



*“Working Together to Make Trade Work”*

## **OUTREACH December 30, 2013**

**Thank you for your membership in and work with NAEGA**

*Happy Holidays to all!*

**NAEGA Holiday Hours:** The NAEGA Office will be closed on Tuesday, December 31, 2013 and Wednesday, January 1, 2014 for New Year's.

### **Member participation opportunity:**

- USDA-GIPSA Seeking Nominations to Serve on Advisory Committee
- U.S. Middle East & Africa Grain Forum – Doha, Qatar – January 28-29, 2014
- NAEGA Annual Meeting – Hilton Head, South Carolina – March 31, 2014

### **Action Reports**

- China – NAEGA Trip on Biotech Trade Restrictions
- U.S. Biotech Crop Alliance Plenary Meeting

### **New Issues**

- Brazil-U.S. – Brazil to Prepare List of Targets for Retaliation in Cotton Dispute
- Canada – British Columbia Proposal to be a GE-Free Zone
- U.S.T.R. – Key Appointments
- U.S. – Trade Promotion Authority
- U.S.-China – USTR Expresses Optimism in Annual Review of China's WTO Compliance

### **NAEGA Calendar and Member Notices**

- Upcoming Events and Notices for Members

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## **NAEGA Member Participation Opportunity**

### **USDA-GIPSA Seeking Nominations to Serve on Advisory Committee**

The Department of Agriculture's (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) is seeking nominations to serve on the USDA Grain Inspection Advisory Committee (Advisory Committee). GIPSA is seeking nominations for individuals to serve on the Advisory Committee to replace seven members whose terms will expire May 2014.

The Advisory Committee consists of 15 members, appointed by the Secretary, who represent the interests of grain producers, processors, handlers, merchandisers, consumers, and exporters. While members of the Advisory Committee serve without compensation, USDA

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reimburses them for travel expenses, including per diem in lieu of subsistence, for travel away from their homes or regular places of business in performance of Advisory Committee service.

Candidates who wish to be considered for membership on the Advisory Committee should submit an AD-755 application form. The application form and additional information about the Advisory Committee can be found at <http://www.gipsa.usda.gov/fgis/adcommit.html>.

All nomination material can be emailed to [Terri.L.Henry@usda.gov](mailto:Terri.L.Henry@usda.gov); faxed to (202) 690-2173 or mailed to: Terri L. Henry, Management Analyst, U.S. Department of Agriculture, 1400 Independence Ave., SW, Stop 3642, Washington, DC 20250. The deadline for submission is January 24, 2014.

#### **U.S. Middle East & Africa Grain Forum – Doha, Qatar – January 28-29, 2014**

All NAEGA member personnel are welcome at the upcoming U.S Middle East & Africa Grain Forum from January 28-29, 2014. NAEGA Senior Advisors Sam Bonilla and Jerry Cotter are key participants in the conference will be held at Grand Hyatt Doha located in the new West Bay Lagoon District in Doha. The hotel is within convenient reach of Doha International Airport and cultural attractions such as the Museum of Islamic Art, Souq Waqif and the Katara Cultural Village.

NAEGA is cooperating with U.S. Wheat Associates, U.S. Grains Council, U.S. Soybean Export Council and U.S. Department of Agriculture, Foreign Agricultural Service to sponsor the Forum. Industry representatives from nearly 30 countries are invited and expected to attend the comprehensive discussion and important networking event.

The details on the Forum can be found [here](#). To register for the Forum, click [here](#).

#### **NAEGA Annual Meeting – Hilton Head, South Carolina – March 31, 2014**

NAEGA will hold its Annual meetings in Hilton Head, South Carolina on Monday, March 31, 2013 in conjunction with NGFA’s convention. You can now reserve your hotel room at the Westin Hilton Head Resort by clicking [here](#). An agenda and further details will be available in the near future.

*Full Details on Upcoming Events can be found in the Meetings & Events Section of the [NAEGA Member’s Only Page](#).*

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### **Reports on NAEGA Actions**

#### **China – NAEGA Trip on Biotech Trade Restrictions**

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NAEGA, acting urgently and on short notice, conducted a series of meetings in Beijing, China during the week of December 16. The meetings with key government officials of the Peoples Republic of China (China) and United States, as well as industry stakeholders were in response to disruption in U.S. corn and Distillers Dried Grain (DDGs) shipments due to the presence of Syngenta’s Agrisure Viptera® (MIR 162) biotechnology-enhanced corn. MIR 162 has yet to receive the Biosafety Certificate necessary to accompany imports of products that may contain MIR 162.

While working to identify potential ways to resolve the MIR 162 matter, the meetings keyed on increasing the understanding of industry concerns over the shipment disruptions as well as the predictability of the Chinese market. NAEGA found significant interest among some key authorities in wanting to resolve the MIR 162 problem, but other key Chinese authorities insisted on enforcing a zero-tolerance for MIR 162. The net result was that no immediate progress was made in resolving the shipment disruptions.

The final agenda for the NAEGA team can be found [here](#): A background USDA GAIN report can be found [here](#) along with a series of analyst and press reports.

All the meetings and discussions referenced and were in support of China’s new national food security strategy. The new strategy was articulated at the annual China Central Economic Work Conference on December 13, 2013 as calling for “... appropriate portion of import and to be backed up by science and technology”. We understand the policy means cereals like wheat and rice (foodstuffs) are the priority for self-sufficiency – a reliance on domestic supply for more than 95% of needs. Importantly feed ingredients like corn and DDGs (feedstuffs) are now considered to be included in a trade encouraging import policy very similar to that of soybeans – which provides for increased importation and an acknowledgement that it is unnecessary to impose the 95% self-sufficiency rate.

A key meeting with the representatives of the China’s Ministry of Agriculture (MoA) opened a dialog we plan to continue between NAEGA and the Ministry officials who are responsible for issuing Biosafety Certificates. MoA officials at the meeting referenced two technical concerns regarding the safety of MIR 162. The MoA official noted that until those technical concerns are adequately addressed in the report MoA receives from China’s Biosafety Committee, Biosafety Certificates cannot be issued and China will implement a zero tolerance for the presence of MIR 162 in imported grains. Vice Ag Minister Niu Dun continues to maintain that the safety evaluation process for MIR 162 is not completed and “no imports are allowed at the moment before the safety certificate is issued.”

Representatives of China’s principal food safety agency and the agency charged with import controls and testing – the Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) acknowledged their interest in working with NAEGA in our meeting with them. AQSIQ recognized that NAEGA has successfully worked with AQSIQ in the past and indicated their intentions to continue with us. They also repeated the concern of MoA officials regarding the incomplete safety evaluation for MIR 162. AQSIQ officials said at this time, they continue

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to enforce the zero tolerance against unauthorized biotech-enhanced traits mandated in a 2001 law.

AQSIQ reported on Dec. 18 that it had rejected approximately 10 cargoes 545,000 tons of U.S. corn that it said contained the unauthorized MIR 162 trait. AQSIQ said the unauthorized trait had been detected in 12 batches of U.S. corn shipments at six inspection stations. Officials with the Chinese agency indicated they had begun testing imports of U.S. DDGs for presence of the MIR 162 trait. It has also been reported that AQSIQ has rejected at least 2,000 metric tons of U.S. shipments of DDGs for the presence of Syngenta’s MIR 162 trait. Prior to the trade disruption, the U.S. Department of Agriculture has projected that China will constitute up to 45 percent of total U.S. exports of DDGS during the 2013 marketing year. Of the 8.3 million metric tons of U.S. distillers grains sold in export markets in 2012, China purchased almost 2.2 million metric tons.

The NAEGA meetings coincided with high level US and Chinese Government trade meetings under the China U.S. Joint Committee on Commerce and Trade (JCCT). The NAEGA team interacted with delegates and stakeholders to the JCCT regarding the MIR 162 debacle. The U.S. Department of Agriculture (USDA) on Dec. 23 issued a short statement following the completion of the 24<sup>th</sup> round of U.S.-China Joint Commission on Commerce and Trade (JCCT), which concluded earlier that day in China. The JCCT meeting was co-chaired by U.S. Commerce Secretary Penny Pritzker and U.S. Trade Representative Michael Froman with Chinese Vice Premier Wang Yang. The meeting also was attended by Secretary of Agriculture Tom Vilsack, who said he had conversations with Chinese Premier Li Keqiang and Minister of Agriculture Han Changfu. The USDA-issued statement contained no indications of progress on the MIR 162 regulatory-approval issue in China; nor did it contain any reference to efforts to resolve the most immediate-term trade disruption involving the Syngenta trait. Instead, the statement focused on a long-delayed pilot project that USDA hopes will address delays in the Chinese biotechnology regulatory-approval process. Specifically, the USDA-issued statement said that on agricultural biotechnology, Vilsack had “conveyed a need to streamline China’s biotech-approval process and (given) his commitment to begin implementation of a pilot program on the review of biotechnology products.” The USDA statement also said China had “agreed to discuss U.S. concerns regarding China’s requirement for the use of viable seed in applications for biotechnology approvals.”

Syngenta on Dec. 17 issued a one-page letter to “stakeholders” confirming that it had not yet received import approval for MIR 162, despite submitting the dossier for the trait to the Chinese Ministry of Agriculture in March 2010. The company said it had responded to seven separate iterations of comments and questions on the trait from China, and that recent questions “were more relevant to studies about seed cultivation, even though Syngenta is only seeking grain-import approval.” Syngenta’s letter maintained that the Chinese Ministry of Agriculture “has everything it has requested, and there are no outstanding questions to Syngenta.”

The Chinese regulatory system requires that a seed company have in place for two years approval from a competent government authority in at least one key export market before

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beginning the approval process in China. During a mid-July 2011 meeting with the NGFA and NAEGA, Syngenta North America officials had projected that the Chinese government would authorize the Agrisure Viptera® corn trait for import by the end of the first quarter of 2012. The trait had been deregulated in April 2010 by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS), and seed sales were launched by Syngenta with the 2011 planting season. Syngenta said it had applied for approval of the Agrisure Viptera trait and trait stacks containing that biotech-enhanced event for import to China in March 2010, based upon approval previously granted by Brazil.

There is concern that U.S. farmers have lost access to one of the largest markets - recent estimates were as much as 7.5 mmt - for U.S. corn as well as the DDGs market – which may have exceeded 4 mmt. NAEGA’s assessment of biotech trait approvals currently indicates that Syngenta’s Agrisure Viptera® (MIR 162) biotechnology-enhanced corn is the only U.S. corn or soybean event that expected to be present in the U.S. corn supply that does not have sufficient approvals in place to comply with the Chinese government’s requirements for imported corn, soybeans and derived products. China’s zero tolerance for the presence of unauthorized biotech traits in import shipments has caused some U.S. domestic buyers who supply grains to exporters to notify producers that they will not be accepting corn with the Agrisure Viptera trait until the situation with China is resolved.

Meanwhile we have been made aware and confirmed with Syngenta officials in China that despite current disruptions in U.S. corn shipments attributable to its MIR 162 trait, Syngenta **intends in 2014 to commercialize for U.S. planting another biotech corn trait – Agrisure Duracade® – not yet approved in China.** The corn rootworm-control trait is being offered as a stacked trait with a second corn rootworm event, and offered as a 5 percent integrated single-bag refuge product via the Agrisure Duracade 5122 E-Z Refuge® and Agrisure Duracade 5222 E-Z Refuge® trait stacks. Syngenta indicated that the dossier Duracade traits had been submitted to the Chinese government in March 2013, shortly after its February 2013 deregulation by USDA’s Animal and Plant Health Inspection Service – the final step in the U.S. biotech regulatory process. As noted previously, China’s regulatory approach – best case – typically takes at least an additional two years to complete the trait-approval process.

U.S. industry and government representatives have in the past attempted to resolve the significant time gap that currently exists between U.S. and Chinese government approvals of new biotech-enhanced traits. Given the time lag in obtaining Chinese regulatory approval, several other biotechnology providers have made the decision to delay commercialization of biotech-enhanced traits. For example, one soybean trait – Bayer LL55 – also has been under the Chinese regulatory review process for six years. But Bayer has reassured NGFA, NAEGA and others that it does not intend to commercialize that trait until Chinese approval is granted. The NAEGA’s Biotechnology Policy states that biotechnology providers should secure full regulatory approval for biotech-enhanced events in U.S. domestic and significant export markets.

The NAEGA Board of Directors has been meeting via ongoing confidential conference calls to address possible additional NAEGA actions related to the MIR 162 problem with China.

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Possible legal remedies and future procurement and sales contract guidance to best mitigate the risk of these types of biotechnology scenarios are under active consideration. **IF SOMEONE FROM YOUR COMPANY WOULD LIKE TO BE INCLUDED IN THE NAEGA BOARD OF DIRECTOR’S CONSIDERATION – PLEASE CONTACT GARY MARTIN.**

### **U.S. Biotech Crop Alliance Plenary Meeting**

The U.S. Biotech Crop Alliance (USBCA) had its first plenary session on December 16 and 17. The session included dozens of stakeholders from the entire biotechnology supply chain, including biotech producers, grain producers and elevators, and exporters. The group discussed the USBCA Business Plan the work done so far by the Domestic Working Group and the International Working Group.

NAEGA’s Biotech Committee Chair, Paul Green represented NAEGA and presented on the International Working Group’s work. There was much discussion about the current situation with MIR 162 in China. A copy of the agenda for the plenary session can be found [here](#). A copy of the International Working Group Report and Proposed Actions can be found [here](#).

**NAEGA is considering making comments on the following items. Please contact us with your advice or suggestions:**

#### **2013**

**Jan. 3** – Comments to USDA on Enhancing Agricultural Coexistence Doc. No. APHIS—2013—0047. More information can be found [here](#).

**Jan. 9** – Comments to USDA FAS on China SPS 631 on Non-Compliant Imports. More information can be found [here](#).

**Jan. 10** – Comments to APHIS on IPPC Karnal Bunt diagnostic protocol

**Jan. 27** – Comments to USDA on Proposed Changes to Export Credit Guarantee (GSM-102) <https://www.federalregister.gov/articles/2013/12/27/2013-29439/ccc-export-cr>

**Jan. 27** – Comments to FDA’s proposed rule on importer/third-party accreditation of foreign foods: <https://www.federalregister.gov/articles/2013/07/29/2013-17994/accreditation-of-third-party-auditors-certification-bodies-to-conduct-food-safety-audits-and-to-issue>  
<http://www.regulations.gov/#!documentDetail;D=FDA-2011-N-0146-0039>

**Feb. 10** – Comments to Customs and Border Protection (CBP) on the Request of Information via CBP Form 28 in an effort to reduce paperwork. [http://ofr.gov/OFRUpload/OFRData/2013-29713\\_PI.pdf](http://ofr.gov/OFRUpload/OFRData/2013-29713_PI.pdf)

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**Feb. 17** – Comments to Animal and Plant Health Inspection Service (APHIS) on RSPM 41 “Guidelines for Oversight Programs” at North American Plant Protection Organization (NAPPO)  
[William.D.Wesela@aphis.usda.gov](mailto:William.D.Wesela@aphis.usda.gov)

*NAEGA Actions on Current Issues are tracked on both the Member’s Only Section under their relevant committee pages and the on the Personal Page’s site. Updates to tracked issues are posted in this section.*

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## **New Issues & Opportunities for NAEGA Consideration**

### **Brazil-U.S. – Brazil to Prepare List of Targets for Retaliation in Cotton Dispute**

Brazil is reported to resume in early 2014 a process that could result in hundreds of millions of dollars’ worth of retaliatory trade measures against the U.S. in a long-running dispute over cotton subsidies. Brazil’s foreign trade board (CAMEX) will solicit public input in January on specific U.S. intellectual property rights that could be suspended. In February, CAMEX will receive a list of goods imported from the U.S. that could be subject to higher tariffs.

Since 2010 the U.S. has been paying Brazil \$12.25 million a month in return for the suspension of retaliatory measures authorized by the World Trade Organization after the U.S. failed to comply with a 2004 WTO ruling against its cotton subsidies. Those payments were expected to continue until Congress enacted a new farm bill with provisions amending the U.S. cotton subsidy program to reflect the WTO decision. However, the U.S. has not made a payment in several months, citing budget restrictions, and congressional passage of a farm bill has been repeatedly pushed back.

Brazilian officials said that while retaliation is “not the preferred option” they hope the threat of it will prompt the U.S. to act. It appears the U.S. is already moving in that direction, as over the next few weeks U.S. lawmakers are expected to approve a fiscal year 2014 budget that could provide renewed authority for the monthly payments as well as a new five-year farm bill.

### **Canada – British Columbia GE-Free Zone Proposal**

Municipalities in the British Columbia (B.C.) passed a resolution asking the provincial government to declare B.C. a genetically-modified organism-free area with respect to all plant and animal species. The resolution asks for a ban on importing, exporting and growing plants and seeds containing genetically engineered (GE) DNA, and raising GE animals within B.C. The B.C. government is required to provide a response to the resolution. The response is expected to outline any steps the provincial government will take, and allows the government time to consider and discuss the resolution.

### **U.S. – President Obama Announces Key Appointment**

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On December 17<sup>th</sup>, among several other administrative positions, President Obama announced his intent to nominate Darci Vetter to Chief Agricultural Negotiator in the Office of the U.S. Trade Representative (USTR). The Chief Agricultural Negotiator carries the rank of ambassador and is the top agricultural position at the USTR.

Ms. Vetter is currently Deputy Under Secretary in the Office of Under Secretary for Farm and Foreign Agricultural Services at the USDA, a position she has held since 2010. Previously she has held positions as trade advisors in the U.S Senate Committee on Finance and USTR.

A copy of the White House press release can be found [here](#).

**U.S. – Trade Promotion Authority**

It has been reported that Senate Finance Committee Chairman, Max Baucus (D-MT), and Ranking Member, Orrin Hatch (R-UT), and House Ways and Means Committee Chairman, Dave Camp (R-MI), have reached an agreement on principles underlying a trade promotion authority (TPA) bill.

TPA is designed to establish congressional priorities that the White House takes into account in negotiating trade agreements, which Congress then agrees to approve or reject, without amendment. TPA is viewed as critical legislation in order to complete both the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (T-TIP). TPP is projected to be completed in early 2014.

**U.S.-China – USTR Expresses Optimism in Annual Review of China’s WTO Compliance**

The Office of the U.S. Trade Representative (USTR) issued during the week of December 23<sup>rd</sup> its twelfth report to Congress on China’s compliance with its World Trade Organization (WTO) obligations. The report highlights a number of positive developments that appear to confirm a re-focusing of China’s energies on economic reform.

Another important observation in the report were the efforts to reduce Chinese government intervention in the economy, accelerating China’s opening up to foreign goods and services, reforming China’s state-owned enterprises, and improving transparency and the rule of law to allow fair competition in the domestic market. The USTR indicates that these initiatives signal a high-level determination to accelerate needed economic reform, which if realized, would provide substantial benefits to China and its trading partners.

Despite this, the report states there are still a broad range of Chinese policies and practices that continue to generate significant concerns among U.S. stakeholders, including export restraints, investment restrictions, serious problems with Intellectual property rights enforcement, indigenous innovation policies, technology transfer initiatives, government subsidization, inappropriate use of trade remedy laws, and China’s slow movement toward accession to the WTO Government Procurement Agreement.

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The report indicates that in the future, the U.S. will look to China to reduce market access barriers, uniformly follow the fundamental principles of non-discrimination and transparency, significantly reduce the level of government intervention in the economy, fully institutionalize market mechanisms, require State Owned Enterprises to compete with other enterprises, and fully embrace the rule of law.

A copy of the full report can be found [here](#).

*If you would like more information or wish to provide comments on any of these news topics monitored by NAEGA, please contact us.*

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## NAEGA Calendar & Member Notices

### 2014

#### January

**27-29 Doha, Qatar - U.S. - Middle East, & Africa Grain Trade Forum: Partnership for Fostering Trade.** Conducted jointly by U.S. Wheat Associates (USW), U.S. Grains Council (USGC), U.S. Soybean Export Council (USSEC), North American Grain Export Association (NAEGA) and the U.S. Department of Agriculture/ Foreign Agriculture Service (USDA/FAS). Grand Hyatt Doha,

**28-30 Bogota, Columbia – USSEC Strategy Refresh and Global Planning Meeting**

#### February

**20-21 Arlington, Virginia – USDA Agricultural Outlook Forum – USDA’s annual event to discuss the changing face of agriculture.**

#### March,

**6-7 Washington, D.C. – CBP East Coast Trade Symposium held at the Washington Hilton Hotel in Washington, D.C. This was originally scheduled for October 24-25, 2013 but had to be rescheduled due to the government shutdown.**

**31 – Hilton Head, South Carolina – 2014 NAEGA Annual Meetings – Westin Hilton Head Resort (in conjunction with NGFA’s Convention March, 30 – April, 1). Reservations can be made [here](#).**

#### June

**10 – London, United Kingdom – IGC Grains Conference – Tower Hotel, Tower Bridge – You can register [here](#).**

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