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Committee on Sanitary and Phytosanitary Measures

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**EU MRLS AND PESTICIDE POLICIES – [SPECIFIC TRADE CONCERN 448](#):
EU MRLS FOR ALPHA-CYPERMETHRIN, BUPROFEZIN, CHLOROTHALONIL,
DIFLUBENZURON, ETHOXYLSULFURON, GLUFOSINATE, IMAZALIL, IOXYNIL,
IPRODIONE, MANCOZEB, MOLINATE, PICOXYSTROBIN AND TEPRALOXYDIM**

SUBMISSION BY THE UNITED STATES OF AMERICA

The following submission, received on 8 November 2021, is the statement made by the United States of America at the 3-5 November 2021 WTO SPS Committee, and is being circulated at the request of the Delegation of the United States of America.

1. The United States joins Colombia, Costa Rica, Ecuador, Guatemala, and Paraguay in raising these important issues before the Committee.
2. After numerous interventions by many Members in this Committee, we are disappointed that the European Union continues to show no interest in discussing its trade restrictive approach to pesticide maximum residue levels, or MRLs. As we have stated before, the European Union's hazard-based approach to pesticide regulation and its implementation of the "precautionary principle" creates trade barriers which threaten the global food system.
3. The United States is concerned about the European Union's recent statements to the WTO indicating that global environmental impacts could be factored into future EU decisions on import tolerances. The United States would like for the European Union to clarify its justification for including environmental considerations outside its territorial boundaries in its assessment process for import tolerance.
4. We note that the European Food Safety Authority (EFSA) is reviewing emergency authorizations from ten Member States for several active substances for which EFSA found that there are no sufficient alternatives available. In its assessments, EFSA noted that when non-insecticidal methods are available, they did not have the same efficacy as plant protection products, or presented technical or scientific limitations. EFSA also found that in some cases there was no practical, acceptable, established non-insecticide effective program available to control pests.
5. Based on continued requests for emergency authorizations, it appears as though producers in the European Union, like those in the United States, view these products as integral components of their IPM programs for which effective alternatives are not available. Accordingly, we request that the European Union also afford producers in third countries equal access to these important and efficacious crop protection tools.
6. The United States reiterates its concerns around the provisional nature of recent MRL decisions in ongoing pesticide reviews, which now appears to be a chronic issue for the European Union. For these recent decisions based on incomplete risk assessments, we request that the European Union confirm that scientific data will be collected and analyzed to justify these measures.
7. For example, [G/TBT/N/EU/790](#) indicates that although phosmet does not meet the EU health cut-off criteria and is not an endocrine disruptor, phosmet will not be renewed based on what appears to be an incomplete risk assessment. The United States requests that EFSA consider all existing,

rigorous and science-based data to complete its risk assessment, and take such information into account before making a final decision.

8. The United States again highlights our concerns around the EU enforcement process for newly reduced MRLs. The European Union enforces these MRLs at the point of importation for imported goods and at the point of production for domestic goods, an inconsistency that causes inefficiencies and disruptions in trade for products destined for the EU market.

9. The United States again requests that the European Union apply MRLs at the time of production for imported products, in order to allow products to move through the full channels of trade, which would be the least trade restrictive action. If lowered MRLs will be enforced at the date of importation, as with other MRL changes, this will continue to have a negative effect on trade in products with long shelf lives that were compliant with existing standards at the time of production.

10. Regardless of whether MRL enforcement occurs at the date of importation, the United States requests that the European Union extend the transition period for all MRL changes to the maximum term possible, or at least 24 months, to help minimize the negative impact on agricultural producers while protecting consumer health.

11. We encourage the European Union to engage in discussions with third countries around these important SPS measures and we highlight once more the importance of a consistent, science-based enforcement process to facilitate trade and protect plant and human health. As currently implemented, the EU's approach is counter-productive and unsustainable to maintain the agricultural productivity and trade needed to ensure global food security.
