



National Grain and Feed  
Association



North American Export  
Grain Association

1250 Eye Street, N.W., Suite 1003, Washington, D.C., 20005-3922  
NGFA: (202) 289-0873 NAEGA: (202) 682-4030

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July 10, 2012

Wendy Asbil  
National Manager, Invasive Alien Species and Domestic Control Section  
Environment Canada  
59 Camelot Drive  
Ottawa, Ontario, Canada, K1A 0Y9

***RE: World Trade Organization Committee on Sanitary and Phytosanitary Measures  
notification G/SPS/N/CAN/460/Add.1, 9 May 2012***

Thank you for providing for the circulation of the above referenced at the request of the Delegation of Canada. Because of our support and concern for the deployment of appropriate phytosanitary measures we are taking the liberty of commenting in this regard. Thank you for your consideration the following comments.

The NGFA is comprised of 1,050 member companies that operate more than 7,000 facilities and handle more than 70 percent of the U.S. grain and oilseed crop. NGFA membership encompasses all sectors of the industry, including country, terminal and export grain elevators; commercial feed operations; biofuel producers; cash grain and feed merchants; end-users of grain and grain products including processors, flour millers, and livestock and poultry integrators; commodity futures brokers and commission merchants; and allied industries.

NAEGA, a not-for-profit trade association established in 1912, consists of private and publicly owned companies and farmer-owned cooperatives that are involved in and provide services to the bulk grain and oilseed exporting industry. NAEGA's mission is to promote and sustain the development of commercial export of grain and oilseeds and their primary products. Through a reliance on member action and support, NAEGA acts to accomplish its mission from its office in Washington D.C., and in markets throughout the world.

It is our understanding that the proposed woolly cupgrass requirements are intended to be implemented on August 1, 2012 and will serve as a "pilot program" under the Canadian Plant Protection Act. Phase 1 of that program will soon include additional quarantine weed seeds. Other species intended to be regulated in a similar fashion include: *Aegilops cylindrical/jointed* goatgrass, *Alopecurus myosuroides/slender* foxtail, *Centaurea solstitialis/yellow* starthistle, *Crupina vulgaris/common* crupina, *Dioscorea polystachya/Chinese* yam, *Echium*

plantagineum/Paterson's curse, Nassella trichotoma/serrated tussock, Persicaria perfoliata/mile-a-minute weed, Solanum elaeagnifolium/silverleaf nightshade and Zygophyllum fabago/Syrian bean-caper.

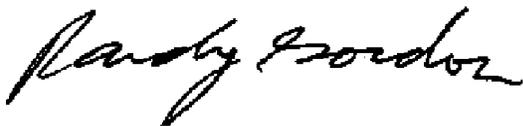
We find the proposed woolly cupgrass requirements and further implementation of the "pilot program" as it now stands may not represent the least trade-restrictive measure for the import of grains and oilseeds from the United States. We believe Canada has not sufficiently considered viable options for imports from the United States that achieve its objectives.

Our findings and recommendations include an assessment of and encouragement that Canada give full consideration to related events. The proposed changes to CFIA import policy directives related to the seed and grain pathway that will be created or revised to reflect new phytosanitary requirements come at a time when the long standing bi-lateral U.S.-Canadian Grain marketing system is subject to welcome and unprecedented change. On June 20, 2012 Customs Notice 12-019 issued by the Canada Border Services Agency provided formal notice that effective August 1, 2012, the Canadian Wheat Board (CWB) will no longer issue export licenses for shipments of Canadian wheat and barley, including products derived therefrom, exported from Canada to the United States and other foreign countries. This important development may result in very significant changes to logistics related to trade of all grains and oilseeds moving both ways across the border between the U.S. and Canada. New and different pathways for pest introduction as well as new options for management of the risks related to the khapra beetle and other quarantine pests need to be incorporated. Time is needed to define, communicate and consider the impact, including precedent that may be set and unintended consequences that may result from the proposed as well as potential related changes.

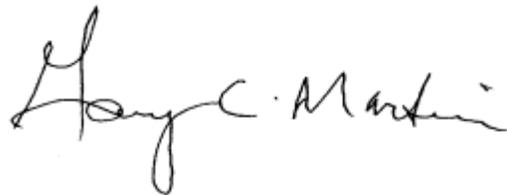
We strongly suggest that more time be allowed for appropriate consultation with the United States Department of Agriculture's Animal Plant Health Inspection service, Grain and Oilseed producers, traders and commodity producers regarding alternatives to the measures proposed.

The NGFA and NAEGA appreciate your consideration of our views, and urge that implementation of the proposed regulations be postponed for the reasons cited herein. We would be pleased to respond to any questions the agency may have.

Sincerely,



Randall C. Gordon  
Acting President  
National Grain and Feed Association



Gary C. Martin  
President and Chief Executive Officer  
North American Export Grain Association