



## North American Millers' Association

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June 7, 2012

Grain Inspection, Packers & Stockyards Administration  
US Department of Agriculture  
1400 Independence Avenue SW  
Room 1643-S, Washington, DC 20250-3604

RE: Proposed Rule - United States Standards for Wheat

Submitted via [www.regulations.gov](http://www.regulations.gov)

Dear Madam/Sir:

These comments are in response to the Proposed Rule published in the April 11, 2012 Federal Register by the Grain Inspection, Packers and Stockyards Administration (GIPSA) proposing to revise the U.S. Standards for Wheat (wheat standards) under the U.S. Grain Standards Act (USGSA) to change the definition of Contrasting classes (CCL) in Hard White wheat and change the grade limits for shrunken and broken kernels (SHBN).

The North American Millers' Association (NAMA) is the trade association representing 42 companies that operate 176 wheat, corn, oat and rye mills in 38 states and Canada.

### **Contrasting Class Definition**

GIPSA proposes to revise § 810.2202(b)(4) of the Standards for Wheat to read: "Durum wheat, Hard Red Spring wheat, Hard Red Winter wheat, Soft Red Winter wheat, and Unclassed wheat in the class Soft White wheat."

GIPSA also proposes to add a new sentence, § 810.2202(b)(5) to read: "Durum wheat, Soft Red Winter wheat, and Unclassed wheat in the class Hard White wheat."

The effect of these proposed changes would be to change the definition of Contrasting Classes in hard white wheat so that hard red

winter and hard red spring wheat would no longer be considered Contrasting Classes, but instead would be considered Wheat of Other Classes.

NAMA supports these changes as they may encourage the production of hard white wheat, which has struggled to gain acceptance by growers and the marketplace.

### **Shrunken and Broken Kernel Grade Limits**

GIPSA proposes to revise the table showing Grade and Grade Requirements for wheat in § 810.2204 to reduce the grading limits for shrunken and broken kernels (SHBN) to 2.0 and 4.0 percent for U.S. Nos. 1 and 2 graded wheat, respectively.

The agency acknowledges that it analyzed more than 100,000 official inspection results concluded adopting this proposal would have a *"zero net effect on the amount of wheat available for shipping at export or elsewhere in the value chain."*

If adopting this proposal would have a *"zero net effect"* it's unclear why the agency would propose it. On the other hand, since the agency also states *"more restrictive SHBN grade limits would more accurately reflect the quality of wheat"* it should propose a change to accomplish that.

Grain cleaning systems in mills remove shrunken and broken kernels that current official SHBN methods do not capture. That SHBN material makes very little saleable flour, yet the miller must pay wheat prices for it as if it does.

Therefore, to more accurately state the value of the wheat we recommend GIPSA consider a larger reduction in the grade limits for SHBN for grades U.S. No. 1 and No. 2 to 1.0% and 3.0%, respectively.

### **Mycotoxins**

In its February 24, 2010 letter commenting on the wheat standards, NAMA recommended GIPSA implement a mycotoxin testing check sample program utilizing naturally contaminated reference material.

We were pleased that GIPSA responded that it is, indeed, developing a mycotoxin check sample program. However, GIPSA was silent on whether or not that program will utilize naturally contaminated reference material. We still believe that a rigorous program must

employ naturally contaminated reference material and repeat that recommendation here.

NAMA also said it believes the method of validating mycotoxin test kits needs to be made substantially more rigorous. GIPSA was also silent on this recommendation and so we repeat it here, as well.

### **Insect-damaged kernels and live insects**

Also in its February 2010 letter, NAMA recommended a zero standard on live insect infestation in wheat, and a reduction in the insect damaged kernel standard (IDK) from the current 32 IDK in a 100 gram sample to a more market oriented five IDK.

In denying NAMA's recommendations GIPSA said: "*A party to a commercial transaction can contractually specify a lower maximum allowable level of IDK if desired.*"

This is, of course, true. However, to pursue the logic of this response to its ultimate conclusion would be to acknowledge that all quality parameters could be contractually stipulated without standards. Then, there would be no need for official standards at all.

This outcome is already evident in the decline in requests for official grades in the domestic market where such grades are optional. As the official standards continue to lose relevance this decline will continue. Were it not for the statutory requirement that export grain be officially inspected, the decline in official inspections would likely occur in that market too.

### **Flour yield**

NAMA encouraged GIPSA to begin studying how a simple, precise and repeatable flour yield test can be incorporated into the official wheat standards. GIPSA responded that NAMA's recommendation "*is beyond the scope of this rulemaking.*"

Test weight has been used to describe wheat quality in the US since at least 1858, and was included in the original standards established under the US Grain Standards Act in 1917. Test weight serves as a surrogate indicator of the amount of flour that is expected to be extracted from a kernel of wheat.

Thus, we fail to see how recommending a better test for this historically significant quality attribute is beyond the scope of this rulemaking, and repeat the recommendation here.

**Alpha amylase enzyme activity**

GIPSA's proposed rule was silent on NAMA's recommendation that the agency begin development of a rapid alpha amylase test for deployment in the official inspection system.

Under current GIPSA inspection procedures, sprout damage is counted by inspectors only when it can be visually detected. However, before the point at which sprouting activity can be visually detected there has already been much unseen alpha amylase activity in the kernel. This enzyme activity, although undetected, causes a substantial decrease in the functionality and hence value of the wheat.

Current methods available for measuring unseen alpha amylase activity, such as the Falling Number test, produce results that often fall short in their precision and repeatability. We repeat here our recommendation that the agency begin development of a rapid alpha amylase test for deployment in the official inspection system.

We appreciate the opportunity to submit these comments and any consideration you may give them.

Sincerely,

A handwritten signature in black ink that reads "Jim Bair". The signature is written in a cursive, slightly slanted style.

James A. Bair  
Vice President