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Committee on Sanitary and Phytosanitary Measures

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**EUROPEAN UNION MRLS AND PESTICIDE POLICIES – SPECIFIC TRADE CONCERN 448:
EU MRLS FOR ALPHA-CYPERMETHRIN, BUPROFEZIN, CHLOROTHALONIL,
CHLORPYRIFOS, CHLORPYRIFOS-METHYL, DIFLUBENZURON,
ETHOXYLSULFURON, GLUFOSINATE, IMAZALIL, IOXYNIL,
IPRODIONE, MANCOZEB, MOLINATE, PICOXYSTROBIN
AND TEPRALOXIDIM**

SUBMISSION BY THE UNITED STATES OF AMERICA

The following submission, received on 14 July 2023, is the statement made by the United States of America at the 12-14 July 2023 WTO SPS Committee, and is being circulated at the request of the Delegation of the United States of America.

1. The United States along with a number of other Members continues to express concern with the European Union's pesticide approval and renewal decisions and the systemic trade barriers that result from the subsequent withdrawal or reduction of pesticide maximum residue levels, or MRLs, to the Limit of Quantification on the basis of uncertainty and insufficient scientific evidence.
2. We remind the European Union of the obligation that WTO Members only implement non-provisional SPS measures that are based on science and risk and are necessary to protect human, animal, or plant life or health, and to do so in the least trade restrictive manner possible. We urge the European Union to identify the least restrictive measures that accomplish their stated level of protection, and we repeat our reminder that the "ALARA" principle, or "As Low As Reasonably Achievable", which has been mentioned by the European Union in this Committee, is neither relevant nor applicable to pesticide residues.
3. We request that the European Union maintain existing MRLs for active substances that do not pose known unacceptable food safety risks, complete a full risk assessment for each MRL prior to any proposed MRL reduction or withdrawal, and complete a science-based review of import tolerance applications based on consumer dietary risk in line with Codex guidance and standards.
4. We note that the continued use of emergency authorizations by EU member States gives farmers in the European Union access to active substances that are no longer approved for use in the European Union. Through these authorizations, both EFSA and member States consistently acknowledge the lack of effective and economical crop protection alternatives as well as the real need to protect crops from harmful pest and disease pressure.
5. Farmers around the world rely on access to the full range of tools and technologies available for agricultural production, and these tools are essential to mitigate food security risks and to alleviate poverty. The European Union's systematic approach to MRL reductions based on uncertainty contradict the promotion of good agricultural practices, increase the risk of insect and disease resistance by limiting the ability of farmers to rotate pesticides, and ignore the impacts of evolving pest and disease pressure in a time of increased climatic changes.
6. Access to a full range of pesticides that are thoroughly evaluated and permitted for use by competent national authorities is of critical importance to the promotion of resilient agricultural sectors and farming communities that can enhance yields and productivity while also limiting post-harvest losses and reducing unnecessary food waste. This access is necessary to promoting an

adequate supply of affordable, safe food to meet the growing demands of global consumers, many of whom also rely directly or indirectly on agriculture to sustain their livelihoods.

7. Our growers and processors are increasingly concerned that the European Union continues to implement transition measures that do not provide adequate time for legally produced commodities to clear the channels of trade, and that appear to establish advantages for the European Union's domestic products over imported products.

8. Well-functioning, objective, and science-based regulatory systems protect consumers and establish the basis for fair trade. We have a shared interest in ensuring that pesticides are carefully evaluated and that pesticide residues do not pose an unacceptable risk to human health.

9. However, during these times of increasing global food insecurity and unexpected global challenges related to changes in climate and disease, we urge the European Union to recognize that its regulatory approaches for pesticides are increasingly out of step with those of nearly every other Member of the WTO and strongly consider the concerns that have been raised for years by many WTO Members in this Committee and others.
