

October 9, 2012

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***RE: World Trade Organization Committee on Sanitary and Phytosanitary Measures  
Notification G/SPS/N/CAN/631, 14 August 2012 (CAN 631)***

As representatives of the interests of a large cross of stakeholders in agricultural trade, we thank you for this opportunity. Because of our support and concern for the deployment of appropriate least trade distortive phytosanitary measures, the National Council of Farmer Cooperatives, National Grain & Feed Association, North American Export Grain Association and U.S. Grains Council very much appreciate this opportunity to comment to and work with CFIA and its counterpart authorities like the United States Department of Agriculture Animal Health Inspection Service (APHIS).

The National Council of Farmer Cooperatives (NCFC) is a national association representing America's farmer cooperatives. There are nearly 3,000 farmer cooperatives across the U.S. whose members include a majority of our nation's more than 2 million farmers, ranchers and growers. These farmer cooperative businesses handle, process, and market agricultural commodities and related products; furnish farm supplies; and provide credit and associated financial services. Farmer cooperatives also provide jobs for nearly 250,000 Americans, many in rural areas, with a combined payroll of over \$8 billion.

The National Grain & Feed Association (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.

A not for profit trade association, The North American Export Grain Association (NAEGA) was established in 1912 and includes membership from 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 oilseed and their primary products. Through a reliance on member action and support, NAEGA acts to accomplish this mission from its office in Washington D.C., and in markets throughout the world.

The U.S. Grains Council (USGC) develops export markets for U.S. barley, corn, grain sorghum and related products. Founded in 1960, USGC is a private, non-profit corporation with nine international offices and programs in more than 50 countries. Its unique membership includes producer organizations and agribusinesses with a common interest in developing export markets. USGC believes exports are vital to global economic development and to U.S. agriculture's profitability. Membership funds trigger matching market development funds from the U.S. government and support from cooperating groups in foreign countries to produce an annual development program valued at more than \$28 million.

It is our understanding that CAN 631 provides for notice that the proposed plant prohibitions in Directive D-12-01 "Phytosanitary requirements to prevent the introduction and establishment of plant regulated as pest in Canada" are intended to be implemented on March 3, 2013 and that CFIA will regulate these species as quarantine pests under the Canadian Plant Protection Act. The plant species that are to be

regulated as pests 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/milea-minute weed, Solanum elaeagnifolium/silverleaf nightshade and Zygophyllum fabago/Syrian bean-caper.

Importantly we find:

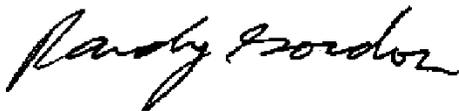
1. The pest-host relationship has yet to be scientifically established.
2. Mitigations which specifically address those relationships must be clearly defined and substantiated.
3. More specific guidance must be notified and provided with adequate time for full consideration.
4. CAN631 needs to explicitly allow for post-entry treatments, including recognition of processing as a treatment.
5. Under Directive D-12-01 the mitigations proposed as entry conditions (presented as exemptions to prohibitions) are too vague to encourage uniform application, and do not appear to be scientifically justified.

As a result of these findings, we encourage that more time for consultation with APHIS be made available before the regulations referenced in CAN 631 are to be put in place. March 1, 2013 may be too soon to accommodate this critically needed consultation.

We understand CFIA intends to issue additional federal directives for comment, including one specifically for U.S. grain. We are looking forward to commenting on the additional directives and also encourage that sufficient time for consultation with APHIS and adequate consideration by industry be provided.

We appreciate your consideration of our views. We would be pleased to respond to any questions you may have. You can direct any inquires to NAEGA President & CEO Gary C. Martin at 202-682-4030 or via email at [gcmartin@naega.org](mailto:gcmartin@naega.org).

Sincerely,



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