



The Under Secretary of Agriculture
for
Trade and Foreign Agricultural Affairs
Washington, D.C.

OCT 17 2019

His Excellency
Prayut Chan-O-Cha
The Prime Minister of Thailand
The Kingdom of Thailand

Dear Mr. Prime Minister:

I am concerned that Thailand's National Hazardous Substance Committee (NHSC) may take action to ban glyphosate without fully considering the scientific evidence. I encourage Thailand to base its regulatory measures on sound science, as members of the World Trade Organization are obliged to do. Should a ban be implemented, it would severely impact Thailand's imports of agricultural commodities such as soybeans and wheat. I am hopeful that Thailand will consider these concerns and maintain current glyphosate maximum residue limits.

Glyphosate is among the most widely used and rigorously studied pesticide products in the world. In December 2017, the U.S. Environmental Protection Agency (EPA) released its draft human health risk assessment, concluding that glyphosate poses no meaningful risk to human health when used as authorized. The EPA's findings are consistent with scientific reviews conducted by others including Japan, the European Union, Australia, and the Joint Food and Agriculture Organization of the United Nations/World Health Organization Meeting on Pesticide Residues.

I urge you to delay a decision on glyphosate until we can arrange an opportunity for U.S. technical experts to share the most relevant information to address Thailand's concerns. The U.S. Department of Agriculture (USDA) would like to invite you and your team to visit Washington, D.C., to discuss the EPA's risk assessment process, safety determination of glyphosate, and risk communication strategies. We welcome your input on the agenda for the visit as we work with the NHSC on its development.

Should you have any questions or wish to discuss this proposed visit, please do not hesitate to contact Mr. Russ Nicely, USDA's Agricultural Counselor at the U.S. Embassy in Bangkok. You may reach him via email at Russ.Nicely@usda.gov. In addition, I am available to discuss your concerns regarding glyphosate. Mr. Nicely could facilitate a telephone call or video conference if it would be helpful.

His Excellency Prayut Chan-O-Cha

Page 2

Thank you in advance for your consideration of my request to postpone action on glyphosate. I look forward to your response to the invitation to visit Washington, D.C.

Sincerely,

*Sir, I do hope we can
continue our discussion absent
an unfortunate decision prematurely.
Thank you ...*

Ted A. McKinney

Ted A. McKinney
Under Secretary
Trade and Foreign Agricultural Affairs

cc: His Excellency
Don Pramudwinai
Minister of Foreign Affairs

His Excellency
Jurin Laksanavisit
Deputy Prime Minister and Minister of Commerce

His Excellency
Suriya Juangroongruangkit
Minister of Industry

His Excellency
Chalermchai Sri-On
Minister of Agriculture and Cooperatives

His Excellency
Anutin Charnveerakul
Deputy Prime Minister and Minister of Public Health

His Excellency
Varawut Silpa-archa
Minister of Natural Resources and Development

His Excellency
Sontirat Sontijirawong
Minister of Energy

His Excellency
Saksayam Chidchob
Minister of Transportation

The Honorable Apijin Chotikasathien
Permanent Secretary
Ministry of Industry

From: [Boswell, Kristi - OSEC, Washington, DC](#)
To: [\(b\) \(6\) OSEC, Washington, DC](#) Alias Email of Secretary Perdue
Cc: [McKinney, Ted - OSEC, Washington, DC](#); [Young, Joby - OSEC, Washington, DC](#)
Subject: Ag 5 Letter to Thailand Draft
Date: Monday, November 25, 2019 5:16:22 PM

Sir,

(b) (5) Pre-decisional/Deliberative



Let me know if you have any edits or concerns, otherwise we will proceed moving this forward.

Thanks,
Kristi

(b) (5) Pre-decisional/Deliberative



(b) (5) Pre-decisional/Deliberative



Best,

Kristi J. Boswell

Senior Advisor to the Secretary
United States Department of Agriculture

Office: 202.720.9990

Cell: (b) (6)

From: [Perry, Robert - OSEC, Washington, DC](#)
To: [McKinney, Ted - OSEC, Washington, DC](#)
Subject: Scan
Date: Friday, November 22, 2019 2:06:05 PM
Attachments: (b) (5) Pre-decisional/Deliberative Non-Responsive Attachment
(b) (5) Pre-decisional/Deliberative
(b) (5) Pre-decisional/Deliberative Non-Responsive Attachment

Good Afternoon Sir,

Attached are you requested scanned documents.

Thank you,

V/R

Robert Perry

Office of the Under Secretary
Trade and Foreign Agricultural Affairs
United States Department of Agriculture

Desk – (202) 720-3111

Mobile – (b) (6)



PRE-DECISIONAL, PRIVILEGED, DELIBERATIVE
BRIEFING DOCUMENT

(b) (5) Pre-decisional/Deliberative

A large black rectangular redaction box covers the majority of the page content, starting below the header and ending above the "IV. PRESS PLAN" section.

IV. PRESS PLAN

Closed press.

(b) (5) Pre-decisional/Deliberative

A smaller black rectangular redaction box is located at the bottom left of the page, below the "Closed press." text.

(b) (5) Pre-decisional/Deliberative



(b) (5) Pre-decisional/Deliberative



(b) (5) Pre-decisional/Deliberative



(b) (5) Pre-decisional/Deliberative



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Department of Agriculture
Foreign Agricultural Service

(b) (5) Pre-decisional/Deliberative

Glyphosate: On April 30, 2019, the Environmental Protection Agency (EPA) issued a press release reaffirming that glyphosate poses no risk to public health when used in accordance with the label. Following three California court cases ruling in favor of plaintiffs claiming that glyphosate contributed to their cancer, Vietnam and Austria passed bans on the use of glyphosate. France and Costa Rica have announced limited bans, as well. Germany announced a ban on glyphosate use for environmental protection. The U.S. and Codex MRL for glyphosate on soybean is 20 parts per million (ppm).

(b) (5) Pre-decisional/Deliberative

Thailand Glyphosate: On October 22, 2019, the National Hazardous Substance Committee (NHSC) voted to change the hazardous risk category for glyphosate from 3 to 4 (the most hazardous category). This action effectively bans imports and domestic use of the pesticides and removes all maximum residue levels (MRLs). The change takes effect December 1, 2019.

(b) (5) Pre-decisional/Deliberative

(b) (5) Pre-decisional/Deliberative

(b) (5) Pre-decisional/Deliberative The U.S. exports over \$2 billion dollars of agricultural products to Thailand each year.

Vietnam Glyphosate: In April 2019, Vietnam's Ministry of Agriculture and Rural Development (MARD) announced a ban on the domestic use and import of the herbicide glyphosate. The ban was not based on science, with MARD referencing the California court cases as a basis for its decision. In July 2019, FAS and senior officials from EPA participated in a three-day technical visit about glyphosate to Vietnam. EPA provided detailed information about its risk assessments and international risk assessments for glyphosate, as well as information regarding ongoing U.S. litigation about glyphosate's carcinogenicity.

(b) (5) Pre-decisional/Deliberative

(b) (5) Pre-decisional/Deliberative

European Union and Glyphosate: On October 31, 2019, the European Food Safety Authority (EFSA) published a revision to its reasoned opinion to review MRLs for glyphosate, which reduced the proposed soybean MRL to 5 ppm and required additional data trials. In November 2017, EU Member States agreed to a five-year renewal for glyphosate. Certain member states who opposed the renewal, including France, pledged to completely ban glyphosate in 3 years, but later reversed this position, admitting that a 3-year phase-out is unrealistic.



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(b) (5) Pre-decisional/Deliberative



(b) (5) Pre-decisional/Deliberative



U.S.-Japan Trade Agreement: On October 7, 2019, the U.S.- Japan Trade Agreement was signed. The agreement now requires ratification by Japan's Diet, but does not require ratification by the United States Congress. (b) (5) Pre-decisional/Deliberative

(b) (5) Pre-decisional/Deliberative



European Union (EU) Trade Agreement: On January 11, 2019, USTR published the Administration's official statement of negotiating objectives, including liberalization of agricultural trade. The EU negotiating mandate was published on April 15, 2019 and it does not include agriculture. (b) (5) Pre-decisional/Deliberative

(b) (5) Pre-decisional/Deliberative



U.S.-United Kingdom (UK) Trade Agreement: USTR published a summary of U.S. negotiating objectives for a U.S.-UK Trade Agreement on March 1, 2019. (b) (5) Pre-decisional/Deliberative

(b) (5) Pre-decisional/Deliberative




United States
Department of Agriculture
Foreign Agricultural Service

American Soybean Association (ASA)

(b) (4)



American Soybean Association (ASA)

(b) (4)



INTERNAL

American Soybean Association Biographies



Ryan Findlay is CEO of the American Soybean Association and a native of Caro, Mich., where his family still farms row crops. He earned a degree in political science from Western Michigan University and an MBA from Northwood University in Midland, Mich. Before leading ASA, Ryan worked for the global agricultural company Syngenta, focusing on freedom-to-operate issues impacting farmers. Previously, his seven-year tenure with the Michigan Farm Bureau included work on two farm bills, international trade, climate change and regulatory issues. Ryan, his wife Gretchen, and their two children are happy to be in the St. Louis area, where Ryan works out of ASA's headquarters office.



Christy Seyfert is the Executive Director of Government Affairs and leads the American Soybean Association's Washington, D.C., office. In this role, she directs and implements policy strategy and manages policy staff. She joined ASA in October 2019. Prior to joining ASA, Seyfert held roles in both the private sector and federal government related to public policy and agriculture. Seyfert has advocated to protect risk management and private sector delivery throughout her time in the private sector. This included six years of representation for a leading crop insurance provider, Rural Community Insurance Services. Before this role, Seyfert worked for Michael Torrey Associates, a boutique lobby firm whose clients included the Crop Insurance and Reinsurance Bureau, a leading trade association comprised of crop insurance providers, commercial reinsurers and brokers. Seyfert served as congressional staff on Capitol Hill for nearly 13 years before joining the private sector. This included roles with the U.S. Senate Committee on Agriculture, Nutrition and Forestry, the U.S. House Committee on Agriculture, and members of the Georgia congressional delegation.



Hanna Abou-El-Seoud is the Director of Trade Policy for the American Soybean Association. In this role, she develops and leads policy in the areas of trade, international biotechnology, international agricultural development and food security. Abou-El-Seoud comes to this role after serving 5 years with Gordley Associates where she represented the American Soybean Association and other clients on trade issues. Prior to her role at Gordley Associates she was staff of the Senate Committee on Agriculture, Nutrition and Forestry for Ranking Member Debbie Stabenow of Michigan, where she focused on conservation, forestry, and international food assistance programs. A Michigan native, Abou-El-Seoud holds a bachelor's degree in international relations with a focus in science, technology and environmental public policy from Michigan State University. She completed her master's degree in policy management from Georgetown University.

From: [Willbrand, Zhulieta - OSEC, Washington, DC](#)
To: [McKinney, Ted - OSEC, Washington, DC](#); [Isley, Ken - FAS, Washington, DC](#)
Cc: [Brewster, Ryan - FAS, Washington, DC](#); [Kunickis, Sheryl - OSEC](#); [Chao, Julie - FAS, Washington, DC](#); [McKinnell, Cathy - FAS, Washington, DC](#)
Subject: FW: Summary of Thailand Ban - Developments Moving Quickly
Date: Wednesday, October 9, 2019 9:43:51 AM
Attachments: [image001.png](#)

Some additional info on Thailand's Ban on 3AIs.

From: Prado, Marta M. EOP/USTR <Marta_M_Prado@ustr.eop.gov>
Sent: Wednesday, October 9, 2019 9:20 AM
To: 'TRAVIS, JAMES K [AG/1920]' [\(b\) \(6\)](#) [@bayer.com](#)>
Cc: Julia_Doherty@ustr.eop.gov; Willbrand, Zhulieta - OSEC, Washington, DC <zhulieta.z.willbrand@usda.gov>; Nicely, Russ - FAS, BANGKOK, THAILAND <Russ.Nicely@fas.usda.gov>; Lisa.Anderson-FASContact <Lisa.M.Anderson@ustr.eop.gov>
Subject: RE: Summary of Thailand Ban - Developments Moving Quickly

Jim,

It was good to see you earlier this week.

I am adding Lisa Anderson to this email chain who covers Thailand for USTR's Agriculture office. We'll review the information you provided and get back to you. One initial question – did you raise this issue with Ambassador Thani?

Best regards,

Marta

Ms. Marta M. Prado
Deputy Assistant U.S. Trade Representative for Southeast Asia and the Pacific
Office of the United States Trade Representative
Executive Office of the President
Tel: 202 395-6216

From: TRAVIS, JAMES K [AG/1920] [\(b\) \(6\)](#) [@bayer.com](#)>
Sent: Tuesday, October 8, 2019 7:10 PM
To: Prado, Marta M. EOP/USTR <Marta_M_Prado@ustr.eop.gov>
Cc: Doherty, Julia M. EOP/USTR <Julia_Doherty@ustr.eop.gov>; Zhulieta Z. Willbrand (zhulieta.z.willbrand@osec.usda.gov) <zhulieta.z.willbrand@osec.usda.gov>; Russell.Nicely@fas.usda.gov; [\(b\) \(6\)](#) [@bayer.com](#)
Subject: [EXTERNAL] Summary of Thailand Ban - Developments Moving Quickly

Marta,

It was great visiting with you at the luncheon honoring Ambassador Thani. As we discussed, there is

a similar situation developing in Thailand similar to Vietnam relative to efforts to ban glyphosate.

I received an update from our team overnight and it appears that the Deputy Agriculture Minister Manyana is seeking to dramatically accelerate the imposition of a ban, which would ensure that actions taken by the government would bypass any scientific rigor.

Recently, a DoA working group appointed by the Deputy Ag Minister voted to request the National Hazardous Substances Committee (NHSC) to change the regulatory status of glyphosate (and two other chemistries, paraquat and chlorpyrifos) from category 3 (registration) to category 4 (banned). The ban would reportedly commence on December 1, 2019.

It is now up to the NHSC to make a decision on the request from the DoA, which could come as early as October 27th as that is the date the new NHSC becomes effective.

Another possibility is that the Deputy Ag Minister submits the working group's resolution to ban the 3AIs to the Prime Minister this week. Sending the resolution to the PM directly is a departure from the standard process and reinforces the pressure she is seeking to apply. Along with the parliamentary ad hoc committee's recent announcement to recommend banning, there is a risk that an emergency decree is issued to ban the 3AIs. The cabinet can request parliament to approve an emergency decree to protect the people's safety. This would likely be the preferred deputy ag minister's preferred option as it would bypass the NHSC which currently remains unsupportive of banning.

Of additional interest, our current understanding is that if a ban for domestic use of glyphosate were to be imposed, MRL's for imports of soybeans would likely be required to move to zero (from today's codex level of 20ppm). Public records indicate that over the last 5 years, the US has supplied approximately 30% of Thailand's imported soy demand, averaging about \$378 million USD annually. Thailand is almost entirely reliant on imported soybeans (>98% import reliance) and Brazil supplies the bulk of Thailand's soy imports. If the MRL for glyphosate were to become zero, it is unclear how Thailand could meet its need for soy.

I have copied Julia and Zhulieta who are aware as well as FAS Officer Russ Nicely who has been in touch with our team in Bangkok.

SUMMARY OF THAILAND CROP PROTECTION DEVELOPMENTS

Cooperative effort for AI restrictions recently concluded and regulations on restrictions soon to go into effect

- About two years ago, the Director General of the Department of Agriculture (DoA) announced that he supported the restrictions of 3AIs (glyphosate, paraquat and chlorpyrifos). This triggered a regulatory assessment and a stakeholder consultation process that lasted nearly two years to determine how the restrictions should be implemented.
- Bayer - along with the value chain –participated in the two-year process and is in full agreement to implement and adhere to restriction regulations.
- The National Hazardous Substances Committee (NHSC), responsible for approving pesticides,

approved the proposed restrictions early this year. The notification on the restrictions has already been published in the Royal Gazette and will become effective on October 20th unless NHSC changes its previous decision. Bayer supports the implementation of these agreed upon restrictions.

Recent elections have resulted in an effort to move from restrictions to bans

- Following the election in Thailand held in March, new officials have taken up the most senior roles in the agriculture ministry.
- The new Deputy Minister of Agriculture, Mananya Thaiset, is from a different party from the Minister of Agriculture, Chalermchai Sri-on, and is standing in for her brother until he is cleared to take up the position. The Deputy Minister is from the same party as the Minister for Public Health and seeks to exert more pressure on the use of crop protection.
- The Deputy Minister has taken the following actions:
 1. DoA working group selected by the Deputy Ag Minister made a recommendation to NHSC recommending a ban
 2. Has paused the approval process for all ag chemicals
 3. Developing a new law to control manufacturing, import and export of agricultural chemicals
- The Deputy Minister needs NHSC approval for these decisions since DoA regulates chemicals under the NHSC. Implementation without approval that affects peoples' rights could violate the Criminal Code.

The Agriculture Minister supports the existing restriction measures

- The Agriculture Minister and other high level officials continue to support the existing three AI restriction measures (the ag ministry notification for the restrictions has already been published in the Royal Gazette and will be effective on October 20th unless NHSC changes its decision)
- The Agriculture Minister has been concerned that banning these ag chemicals will impact oil palm and rubber plantations which are large agricultural industries in southern Thailand – the home base of the minister's Democrat Party. However, we remain unsure about what decision he will ultimately take.

Recently, the Prime Minister ordered the NHSC to undertake stakeholder consultation, including farmers and importers, to determine the consequences of a ban

- However, in light of recent developments, we are growing more concerned that some policymakers and lawmakers are rushing the process and will not thoroughly consult all farming stakeholders nor fully consider the economic and environmental impact of banning glyphosate.

LOOKING FORWARD

Given the speed with which the Deputy Minister is moving, we believe that USG engagement in the near term would be very timely. The recent USG engagement in Vietnam I think would be a good model to replicate to request clarity directly from the Ag Minister and office of the Prime Minister

the government's crop protection policy, to reinforce the importance of science-based decision making and reiterate the EPA's assessment of glyphosate.

There is a coalition of Thai farm sector leaders who have been vocal. I understand that the coalition recently issued a statement. I will try to obtain a copy for you.

Trade associations will also likely soon stress with GoT officials the need for a science based approach.

I hope you find this background useful. Please let me know if there is any additional information you might need.

Below, please find latest Bangkok Post article summarizing recent developments.

<https://www.bangkokpost.com/thailand/general/1766914/working-group-agrees-to-ban-toxic-farm-chemicals?fbclid=IwAR37Iq-P6aY751daiqhNQdJd9d4W122F3YVjHWo053gH9rbN57OXrcCC7aE<>

Best regards,
Jim

Jim Travis
Senior Director, International Government Affairs & Trade

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From: [Willbrand, Zhulieta - OSEC, Washington, DC](#)
To: [McKinney, Ted - OSEC, Washington, DC](#)
Subject: FW: Thailand Update on AI Ban
Date: Wednesday, September 18, 2019 5:47:10 PM
Attachments: [image001.png](#)

Fysa

From: TRAVIS, JAMES K [AG/1920] (b) (6) @bayer.com>
Sent: Wednesday, September 18, 2019 2:53 PM
To: Willbrand, Zhulieta - OSEC, Washington, DC <zhulieta.z.willbrand@usda.gov>
Cc: (b) (6) @bayer.com
Subject: Thailand Update on AI Ban

Zhulieta –

To follow up on our conversation, here is a brief update on Thailand and the evolving focus of some politicians in Thailand who seek to move well above and beyond a two year review that established AI restrictions for three AI's: glyphosate, chlorpyriphos and paraquat. Industry worked closely with the government over the last two years and is committed to implementing the restrictions.

We think there is real value for USG to seek clarity with the Ag Minister on the developing policy and engaging the Ministry and GOT more broadly similar to the USDA/EPA engagement currently being conducted on similar issues in Vietnam. On our end, we are educating farmer groups, plantations and business partners so that they too can articulate concerns and the need for a rigorous, science based process.

As I noted, our particular interest is glyphosate, which is included in the list of AI's: glyphosate, chlorpyriphos and paraquat. Clearly, the AI comparisons are not apples to apples, but this is where we are.

Below is a brief summary of the developments.

Summary of Thailand Crop Protection Developments

- About two years ago, the Director General of the Department of Agriculture (DoA) announced that he supported the restrictions of 3AIs; glyphosate, chlorpyriphos and paraquat. This triggered a regulatory assessment and a stakeholder consultation process that lasted nearly two years to determine how the restrictions should be implemented.
- The National Hazardous Substances Committee (NHSC), responsible for approving pesticides, approved the proposed restrictions early this year. Industry is cooperating with the DoA to implement and adhere to the regulations.

- Following the election in Thailand held in March, new officials have taken up the most senior roles in the agriculture ministry.
- The new Deputy Minister of Agriculture, Mananya Thaiset, is from a different party from the Minister of Agriculture, Chalermchai Sri-on. The new Deputy Minister is standing in for her brother until he is cleared to take up the position. The Deputy Minister is from the same party as the Minister for Public Health and seeks to exert more pressure on the use of crop protection.
- **We understand the Deputy Minister is taking the following actions:**
 1. Working on a submission that will propose bans on one, two or all three pesticides, depending on the conclusions of a study being undertaken by the ministries of agriculture and public health. The ban proposal will be submitted for the next NHSC meeting to be held in September
 2. Has paused the approval process for all ag chemicals
 3. Developing a new law to control manufacturing, import and export of agricultural chemicals
- The Deputy Minister needs NHSC approval for these decisions since DoA regulates chemicals under the NHSC. Implementation without approval that affects peoples' rights could violate the Criminal Code.
- **The Agriculture Minister and other high level officials continue to support the existing three AI restriction measures** (the ag ministry notification for the restrictions has already been published in the Royal Gazette and will be effective on October 20th unless NHSC changes its decision)
- **The Agriculture Minister has been concerned that banning these ag chemicals will impact oil palm and rubber plantations which are large agricultural industries in southern** Thailand – the home base of the minister's Democrat Party. However, we remain unsure about what decision he will ultimately take.

Last Friday, there was news released to the media by the Minister of Ag and Minister for Industry, indicating that they will draw up a proposal to be submitted to the Prime Minister this week to propose the banning of 2 Ais, Paraquat and chlorpyrifos. They did not mention Glyphosate and we heard from our sources that the Ministers were of the view that Glyphosate was safe based on the several studies and papers they have read. They were also concerned that by banning Glyphosate, they will be incurring the unhappiness of farmers which will likely lead to protest.

However, we heard this week that The National Assembly Legislature NLA (Parliament) proposed to set up an ad hoc committee to review the ban on the 3 Ais with the view to banning them within 60 days.

We do not have a high degree of confidence that the outcome of this process will be will transparent or positive for the industry. The concern of the Ag industry is that the recommendation of this Ad

hoc committee will overrule the National Hazardous Substance Committee which was the only decision making body in the past on this matter.

Please let me know if you have any additional questions.

Many thanks,
Jim

Jim Travis
Senior Director, International Government Affairs & Trade

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