



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) 582-4030

March 11, 2014

Regulatory Analysis and Development
Plant Protection Division
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
Station 3A-03.8
4700 River Road
Unit 118
Riverdale, MD 20737-1238

***Re: Docket No. APHIS—2013—0042; Dow AgroSciences LLC; Draft
Environmental Impact Statement for Determination of Nonregulated Status of
Herbicide Resistant Corn and Soybeans***

The North American Export Grain Association (NAEGA) and National Grain and Feed Association (NGFA) submit this joint statement in response to the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS)-prepared Draft Environmental Impact Statement (DEIS) pertaining to the petition submitted by Dow AgroSciences LLC seeking nonregulated status for three cultivars of herbicide-resistant corn and soybeans: DAS-40278-9 corn, DAS-68416-4 soybean and DAS-4406-6 soybean.

NAEGA, established in 1912, is comprised of private and publicly owned companies and farmer-owned cooperatives involved in and providing services to the bulk grain and oilseed exporting industry. NAEGA member companies ship virtually all of the bulk grains and oilseeds exported each year from the United States. Dedicated to engaging the entire value chain, NAEGA focuses on predictable, reliable and expanded international trade of grains, oilseeds and their primary products. NAEGA members, stakeholders, and governments around the world are key beneficiaries of NAEGA work to provide leadership, experience and capacity providing for global reach and influence supportive of international trade and investment.

The NGFA consists of more than 1,050 grain, feed, processing and grain-related companies that operate approximately 7,000 facilities that store, handle, merchandise, mill, process and export about 70 percent of all U.S. grains and oilseeds. Its membership includes grain elevators; feed and feed ingredient manufacturers; biofuels companies; grain and oilseed processors and millers; exporters; livestock and poultry integrators; and associated firms that provide goods and services

to the nation's grain, feed and processing industry. Also affiliated with the NGFA are 26 state and regional grain and feed associations. NGFA works to foster an efficient free-market environment that produces an abundant, safe and high-quality supply of grain, feed and feed ingredients for domestic and world consumers.

Our organizations support agricultural biotechnology and other scientific and technological innovations that contribute to increased, environmentally sustainable production of a safe, abundant, affordable and high-quality food and feed supply for U.S. and world consumers responsive to customer needs.

NAEGA and NGFA appreciate and commend APHIS for its work on developing a well-reasoned and scientifically based DEIS on these three biotechnology-enhanced traits. APHIS's evaluation concluded that the three biotech-enhanced events subject to Dow AgroSciences' petition are unlikely to pose plant pest risks and are consistent with the plant pest provisions of the Plant Protection Act (PPA) and the regulations found at 7 CFR §340.

NGFA and NAEGA do continue to have concerns related to the marketability of certain biotech-enhanced agricultural commodities that are authorized for planting and production in the United States, but which have not received approval from competent foreign governmental authorities for import as food, feed or for further processing. It is our understanding that Dow AgroSciences has submitted applications for such approval to Canada, Brazil, Australia, New Zealand, China, Colombia, European Union, Japan, Korea, South Africa and Switzerland. Although approvals for one or more of the crops have occurred in numerous countries, only Canada, Australia, and New Zealand have approved all three events thus far.

U.S. agriculture and the world's consumers are best served by a combination of appropriate commercial and regulatory actions after products achieve non-regulated status from APHIS. Recent disruptions in U.S. corn and distillers dried grains shipments to China involving a different company's biotech-enhanced trait exemplify how costly and damaging commercialization of such traits can be if done prior to export market authorizations. In this regard, we have met on several occasions with representatives from Dow AgroSciences concerning the company's plans for launching, stewarding and directing these traits in an appropriate manner so as not to disrupt export market channels.

Further, the U.S. plant-based biotech value chain, including NGFA and NAEGA, is investing significant time and resources in a broad-based U.S. Biotech Crops Alliance to develop best practices within the value chain on addressing these marketability-related challenges associated with crop biotechnology innovation and commercialization. NGFA and NAEGA are optimistic this effort will build successfully upon existing biotech industry best practice guidelines for product launch, and ultimately be implemented by Dow AgroSciences and the entire biotechnology provider community in the future.

NAEGA and NGFA also work toward the facilitation of trade in safe and wholesome agricultural products from all methods of production and marketing. Policies that result in timely regulatory acceptance of crops that may contain biotechnology-enhanced traits are critically important to achieving this objective.

While value-chain stakeholders continue coordinated efforts to achieve that ultimate goal, deregulation of biotech-enhanced traits in the United States – including the three cultivars of herbicide-resistant corn and soybeans that are the subject of this petition from Dow AgroSciences – does create the potential for trade disruption if the presence of such traits is detected in shipments to countries where they are not yet approved.

The simple reality is that bulk grain and oilseed shipments “may contain” a biotech-enhanced event that has been made available to producers for commercial production. Any biotechnology trait present in such shipments that lacks approval in a country of import will confront an impossible-to-achieve zero tolerance in that country. The consequences of such occurrences, as has been demonstrated recently, can be dire, including impeding the ability of importing countries to provide for food security, imperiling present and future market opportunities for U.S. farmers, and imposing unrecoverable and extensive product and shipment-rejection costs on the U.S. production and grain marketing system.

To counteract this potential, NAEGA and NGFA continue to urge all technology providers to respect systems for approving biotechnology-enhanced events established by foreign governments, and to provide for the necessary commercial responsibility throughout the lifecycle of their products.

Sincerely,

The image shows two handwritten signatures side-by-side. The signature on the left is "Gary C. Martin" and the signature on the right is "Randall C. Gordon". Both signatures are written in black ink on a white background.

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

Randall C. Gordon
President
National Grain and Feed Association