



1300 L Street NW Suite 1020 • Washington DC 20005-4168  
phone 202.842.0463 • fax 202.842.9126  
nopa@nopa.org • www.nopa.org

October 22, 2010

Surface Transportation Board  
Attn: Docket EP 699  
395 E Street, S.W.  
Washington, D.C. 20423

RE: Ex Parte No. 699 Assessment of Mediation and Arbitration Procedures

In accordance with the notice and request published by the Surface Transportation Board (“Board”) on August 24, 2010, the National Oilseed Processors Association (NOPA) hereby submits the following comments.

NOPA, established in 1929, represents the U.S. soybean, sunflower, canola, flaxseed and safflower seed-crushing industries. Its activities focus on enhancing the competitiveness and profitability of the U.S. oilseed processing industry. NOPA is comprised of 15 member companies who process over 1.7 billion bushels of oilseeds annually at 65 plants in 21 states.

NOPA appreciates the opportunity to provide its perspective on the use of alternative dispute resolution, particularly arbitration, as a means of resolving disputes between rail carriers and their customers. NOPA and its members place tremendous value on access to effective and workable mechanisms to resolve such disputes. NOPA has no experience with the alternative dispute resolution processes currently maintained by the Board.

NOPA supports the comments submitted by the National Grain and Feed Association (NGFA) in Docket No. EP 699, Assessment of Mediation and Arbitration Procedures. Access to NGFA’s rail arbitration system comes with membership. Since many of the members of NOPA are also members of NGFA they are covered by NGFA’s Rail Arbitration, unless they elected to withdraw within 30 days of their membership approval.

NGFA has significant experience with its own Rail Arbitration System, which is designed to offer a practical, inexpensive and timely way for shippers/receivers of grains, oilseeds, feed and feed ingredients, and other grain products to resolve disputes with railroads. NGFA’s Rail Arbitration has been operational for over 10 years, and it is widely perceived by both rail carriers and rail users as successful and workable. The commodities for which NGFA Rail Arbitration applies are also very broad and inclusive. The extensive list of grains, oilseeds, feeds and ingredients, as well as other agricultural products, is specifically identified in the Rail Arbitration Rules as being covered. NGFA Arbitration is typically regarded as more cost-effective than other dispute resolution mechanisms.

The rules specifically require that arbitration decisions be in writing and include the pertinent facts, conclusions and reasons for the decision. Decisions are also published and distributed to all NGFA members and are accessible by the public on the NGFA website. As a result, scrutiny of the process from the outside is enhanced and parties who use the system more frequently do not have any advantage of tracking how cases are decided. NOPA believes that written and publicly accessible decisions promote discipline and integrity by the arbitrators, and serve as an informational guide on assessing or even

avoiding future disputes. The transparency also increases confidence in the system and its process not only with NGFA members, but also with non-members who may access NGFA's Arbitration Decisions section of their website.

NOPA supports NGFA's comments to the Board regarding the use of arbitration in rail-related disputes in the hope that these may be of value as the Board considers its own alternative dispute resolution mechanisms.

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas A. Hammer". The signature is written in a cursive style with a long, sweeping underline.

Thomas A. Hammer, President  
National Oilseed Processors Association