



**Minutes**  
**Food Marketing Institute**  
**Public Affairs Committee**  
**Wednesday, October 15, 2014**  
**The Fairmont Pacific Rim - Vancouver**

**Present:**

*Committee Members:* Onstead, Dory, Albrecht, Boyan, Devanney, Morgenthall, Potash, Wagner

*Committee Members Absent:*

*Others Present:* Baesler, Skylar, Spoa, Wright

*Staff:* Sarasin, Borra, Hatcher, Thesmar

Meeting Materials can be found here: <http://www.fmi.org/government-affairs/fmi-government-public-affairs/government-relations-committee/october-15-2014-pa-meeting>

**Proceedings:**

The Meeting was called to order at 2:00pm by the Chair, Randall Onstead, Bi-Lo Holdings, LLC.

Attendees were reminded of FMI's Antitrust Policy and of the need to comply with the antitrust laws in all respects by Leslie Sarasin.

Onstead and Hatcher reviewed the duties of the Public Affairs Committee and the differences between the roles of the Government Relations Committee and the Public Affairs Committee. Onstead read the current mission statement and there were no suggestions for revisions. Onstead mentioned that the two committees – Government Relations and Public Affairs, would meet jointly on April 14 at the Day in Washington at the Hyatt Capitol Hill.

Onstead discussed communication methods to try to determine the best ways to get Committee feedback when we need input. Onstead also reminded the group of the 11:30 am Tuesday, bi-weekly calls of the Public Affairs and Government Relations Committees when Congress is in session as a good source of concise information. FMI also sends notes of each of those calls. FMI staff publishes a weekly report of GR activities for the week every Friday. Public Affairs Committee members are welcome to get those reports or get us to send those reports to someone else on your team. We also have other publications in the Government Relations area that we are glad to share with you or your staff including – State Report, Tax Times, Labor Report, Local Monitoring, Regulatory Report.

**We then moved to the next item - Review and align to the FMI Government Relations Committee's top five public affairs issues in 2015, proposed positions and next steps.**

Onstead, charged the FMI staff with coming up with 5 possible action items where Board members can potentially make a difference between now and the end of the year. We chose the following:

- Joint CEO Letter Opposing Grocery Store Inclusion in Chain Restaurant Menu Labeling
- Menu Labeling Fact Sheet
- ACA-Full Time Definition Letter
- Marketplace Fairness Talking Points
- Durbin Amendment Letter

We discussed items in these areas and from these, have 3 requests of the board today. The two affordable care act action items include letters and actions individual companies and associates can take. We have 3 letters to the House and Senate that we would like to get as many Board members as are comfortable signing to sign. One is on menu labeling an area that with your help, we have made a lot of progress highlighting the absurdities with the proposal as it would apply to food retail. Although it may not apply to every member at this point, we are happy to have all on the letter as the current proposed rule would apply to any store with a marketing alliance or cooperative type relationship as if they had 20 locations. We also know in any of these threshold questions, as soon as a threshold level is set, it starts being ratcheted down. In terms of the current status, we are awaiting a final rule from FDA - and although we have been happy for them to delay issuing a final rule - we seen a very different side of FDA in this instance that has been unwilling to meet to talk about this proposal, which makes us very concerned about what type of final rule they will write. If we get a bad final rule, we will need legislation to modify it to something that is more fair and workable.

Our ask was for committee members to sign the joint letter and also let us know if you would be willing to bring a member of Congress or Senator into your store to show them firsthand how you are different from a chain restaurant. Many members asked if we could identify specific members of Congress and we are in the process of doing that and communicating with the Board members individually.

The second issue we raised was the Marketplace Fairness Act letter. Legislation has been introduced and passed the Senate early in this session of Congress. The House has moved at a much slower pace and will not pass freestanding legislation this year. Now Congress is faced with an expiring Internet Tax Moratorium on December 11 which prevents internet service from being taxed in the same way that phone service is taxed. Senator Durbin has said that he will push for a vote on the Marketplace Fairness Act in conjunction with consideration of the Internet Tax Moratorium. We want the vote in the Senate to be as strong as possible and asked folks to sign the joint letter and weigh with their Senators.

The third issue that we are asking for your action on is a letter to the newly elected Senate as soon as they are elected urging them not to repeal the Durbin amendment. There will be a push by some in Republican leadership to repeal the Dodd Frank law at the request of their financial institutions. We want to make sure that they hear our voice before they start to hear other voices.

We sent the 3 letters around the room and then also shared them at the Executive Committee meeting and Board meeting. We will email final copies of the letters as soon as they are ready to send – which will likely be shortly after the election, before the start of the lame duck session.

#### **Emerging issues for Public Affairs Committee review:**

We also were asked by the committee to identify emerging issues that we needed to have on our radar. We had several on the list that started with GMO labeling. That discussion took so much time and was very productive that we had little time for the other issues. We did spend some time on the Fair Labor Standards Act/Overtime Rule that is likely to be proposed early in 2015. Specifically, how FMI members need to outline the roles and responsibilities of their managers as the “duties test” is modified and a greater emphasis is placed on the amount of time devoted to supervision of associates as opposed to other duties. The other issues we touched on were data security, FSMA, and Supply Chain Transparency like human trafficking issues in Thailand.

We also reviewed a form to allow Board members to share information about relationships they have with members of Congress so that FMI staff might reach out to them when there is a particular need.

#### **Upcoming Meetings and Events:**

FoodPAC’s Diamonds and Champagne event. We encourage everyone to attend our opening reception for FoodPAC tonight.

2015 Food Industry Golf Tournament – in addition to your attendance at our annual golf tournament to fund our LEAD Advocacy programs, we hope you will identify others on your team coming to Midwinter to see if they would like to play golf and if they could play with any supplier they want, who that would be. Randall Onstead and Ed Crenshaw have agreed to co-chair the tournament.

2015 “Day in Washington” We want to make sure you have our annual Day in Washington on your must do list. We will gather on Wednesday, April 15 - tax day to visit with our legislators. Our Government Relations, Public Affairs and Independent Operators Committees will meet during this session.

**Other Business:**

Next meeting at Midwinter Executive Conference in Miami, FL

Future meeting, April 14, 2015, Washington, DC in conjunction with Day in Washington.

The meeting was adjourned at 3:35pm.

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