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Mexico

Agricultural Situation

New Mexican Phytosanitary Standards for Grain and Seed Imports: NOM-028-FITO-1995

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Report Highlights:

Mexico's new phytosanitary standards rule for imports of grain and seeds (not for planting) was published on 10/12/98 and has significant potential for impacting the U.S. grain trade.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Mexico [MX1], MX

Introduction: This report summarizes Final Rule, NOM-028-FITO-1995, published in Mexico's "*Diario Oficial*" (Federal Register) on October 12, 1998. The Final Rule impacts products from many countries, however, the scope of this "quick analysis" is limited to its impact on products from or transhipped through the United States.

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

FAS/Mexico's Executive Summary: This announcement imposes new phytosanitary requirements for grains and seeds (not for planting) imported into Mexico, and has significant potential for impacting the U.S. grain trade. It specifies the three treatments described below and limits the points of entry for selected commodities (see Table 4 below). It imposes additional requirements on the International Phytosanitary Certificate for wheat (Karnal bunt) and sorghum (ergot). It requires cleaning and fumigation of surface transport vehicles if determined to be contaminated by vegetation or soil. Also, the new regulation imposes different requirements for selected commodities transhipped through the United States than are those that are imported directly (see Table 6 below).

Type of Regulation: Final Rule, to be known in the future as NOM-028-FITO-1996

Products Affected: Grains and Seeds (Not for Planting). See details below.

Agency in Charge: Secretaría de Agricultura, Ganadería y Desarrollo Rural (SAGAR)

Important Dates:

- 1. Publication Date:** October 12, 1998
- 2. Effective Date:** 15 days after publication, i.e., October 27, 1998
- 3. Start of Public Comment Period:** N/A — Final Rule
- 4. End of Public Comment Period:** N/A — Final Rule

Disclaimer: This summary is based on a *cursory* review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.

Summary of the Major Points of NOM-028-FITO-1995

Treatments: The new regulation mandates three treatments using either methyl bromide or phosphine. The Mexican codes for these treatments are: 1) TFA; 2) T302 (d¹); and 3) T302 (d²), defined below. For grains and seeds originating from the United States, Mexico will accept application of the TFA treatment at point of origin. In cases where fumigation is not performed in the United States, it must be performed using Treatment T302 (d¹) or T302 (d²) or TFA at the point of entry into Mexico. Sea shipments only from the U.S. and Canada will be allowed to fumigate at point of origin. The dosage for this fumigation will be determined by Mexican inspectors based on their findings, requiring a lower dose when for prevention, and requiring a higher dose when infestations are detected. For shipments treated at origin, fumigations will be accepted which meet the same criteria.

Table 1.
Treatment #1-- TFA
Phosphine at normal atmospheric pressure

Temperature	Dose (g/m ³)	Period of Exposure (Hours)
≥20°C	1 to 3.0	72
16 - 20°C	1 to 3.0	96
12 - 15°C	1 to 3.0	120

Table 2
Treatment #2-- T302 (d¹)
Methyl Bromide at Normal Atmospheric Pressure in a Chamber or Covered with Plastic

Temperature	Dose (g/m ³)	Concentration 0.5 Hours	(g/m ³) After 2.0 Hours	Reading at 12 hours
⇒ 32°C	40	30	20	15
27 - 31°C	56	42	30	20
21 - 26°C	72	54	40	25
16 - 20°C	96	72	50	30
10 - 15°C	120	90	60	35
4 - 9°C	144	108	70	40

Table 3
Treatment #3 — T302 (d²)
Methyl Bromide in a Chamber with 660 mm of Vacuum

Temperature	Dose (g/m ³)	Period of Exposure (Hours)
>=16°C	128	3.0
4 - 15°C	144	3.0

Direct Imports: The products listed below in Table 4 that are imported directly into Mexico from the United States, not transhipped, must comply with the following:

- 1) Provide an International Phytosanitary Certificate issued by USDA. It must indicate the place of loading in the United States;
- 2) Submit to a phytosanitary inspection at the point of entry into Mexico;
- 3) Samples will be taken and submitted to a lab approved for phytosanitary diagnosis by the General Directorate of Plant Health (*Direccion General de Sanidad Vegetal*). The importer will pay expenses incurred to comply with Article 91 of the Federal Law on Metrology and Standarization; and,
- 4) Treatments as per Tables 1, 2, or 3.
- 5) Fulfill any additional requirements specified below in Table 4.

Table 4

Req. No.	Product	Additional Requirements
G003	Sesame Seed	None
G006	Alfalfa (seed)	None
G008	Cotton Seed	None
G011	Canary Grass	None
G014	Kidney Beans	None
G017	Celery Seed	None
G018	Rice in Husk	None
G021	Rice, polished, unhusked, or broken	None
G023	Vetch and peas	None
G025	Oats	None
G030	Peanuts, shelled or unshelled, whole or crushed	None
G041	Squash/Pumpkin	None
G054	Hemp	None
G056	Barley	None

G059	Onion	None
G060	Rye	None
G062	Rape seed, Turnip	None
G064	Dry beans	None
G065	Garbanzo Beans	None
G070	Sunflowerseed	None
G071	Broad Bean	None
G072	Jojoba	None
G074	Lentils	None
G075	Linseed/flaxseed	None
G077	Flax	None
G078	Corn	None
G080	Popcorn	None
G082	Millet	None
G084	Mustard seed	None
G087	<i>Niger ?</i>	None
G091	Sorghum	Ergot: The international phytosanitary certificate should indicate that the shipment contains less than 0.05% of sclerotia of <i>Claviceps sorghi</i> and/or <i>Claviceps africana</i> (90 sclerotia per kilogram of sorghum.)
G092	Soybeans	None
G095	Wheat	Karnal bunt: The international phytosanitary certificate should indicate that the shipment is free from <i>Tilletia controversa</i> and for <i>Tilletia indica</i> it should indicate that the shipment did not come from Arizona, California, New Mexico and Southwestern Texas (El Paso, Hudpeth, Culberson, Jeff Davis and Presidio.)

For direct surface imports from the United States, the dosage and exposure time must be noted on the fumigation certificate issued by the Federal Grain Inspection Services or by USDA-authorized companies. For direct ocean shipments originating from the United States or Canada, dosage and exposure time must be

specified on the international phytosanitary certificate.

In the event that treatments (dosage and exposure time) are not specified in the manner outlined in the previous paragraph, or if they differ from the provisions outlined in the present standards, their entry into Mexico will be conditional upon those treatments as required at border point of entry.

Transhipped Products: For products transhipped through the United States, the following conditions apply

- 1) Must present a copy of the international phytosanitary certificate, indicating shipment site;
- 2) Present and country of the commodity and the reexport phytosanitary certificate issued by USDA;
- 3) Must submit to a phytosanitary inspection at time of entry into Mexico. At that time, samples will be taken and submitted to a lab approved by Mexico's General Directorate of Plant Health (*Dirección General de Sanidad Vegetal*) for phytosanitary analysis. The importer will pay expenses incurred to comply with Article 91 of the Federal Law on Metrology and Standardization;
- 4) The product will be fumigated using the respective treatments specified below in Table 6; and,
- 5) Must fulfilled any additional requirements specified below in Table 6:

Table 6

Req. No.	Product	Country of Origin	Additional Requirements and Phytosanitary Treatment
RX001	Canary Grass	Canada	At the point of entry, must apply treatment T302 (d ¹) or T302 (d ²)
RX003	Oats	Canada	At the point of entry, must apply treatment T302 (d ¹) or T302 (d ²)
RX005	Peanuts, shelled or unshelled	China	At the point of entry, must apply the TFA treatment
RX011	Squash or Pumpkin seed	China	At the point of entry, must apply treatment T302 (d ¹) or T302 (d ²)
RX013	Ground Barley	Sweden	At the point of entry, must apply treatment T302 (d ¹) or T302 (d ²)
RX015	Mustard seed	Canada	At the point of entry, must apply treatment T302 (d ¹) or T302 (d ²)
RX017	<i>Niger?</i>	Myanmar	The phytosanitary certificate must indicate that the shipment is free from <i>Trogoderma granarium</i> . At the point of entry, must apply treatment T302 (d ¹) or T302 (d ²)

Application of fumigation treatment for re-export shipments into Mexico, outlined in paragraph 4.2.2. shall occur solely at Mexican border point of access, independently of country of origin involved.

In the case of direct imports from the United States or Canada covered in paragraph 4.2.1, the application of a

fumigation treatment at point of access or at country of origin is permissible, at dosages and exposure times outlined.

Phytosanitary Inspection. The inspection will be carried out by SAGAR personnel at the international point of entry.

For sea shipments, the inspection will be conducted on the transportation vehicle prior to unloading. In the case of surface imports, the SAGAR will inspect both the grain and the transport vehicles and check the shipping documentation prior to importation into Mexico.

SAGAR personnel will take samples for the phytosanitary inspection of the goods under the present standard. When quarantine pests of interest are detected, shipments will be denied entry into Mexico and the importer or interested party will be allowed to proceed in line with the provisions of Article 30 of the Federal Plant Sanitation Law (option to destroy or return the goods). The expenses of this activity should be borne by the importer.

Restrictions on Point(s) of Entry Into Mexico: The products listed in table 5 below can only enter through the following points of entry (the state names are marked in bold letters) : **Baja California:** Tijuana, Tecate, Mexicali, and Ensenada; **Sonora:** Nogales, San Luis Rio Colorado, and Guaymas; **Chihuahua:** Ciudad Juárez and Ojinaga; **Coahuila:** Piedras Negras and Ciudad Acuña; **Tamualipus:** Nuevo Laredo, Matamoros, Ciudad Reynosa, Ciudad Miguel Alemán, Ciudad Camargo, Nuevo Progreso, Tampico; **Veracruz:** Tuxpan, Coatzacoalcas, Veracruz; **Yucatán:** Progreso; **Sinaloa:** Mazatlán, Topolobampo; **Michoacan:** Manzanillo, Col., Lázaro Cárdenas; **Chiapas:** Ciudad Hidalgo and Ciudad Cuauhtémoc.

Table 5

Req. No.	Product
G003	Sesame Seed
G008	Cotton (seed)
G018	Husked Rice
G021	Polished Rice
G054	Hemp
G062	Rapeseed or Turnipseed
G064	Dry beans
G070	Sunflowerseed
G077	Linseed
G078	Corn
G091	Sorghum
G092	Soybeans

G095	Wheat
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All other products can enter through all points of entry into Mexico.

Requirements of Rail Cars and Trucks Used To Transport Products:

Rail cars, trucks and containers must be free of vegetation and soil. When vegetation or soil is detected and cleaning is conducted, fumigation is required using a chemical registered with the Intersectoral Commission for the Control of the Process and use of Fumigants, Fertilizers and Toxic Substances (CICOPLAFEST). When vegetation or soil is detected on rail cars or trucks, they will not be allowed to enter the country and SAGAR will notify other entry points of the vehicle identification number. Cleaning of the vehicles must be outside national territory. Railcars on the notification list cannot be moved inside national territory.

For More Information:

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Internet Connections

FAS Mexico Web Site: We are available at <http://www.atomexico.gob.mx> or visit our headquarter's home page at <http://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 (SAGAR) can be found at www.sagar.gob.mx and Mexico's equivalent of the Department of Commerce (SECOFI) can be found at www.secofi.gob.mx. These web sites 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.