodd-Frank is a federal statute that implements financial regulatory reform, and was passed as a response to the financial crisis and recession of the past few years.

[Read More](#)

This information is provided by Elavon, NAEDA's credit card processing partner. For more information on how NAEDA's program can assist with your processing needs contact Liz Harpst at Elavon at **800-725-1243 x 8798** or email liz.harpst@elavon.com

Canadian News

Government announces Economic Action Plan 2012 will be tabled on March 29

The Honourable Jim Flaherty, Minister of Finance, will present Economic Action Plan 2012 on March 29 in the House of Commons.

"In an uncertain global economy our Government will stick with our low-tax plan for jobs and growth — a plan that has worked and is continuing to serve Canadians well," said Minister Flaherty.

[Read more](#)

Source: Department of Finance Canada

Canada's fiscal outlook improves

The federal government's budget deficit is on pace to be significantly smaller this fiscal year than expected - potentially \$24 billion compared with earlier estimates of \$31 billion - putting the Conservatives back on track to balance the books by 2014-15 or sooner.

[Read more](#)

Source: Calgary Herald

Canadian retail sales edge up in January

Sales by Canadian retailers rose 0.5 per cent in January, led by the vehicle sector, according to Statistics Canada.

The federal agency said sales were up 0.5 per cent to \$38.9 billion during the month, following a decline of 0.2 per cent in December, which was revised from an initial flat reading.

[Read more](#)

Source: The Vancouver Sun

Glencore bids \$6.1B for Viterra

Glencore International has obtained the support of Viterra's board to make a \$16.25 per share takeover offer for the Saskatchewan-based grain handler.

[Read more](#)

Source: CBC News

Federal New Democrats to choose new leader

More than 3,500 New Democrats will convene on the Metro Toronto Convention Centre this weekend to pick a leader to replace the late Jack Layton.

[Read more](#)

Source: The Toronto Star

Tip of the Month



[March Compliance Tip of the Month: Make Sure Your Employees and Independent Contractors Are Correctly Classified.](#)

Determination of worker classification can be complicated but is essential to ensure proper wage and tax payments. Improper classification can result in governmental fines and wage and hour lawsuits. The IRS and the Department of Labor have both stated their intent to reinvigorated enforcement efforts to end misclassification of employees as independent contractors. Find out more at <http://blog.kpaonline.com/category/tipofthemonth/>

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