



20 October 2016

(16-5691)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: English

**COMMENTS ON THE UNITED STATES' REGULATION ON MANDATORY INSPECTION
OF FISH OF THE ORDER SILURIFORMES AND PRODUCTS
DERIVED FROM SUCH FISH**

WTO/SPS COMMITTEE MEETING
27-28 OCTOBER 2016

Communication from China

The following communication, dated 18 October 2016, is being circulated at the request of the delegation of China.

-
1. The Delegation of China hereby submits for circulation the following comments regarding the United States' Regulation on Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish, which took effect on 1 March 2016.
 2. Section 530.2 of the regulation shifts regulatory responsibility for siluriformes (including fish commonly known as "catfish") and its products from USFDA to USDA/FSIS and applies inspection requirements for terrestrial animals to siluriformes and its products.
 3. According to the regulation, siluriformes fish products are the only fish products under the jurisdiction of USDA/FSIS. China believes that shifting regulation of siluriformes fish products inspection from the USFDA to the USDA but keeping other aquatic products under the inspection of USFDA is not based on scientific evidence and cannot be justified by any risk assessment, since there is no evidence that catfish, compared with other aquatic products, poses a higher risk.
 4. The concerns raised by China are not only supported by Members at the previous meetings of this Committee, but also justified by a report by the US Government Accountability Office (GAO) in May 2012, a risk analysis report published by USDA in July 2012 and an assessment report provided by FSIS/USDA's Office of Public Health Science in January 2015.
 - a. In the GAO report, it is clearly stated that the risk food poisoning from catfish might be overestimated. It also showed that, while the proportion of imported catfish of the total US catfish market had been increasing over the past decades from 2% to almost a quarter, the number of food-related illness caused by catfish did not increase.
 - b. According to the USDA risk analysis report, the number of illnesses caused by catfish can be ignored. Additionally, it was acknowledged that shifting the regulation of catfish to USDA will not guarantee an increase of the catfish safety rate and whether USDA's regulation will effectively reduce catfish-related illness cannot be predicted.
 - c. In the assessment report by FSIS/USDA's Office of Public Health Science (the newest one as observed), it was concluded that there was substantial uncertainty regarding the actual effectiveness of the FSIS Siluriformes inspection program.
 5. Furthermore, the application of inspection requirements for terrestrial animals to siluriformes and its products differs from the established international norms or practices. It is recognized internationally that fish and fish products are of low risk and are subject to inspection requirements for aquatic animals, rather than those requirements on terrestrial animals.

By applying inspection procedures for terrestrial animals to catfish and catfish products, the United States fails to respect those well-established international norms or practices and therefore imposes unnecessary restrictions against legitimate trade.

6. Since the entry into force of the regulation, it has imposed huge burdensome and unjustifiable requirements on China's catfish farmers and catfish products exporters. Almost thirty million USD of exports per year from China to the United States has been affected severely and nearly tens of thousands of jobs in the sector and in downstreams are in jeopardy due to the restrictive effects created.

7. Besides the grave concerns by Members, the US Senate also doubted deeply the effectiveness of the FSIS/USDA inspection programme and its purpose. On 25 March 2016, the US Senate overturned the inspection programme by majority and concerns raised were about its attempt to protect American domestic catfish companies from competing with foreign exporters.

8. During past years and on various occasions, China has provided comments and raised serious concerns to the United States. China is regretful that, during the regulation formulation and adoption process, the US Government failed to take these comments and concerns into consideration.

9. China has repeatedly urged the United States to provide scientific evidence for its inspection programme on catfish and catfish products and bring it into conformity with the WTO rules. But, regrettably, the US side has failed to do so.

10. Finally, China strongly urges the United States to consider the comments made and concerns raised by China and other Members and bring its measure into immediate and full compliance with the provisions of the WTO Agreements.
