



May 7, 2020

National Bureau of Agricultural Commodity and Food Standards (ACFS)

Attn: Mr. Juadee Pongmaneerat

General Secretary

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THAILAND

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Subject: TBT Notification G/TBT/N/THA/567, 1 April 2020

Dear Mr. Pongmaneerat:

The Minnesota Soybean Research & Promotion Council (MSR&PC) and the Minnesota Soybean Growers Association (MSGA) would like to offer the following comments on the above-referenced Thailand notification to the WTO Committee on Technical Barriers to Trade. The MSR&PC and MSGA represent the interests of Minnesota soybean producers, commodity shippers, merchandisers, allied agribusinesses and agricultural organizations in the international markets.

The U.S. state of Minnesota is a reliable supplier of high-quality soybeans and soybean meal for animal feed, as well commodity soybeans for crushing and food grade soybeans for food products. Our success in soybean production and export is dependent on the careful use of agricultural chemicals. We have concerns about the potential impact that Thailand's reclassification of the herbicide Paraquat, and insecticide, Chlorpyrifos, may have on Minnesota soybean producers and our Thai customers.

The decision by Thailand's National Hazardous Substance Committee (NHSC) to move these three substances from category 3 to category 4, not only suspends the use or sales of these products in Thailand, it also imposes a maximum residue level (MRL) of zero. Zero or near-zero default tolerances impede trade, food security and innovation by creating significant uncertainty for the global grain trade. Testing at zero or near-zero level inevitably results in some false positives, which runs the risk that a soybean shipment will be incorrectly rejected when it arrives in Thailand. In order to be based on sound science as required by WTO rules, Thailand needs to establish a non-zero MRL for each of these pesticides. MSR&PC and MSGA hope that NHSC will establish trade-enabling options.

Regulatory coherence across exporting and importing countries is key to supporting grain traded for food, feed and processing and needs to result in manageable MRLs without compromising food safety. An importing country could adopt an import tolerance which defers to Codex or to the country of origin, or extend an MRL that may already exist domestically. Although there is less global harmonization for Paraquat and Chlorpyrifos, there are reasonable approaches which follow the principle of a trade-enabling

and safe threshold. Currently, trade moves freely from the United States to Thailand, with the Thai MRL level of 0.1 ppm for both Paraquat and Chlorpyrifos. NHSC could consider maintaining these levels or defer to Codex MRLs or the U.S. MRL levels for an import tolerance. For reference, the following MRLs have been established for Paraquat at 0.5 ppm (Codex) and 0.7 ppm (U.S.) and Chlorpyrifos at 0.1 ppm (Codex) and 0.3 ppm (U.S.).

Additionally, the notice indicates that the reclassification to category 4 will go into effect on 1 June, 2020. MSR&PC and MSGA urge the Thai Government to consider and clearly articulate a transition period for channels of soybean trade, regardless of reduction or elimination of the existing MRL by which trade is currently operating. A clear and trade-enabling transition policy can help manage risk in trade and ease the movement of soybeans between exporter and importer.

MRLs encourage the correct application of a crop protection product and indicate the highest level of a product residue legally tolerated. Used in a rotation of other weed control products, Paraquat is an important tool for U.S. soybean growers to maximize resistance management, reduce the potential presence of toxic weed seeds, facilitate U.S. production practices such as no-tillage or minimum-tillage which increase Thailand's food security by making the U.S. soybean crop more drought resistant, and provide a quality product to our Thai customers. In soybean production, Chlorpyrifos is an effective management tool to control a number of insect pests which can be devastating to a crop, such as soybean aphids, bean leaf beetles, grasshoppers, spider mites, and stink bugs. U.S. soybean producers need Chlorpyrifos as a rotation tool to prevent the arising of insecticide-resistant strains of these pest insects.

U.S. soybean producers are committed to the proper use of these substances. As a key supplier of soybeans to the Thai market, Minnesota Soybean encourages NHSC to consider possible options that create nonzero MRLs based on sound science and risk assessment that reduces uncertainty and facilitates trade while meeting consumer expectations for food safety.

Sincerely,

Cole Trebesch - Chairman, MSR&PC
Jamie Beyer - President, MSGA