



April 28, 2020

Edward Gresser
Chair of the Trade Policy Staff Committee
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, D.C.

USTR-2020-0011: Comments on Negotiating Objectives for a United States- Republic of Kenya Trade Agreement

Dear Mr. Gresser:

The American Seed Trade Association (ASTA) strongly supports the negotiation of a U.S.- Kenya Trade Agreement. The U.S. Planting Seeds sector is a thriving science-based industry with an estimated \$17 billion market value. With an annual export value of over \$1.7 billion, the U.S. is both the largest market for seeds in the world and the largest global exporter of seeds.

In 2019, the U.S. exported \$2.2 million in planting seeds to Kenya according to USDA Global Agricultural Trade System data. Half of these exports were in vegetable seed. Seed of flowers, forage, leguminous vegetables, and field crops were exported in smaller quantities. These exports represent just .12% of total U.S. seed exports. Kenya is considered a potential growth market for the U.S. seed industry, both in terms of exports of seed products, as well as for seed production. For seed production, companies export small quantities of parent seed to a market for commercial multiplication and then either sell the seed to the market, or re-export for final sale. A U.S.-Kenya Trade Agreement would help grow this key market for the U.S. seed industry.

A U.S.-Kenya trade agreement would also expand opportunities for U.S. companies within the broader region. According to a report commissioned for the American Seed Trade Association on opportunities for seed production in Kenya, it is the leading country in the region in terms of the development of seed laws and regulations. Kenya is a major supplier of seed to Uganda, Tanzania, Democratic Republic of the Congo, Ethiopia, Rwanda, Somalia, and Burundi. Harmonization of the seed laws with these countries is significant to assist trade and progress should be made under the Common Market for Eastern and Southern Africa (COMESA).

Robust intellectual property protection is a key priority for the U.S. Planting Seeds industry. ASTA is pleased that Kenya is already a member of International Convention for the Protection of New Varieties of Plants and has adopted the 1991 version, which is the same standard held by the U.S. Kenya's Plant Variety Protection law is also based on this convention.



Each country should follow the International Standard for Phytosanitary Measures for Seed (ISPM) agreed to and ratified in April 2017 by the International Plant Protection Convention, of which Kenya and the United States are each a party. The ISPM provides guidance to National Plant Protection Offices (NPPOs) on the criteria for harmonizing import requirements and export/re-export procedures, considering the unique needs of commercial seed as well as seed used for research, breeding and multiplication. This standard aims to ensure that proper risk assessments are conducted and that the resulting regulations are warranted. A U.S.-Kenya Trade Agreement should provide a mechanism to facilitate the implementation of the Seed ISPM.

The Sanitary and Phytosanitary Measures Chapter (SPS) negotiated for the US-Mexico-Canada (USMCA) agreement provides excellent standards for science-based, predictable, and transparent SPS measures that we would support including in the U.S.-Kenya agreement as well. In particular, the provision for technical consultations to resolve issues between the countries, including a provision requiring countries to provide notification of SPS import issues or delays within five days.

Plant breeding innovation is critical to the development of new seed varieties. Newer breeding methods like gene editing build on what plant breeders have been doing for years and can result in new and improved varieties with exciting potential for the future of our planet and our food. By allowing plant breeders to work within a plant's own family, gene editing can produce varieties that could have been achieved through more traditional breeding methods – but with greater precision; and in years, instead of decades. For these products, ASTA encourages a policy approach that is risk appropriate and science based. Under the USMCA, a Biotechnology Working Group under the Agriculture Working Group was established to coordinate efforts to advance regulatory approaches and policies related to the trade of agricultural biotechnology products. This could be used as a model for the U.S.-Kenya agreement as well.

The U.S. seed industry strongly supports the Administration's efforts to negotiate a U.S.-Kenya trade agreement, which will expand opportunities for U.S. seed companies in Kenya and the broader region.

Sincerely,

Andrew LaVigne

President and CEO
American Seed Trade Association