



**Fall Business Meeting – November 10, 2020
Meeting Report**

The Independent Bakers Association held its Fall Business Meeting via webinar on Tuesday, November 10. **IBA Chair Dan Mulloy** of 151 Foods called the meeting to order at 2:03pm EST and thanked the meeting's sponsors. **IBA President Nick Pyle** presented the minutes from IBA's 46th Annual Telemeeting in June. **Roy Cardey** of Kwik Lok Corp. motioned to accept the meeting minutes, which was approved. Dan Mulloy announced the dates and locations IBA's upcoming events. The Spring Membership Meeting is March 21, 2021 in Orlando, FL and the Annual Convention is June 22-24 in Washington, DC. If COVID-19 prevents these meetings from being held in person, they will be held virtually. Dan Mulloy motioned to approve; all ayes.

Nick Pyle moves to Industry Updates. The first order of business is the void left in baker training, as AIB is closing its famous in-house training program in Manhattan, Kansas. The closings come as online learning becomes more popular and AIB International's client companies seek customized programs at their work sites. The 16-week Baking Science and Technology residence course in Manhattan typically was offered twice a year. Along with the B.S.&T. residence course, AIB International is discontinuing a food safety residence course and some research and development services, including pilot plant testing and analytic lab services. Some food labeling and regulatory programs will remain. Meeting participants discussed these changes and agreed that they were appropriate to meet the demands of the baking industry.

Nick Pyle then moved to the Grain Food Foundation's Checkoff Program. GFF asserted it withdrew the Bread Tax proposal as it was about to publish in Federal Register, to make accommodation for the impact of COVID-19 on the baking industry. It neglected to mention that over a dozen bakers above the *de minimis* threshold subject to proposed Federal assessment wrote to Sonny Perdue, Secretary of Agriculture requesting that the tax be subject to an immediate upfront referendum not one deferred for three years. Meeting participants conferred on creating a poll to see where all IBA members land on the topic of the Bread Tax. It was agreed that IBA will conduct a poll in the coming weeks.

Lastly, **IBA General Counsel Elizabeth Velandier** moves to the topic of COVID-19 relief. IBA posts COVID-19 information on the IBA website, however, nothing concrete has taking place-or been approved- in the past few weeks regarding relief. This was in part to Congress' unwillingness to move forward during election season.

Nick Pyle jump to the 2020 Election results. The election held a record turnout on both sides of the aisle. It will remain to be seen how Trump's supporters move the dial on the Republican party in the next few years. Joe Biden will move forward quickly with Executive Orders in the first few weeks of his presidency. This would include ending the Muslim Ban and allowing the Transgender community to once again serve in the military. Although the Presidency has been called, the Senate is still up for grabs with the winter runoffs in Georgia. Republicans gained seats in the House of Representatives when the coined "blue wave" did not occur across the

country. As the new Congress and Administration come into office during 2021, IBA hopes for lower subsidies on sugar but are very wary of what will happen with wheat farmers and production.

Additionally, Nick Pyle noted the passing of Prop. 22 in California will complicate the Independent Contractor standing for many businesses. Elizabeth Velander further discussed Prop. 22, its potential impact on other states and at the federal level. The proposition declares that app-based drivers are independent contractors and not employees of their network company if the network company does not unilaterally prescribe their schedule or a minimum number of hours; does not require drivers to accept any specific ride or delivery request to maintain access to the network; and allows drivers to work for other network-based companies or hold other jobs.

She discussed IBA's comment on the Department of Labor's recent proposed rule concerning its interpretation of independent contractor status under the Fair Labor Standards Act ("FLSA"). IBA supports and endorses the proposed rule, which provides the guiding principle that an individual is an independent contractor, as distinguished from an "employee," if the individual is, as a matter of economic reality, in business for him- or herself. To make this determination, the proposed rule sets forth economic reality factors, while noting that the stated factors are not exhaustive, and no single factor is dispositive. IBA monitoring the proposed rule to see if the DOL can get it finalized before the end of the current administration.

Elizabeth Velander also delved into the status of the 2020-2025 Dietary Guidelines for Americans. The USDA and HHS are currently developing the new guidelines, planning to release it at the end of the year. IBA and other FBIA members participated in a listening session with USDA last week. Among the concerns voiced was the negative representation of enriched refined grains, as there is strong evidence to support and encourage consumption at all life stages.

Elizabeth Velander reminded meeting participants of the upcoming labeling rules compliance deadlines. The mandatory compliance deadline is January 1, 2021 for the Nutrition Facts Panel Rule. However, FDA will not focus on enforcement actions for food manufacturers with less than \$10 million in annual food sales in 2021. FDA enforcement discretion ends for food manufacturers with more than \$10 million in annual sales December 31, 2020. The mandatory compliance deadline for the Bioengineered Food Disclosure Rule is January 1, 2022. Regulated entities can voluntarily comply with the Standard until December 31, 2021. Finally, Elizabeth Velander shared the breaking news that FDA issued draft guidance encouraging food manufacturers to voluntarily declare sesame in the ingredient list on food labels. The comment deadline is January 1, 2021

For its last topic of the afternoon, IBA moved to the topic of Sugar Refund. The website is receiving over a million views, indicating an increase in refund activists and knowledge on the outdated sugar program. As our country approaches the next farm bill, IBA believes sugar will be a hot topic for debate.

Dan Mulloy then opened the floor for an open discussion. Guy Moos explained flour dust hazards and its thresholds. Dan Mulloy concludes the call at 2:52 p.m.

Respectfully submitted,



Chris Mulloy, Secretary
Independent Bakers Association