



National Grain and Feed  
Association



North American Export  
Grain Association

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November 25, 2013

Office of Pesticide Programs Docket  
Environmental Protection Agency Docket Center (EPA/DC) (28221T)  
1200 Pennsylvania Ave., N.W.  
Washington, D.C., 20460-0001

***RE: Docket EPA-HQ-OPP-2013-0081; Registration Review for Aluminum Phosphide (0025), Magnesium Phosphide (0645) and Phosphine (7608)***

The National Grain and Feed Association (NGFA) and North American Export Grain Association (NAEGA) appreciate the opportunity to submit this joint statement in response to the request for comments by the Environmental Protection Agency (EPA) concerning its registration review for aluminum phosphide (0025), magnesium phosphide (0645) and phosphine (7608), as published in the Sept. 25, 2013 edition of the ***Federal Register***.

The NGFA, established in 1896, consists of more than 1,050 grain, feed, processing, exporting and other grain-related companies that operate more than 7,000 facilities and handle more than 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. The NGFA also consists of 26 affiliated State and Regional Grain and Feed Associations, and has strategic alliances with Pet Food Institute and North American Export Grain Association. 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.

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.

In addition to the views expressed in this joint statement, NGFA and NAEGA support the principal views expressed in a separate statement being submitted by the North American Millers Association on behalf of a coalition of several other agriculture- and food-user groups.

The NGFA and NAEGA strongly support the continued registration by EPA of aluminum phosphide (0025), magnesium phosphide (0645) and phosphine (7608). Each are important integrated pest-management tools that are essential to protecting the safety, quality and wholesomeness of U.S. grains, oilseeds and grain-based products for domestic and world consumers, and whose use according to label requirements is fully protective of the safety of applicators and downstream receivers, property and the environment.

### **Overview**

After its most recent comprehensive evaluation of aluminum and magnesium phosphide, EPA issued revised label requirements. Among those was a requirement that a Fumigation Management Plan (FMP) be developed for each fumigation site. Such FMPs are required to contain details addressing site characteristics, employee and bystander safety, sealing of the structure or container, application of the fumigant, post-fumigation site monitoring, aeration and post-fumigation measures. NGFA and NAEGA believe these additional requirements provide a sufficient additional layer of assurance and protection to facilitate the safe, legal and efficacious fumigation of grains, oilseeds and grain products in storage and during transit.

In addition, several inherent attributes of phosphine contribute to making it a compound that can be used safely and effectively. Phosphine has a warning odor that allows it to be detected at quantities well below levels of regulatory concern. The fumigant has an extremely short half-life, and breaks down into products (*i.e., harmless phosphorus oxides*) that do not persist in the environment. It also is relatively slow-acting when compared to liquid or liquefied gaseous fumigants, which greatly reduces potential exposure to applicators, employees or bystanders – thereby eliminating the need for buffer zones.

Further, when used in accordance with its rigorous label requirements, no detectable residues of phosphine are present in ready-to-eat foods. Indeed, to our knowledge, phosphine is the only widely available, cost-effective and rapidly acting fumigant that does not leave residues on stored products.

### **Food Safety and Sanitation Considerations**

Sanitation and pest control always have been paramount considerations as part of good management practices for those involved in the grain, feed, grain processing and export business.

The Food and Drug Administration's forthcoming regulations implementing the Food Safety Modernization Act of 2011 (FSMA), which generally will apply to most facilities registered with the agency under the Bioterrorism Act, will elevate further the importance of pest control. For instance, for the first time, manufacturers of non-medicated animal feed and pet food will be subject to a new set of current good manufacturing practice (CGMP) regulations, one of which

will focus specifically on insect and pest control. In addition, subsequent customers in the supply chain that will be required to comply with these FSMA regulations in the products they store, handle and manufacture likely will impose additional contractual requirements on their suppliers – including those providing raw grains and oilseeds – so they can meet ever-more-stringent food safety and purity standards.

Having access to a safe, effective and cost-efficient chemical product like phosphine of necessity will be increasingly important to grain, feed and processing facilities that operate in regions of the country where insect infestation may occur.

### **Export Trade**

Phosphine remains the single-most relied upon fumigant to control stored grain pests in export grain marketing. On an as-needed basis, much of the approximately 400 million metric tons of internationally traded grains and oilseeds destined for food, animal feed and further processing are treated with phosphine to protect safety, quality and product integrity.

Nearly \$50 billion of the \$150 billion in total annual U.S. agricultural exports consists of grains and oilseeds. And two-thirds of U.S. grain and oilseed exports are fumigated with phosphine. Such applications are subject to EPA label requirements and strictly observed safe handling management plans. Such applications also are in conformance with International Plant Protection Convention and maximum residue levels (MRLs) that have been established in most export markets, as well as by Codex Alimentarius – thus making phosphine one of the most recognized and effective grain protectants from a trade perspective.

### **Lack of Available Alternatives for Insect Control**

Finally, U.S. facilities that store, handle and ship grains and oilseeds lack available alternatives to phosphine to protect against insect infestation, given EPA's past regulatory actions to prohibit or restrict the use of other products.

For instance, methyl bromide has been banned by EPA for use on raw agricultural commodities, with the exception of critical-use exemptions. Facilities storing raw grains and oilseeds do not qualify for such exemptions.


Meanwhile EPA in 2011 proposed to revoke the tolerances for residues in food of sulfuryl fluoride, which had shown promise as a potential replacement for methyl bromide. The result is that the market likely will stop using sulfuryl fluoride given the absence of a legal tolerance.

For these and other reasons, phosphine has taken on increasing importance as one of the last remaining, viable chemicals available to control insect infestation in grains and oilseeds.

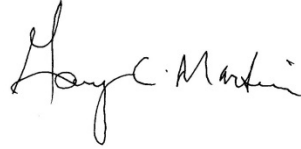
**Conclusion**

For these reasons, the NGFA and NAEGA urge EPA to maintain its current registration requirements for aluminum phosphide, magnesium phosphide and phosphine.

Sincerely,



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President  
National Grain and Feed Association



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