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Mexico Modifies the Phytosanitary Standards for Imported Grain and Seeds – NOM-028-FITO

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Report Highlights:

On June 28, 2006, Mexico published an announcement to modify its phytosanitary standards for imported grain and seeds (not for planting), originally published on 10/12/98. Of likely importance to U.S. trade is the modification relaxing the requirements to imported grains devoted to processing, transformation and industrialization. Another change to the regulations will allow the importer to choose fumigation treatments. For U.S. wheat imports the International Phyto-sanitary Certificate should specify the legend: "This grain is from an area where it is not known that Karnal bunt is present in wheat, confirmed by the results of field sampling, or by tests for infected grains or spores."

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Mexico [MX1]
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Introduction: This report summarizes the modification to NOM-028-FITO-1995, which includes the phytosanitary standards for imported grain and seeds (not for planting) and was published by the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA) in Mexico's "*Diario Oficial*" (Federal Register) on June 28, 2006.

Disclaimer: The information in this cover is based on a rapid preliminary review. It should not, under any circumstances be viewed as a definitive reading of the regulation in question, or of its implications for the U.S. agricultural export trade interest.

Title: Modification to Official Mexican Standard **NOM-028-FITO-1995**, which establishes the Phytosanitary Requirements and Specifications for the Importation of Grains and Seeds, not for planting.

Type of Regulation: Final

Important Dates:

1. **Publication Date:** June 28, 2006

2. **Effective Date:** June 29, 2006

FAS/Mexico's Executive Summary: This announcement includes changes to Mexico's phytosanitary standards for imported grain, including peanuts, which was originally published on 10/12/98. The following changes are likely to be of particular note and interest to U.S. trade:

Modification to the point 4.2.1.2 as follows:

The phytosanitary requirements for the direct importation of grains and seeds, except for sowing, used for processing, transformation and industrialization, are:

a) International Phytosanitary Certificate (IPC) issued by the Agriculture Authorities of the country of origin that specifies the place of origin of the product.

b) Phytosanitary inspection at entry point of the country to verify compliance with this Standard.

b1) If during the inspection the presence of live insects is not detected, the shipment will be released and it will be able to enter Mexican territory.

b2) If during the inspection the presence of live insects is detected, a quarantine treatment will be applied according to that established in point 4.3 and the shipment will be released. The interested party will choose one of the authorized treatments. The detected insect will be sent for identification to a laboratory approved by the Secretariat of Agriculture.

c) The additional requirements for species and origin country that will comply in each case are indicated in Table 1 of the standard modification (see Table 1 below).

Of note in this table is the required statement for shipments of U.S. wheat, in which the IPC must state that: "This grain is from an area where it is not known that Karnal bunt is present in wheat, confirmed by the results of field sampling, or by tests for infected grains or spores." Sources indicated that this represents improved access for U.S. wheat.

Industry sources also pointed out that the changes to the requirements for imported grains, which will be further processed, industrialized or transformed (i.e. grains used in producing animal feed), have been softened. SAGARPA's General Director of the National Service of Health, Food Safety and Quality, Javier Trujillo Arriaga, underscored that the decision to change this sanitary standard on imported grains, which applies exclusively to shipments from the United States and Canada, has a scientific basis. During an interview, Trujillo pointed out that statistical data from the last eight years (with 13,000 annual shipments) show that of all the grains imported from the U.S. and Canada, the only sanitary risk is the presence of weeds. This means, he said, that the methyl bromide treatment that has been applied to imported grain shipments at the border, which is paid by the importers, is unnecessary.

Another relevant change is that the new standard allows the importer to choose what fumigation treatment to apply to the grain shipments. The previous standard specified exactly what fumigation treatment should be applied.

Products Affected:

According to the Table No. 1 of this announcement the products affected are as follow:

Table 1. The applicable additional requirements for the direct import of grains and seeds, except for sowing, depending on their origin

Product	Origin country
Sesame	Bolivia, Canada, China, Colombia, Ethiopia, U.S.A., Guatemala, Nicaragua, Paraguay and Venezuela
Alfalfa	U.S.A.
Cotton	Australia, Canada, U.S.A. and China
Bird seed	Argentina, Canada and U.S.A.
Bean	Canada, U.S.A., Spain and Thailand
Celery	U.S.A.
Rice palay, refined rice, husked rice, partial rice	U.S.A.
Refined rice	Uruguay
	Argentina The IPC will indicate that the rice of this shipment is free of live insects.
	Thailand When the product is sent in bags of plastic closed tightly, prior to the one pocketed, it will be fumigated at origin.
Peas	Canada, U.S.A.
Oat	Australia, Canada, U.S.A., Finland, Norway and Sweden
Peanut with or without	Brazil, China, U.S.A., Gambia, Guatemala, Holland,

shell, whole or crushed	Nicaragua, Paraguay and Uruguay
Peanut without shell	Argentina The IPC will indicate that the product is free of live insects.
Pumpkin	Germany, Bulgaria, China, U.S.A., Holland, Hong Kong, Italy, Russia, Hungary and Ukraine
Canola	Argentina, Australia, Canada, U.S.A. and Poland.
Hemp	Canada and U.S.A.
Barley	Canada, U.S.A., Finland and Sweden
Barley (whether or not malt)	Australia
Onion	U.S.A.
Rye	Germany, Denmark and U.S.A.
Colza or Turnip	Germany, Belgium, Canada, U.S.A., France, Poland and United Kingdom
Bean Adzuki	Canada
Chickpea	U.S.A. and Switzerland
Sunflower	Argentina, Australia, Canada, U.S.A., Russia and Ukraine
Bean	Australia, China and U.S.A.
Jojoba	U.S.A.
Lentil	Canada and U.S.A.
Linseed	Canada and U.S.A.
Linen	Canada and U.S.A.
Corn	U.S.A. and South Africa
Corn "palomero"	Canada and U.S.A.
Millet	Canada and U.S.A.
Mustard	Germany, Canada and U.S.A.
Niger	U.S.A., Holland and Nepal
Sorghum	Argentina, Australia and U.S.A.
Soybean	Argentina and U.S.A.
Clover	Canada
Wheat	Canada, France and Russia
	U.S.A. The IPC will specify that" This grain is from an area where it is not known that Karnal bunt is present in wheat, confirmed by the results of field sampling, or by tests for infected grains or spores."
	Ukraine The IFC will specify that the product is free of Pseudomonas syringae pv. syringae

For More Information:

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Internet Connections

FAS Mexico Web Site: We are available at www.fas-la.com or visit headquarter's home page at www.fas.usda.gov for a complete selection of FAS' worldwide agricultural reporting.

Useful Mexican Web Sites: Mexico's equivalent of the Department of Agriculture (SAGARPA) can be found at www.sagarpa.gob.mx and Mexico's equivalent of the Department of Commerce (SE) can be found at www.economia.gob.mx. These websites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained on the mentioned sites.