



The Link Between Grain and Goodness

September 16, 2022

Bennett Harman
Deputy Assistant U.S. Trade Representative for Africa
U.S. Trade Representative
Via Regulations.gov

Re: USTR-2022-0008

Dear Mr. Harman:

Kenya is the gateway to the eastern and central Africa region and food security is a high priority for the government of Kenya. However, an executive order banning the importation of genetically engineered (GE) food and food products in 2012 has had a negative impact on both food security in Kenya and the region and on the ability of the U.S. to export products to or through Kenya. Our organization strongly believes that addressing the importation ban as a non-science based barrier to trade and hindrance to food security should be included by the U.S. Trade Representative in the United States-Kenya Strategic Trade and Investment Partnership (STIP) priorities.

NAMA is the voice for the milling industry to policymakers, regulators, supply chain partners and consumers in the areas of regulation, legislation, trade, and research. Our 36 members mill wheat, corn, oats, and rye and have locations across 31 states, Puerto Rico and Canada.

In 2021, the U.S. exported \$74 million worth of agricultural products to Kenya. A significant proportion of the \$74 million is in the form of food aid to support food security initiatives there and in the region. The Horn of Africa region is dealing with devastating drought, refugees, internally displaced persons and conflict-affected populations. In Ethiopia, Kenya, and Somalia, people are struggling to meet basic food, water, agriculture, and livestock needs amid the unprecedented drought. More than 20 million people are projected to be facing starvation and in need of emergency food assistance this year following two years of inadequate rainfall in the region. Compounding this dire situation, the war in Ukraine will continue to have a substantial impact on global food security, including in the Horn of Africa, through a reduction of Ukrainian agricultural exports combined with already high prices for food, fertilizer, and fuel. A coherent and efficient biotech regulatory system would ease the importation of food for humanitarian assistance, improve food production and significantly lower the cost of feed not only for Kenya but also the surrounding countries.

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Kenya imports approximately 300,000 metric tons of corn annually. The ban has had detrimental effects on large-scale millers and other manufacturers that depend on imports for raw materials leading to a reduction in production capacity. This has led to increased feed and food prices. In addition, feed manufacturers have shut down and jobs have been lost due to shrinking markets for high cost feed. (AATF 2018)

Kenya has stringent food safety requirements. The maximum allowable aflatoxin level in corn is 10 ppm. However, a high percentage of the grain procured locally has been shown to have much higher levels of aflatoxin resulting in significant losses through recalls and disposal of contaminated grain as well as food safety and health concerns that have led to fatal consequences for consumers. There is a strong need for sustainable methods for managing mycotoxins to protect the health of the public and also for trade in the region. There is significant evidence that Bt maize hybrids successfully reduce aflatoxin and fumonisin contamination of maize grain. (Wu, 2014.) This is of particular importance in Africa where farmers typically do not deploy available management strategies or technologies either because of lack of knowledge or the prohibitive labor and technology costs. (Logrieco et al., 2021).

In addition to higher food and feed prices, the Kenyan government is losing revenue due to restrictions of trans-shipments of GE grain. Kenya's port of Mombasa is the main entry to other landlocked countries like Rwanda, Uganda, Burundi and South Sudan. Despite the ban, these landlocked countries continue to receive GE foods through the ports of Dar es Salaam and Djibouti. These are less preferred routes for humanitarian organizations working in the region.

Despite the ban on the importation of GE foods, Kenya is at the forefront in Africa in promoting biotech research to provide opportunities for Kenyan farmers and meet food security needs of the country. Kenya was only the second country after Nigeria in Africa to publish regulations to guide the use of gene editing techniques, thus allowing for application of this new biotech tool in agriculture. Bt cotton was the first biotech product to be commercialized in 2019 to increase cotton production and support textile manufacturing in the country. GE virus resistant cassava developed by local scientists has been granted approval for limited environmental release, which is the penultimate stage to test the performance of the GE cassava across the country before general approval. Bt maize is awaiting commercialization approval by the cabinet. Commercializing Bt maize will increase overall maize production and income to farmers by reducing inputs and losses due to pests whilst addressing the high cost of ingredients for the feed industry. In addition, it is projected that growing Bt maize will reduce incidences of aflatoxin contamination, suspected to be contributing to the increased incidences of cancer cases in the country, but also help bring down the price of maize flour now retailing at unprecedented levels. As a temporary measure, in July 2022, the government negotiated a subsidy for the

millers so that maize flour can be retailed at a prescribed price in an effort to rein in the high cost of food.

The ban on GE imports is not about safety, science or even economics. We urge you to include this issue in the United States-Kenya Strategic Trade and Investment Partnership (STIP) priorities to help Kenya achieve its food security and health as well as socio-economic and development goals.

Sincerely,



Jane B. DeMarchi
President

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ⁱ Wu, F. et al. 2014. Public health impacts of foodborne mycotoxins. *Annual Review of Food Science and Technology* 5, 351–372.

AATF, 2018. Analysis of Effects of Ban on Importation of GM Foods on Food Security, Research and Training in Kenya. Research report.

<https://mail.google.com/mail/u/0/#search/olooo.odhiambo%40gmail.com?projector=1>

Logrieco, A. et al. 2021. Perspective on Global Mycotoxin Issues and Management from the MycoKey Maize Working Group. *Plant Disease*, 105, 3, 525 – 537