



18 July 2023

(23-4849)

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Committee on Sanitary and Phytosanitary Measures

Original: English

**EUROPEAN UNION IMPORT TOLERANCES FOR CERTAIN PESTICIDES  
TO ACHIEVE ENVIRONMENTAL OUTCOMES IN THIRD  
COUNTRIES – [SPECIFIC TRADE CONCERN 534](#)**

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](#).

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1. The United States notes that the high volume of concern from WTO Members representing a broad swathe of agricultural producers around the world highlights the diversity and extent of multilateral opposition to the EU approach of integrating environmental concerns into the use of pesticide MRLs and the establishment of import tolerance.

2. The United States shares the European Commission's goals for the continued transition to more sustainable food systems. We recognize the importance of tailoring measures that take into account the economic, social, and environmental dimensions of sustainability that are unique to each Member. We also note that Members' sustainability actions must be consistent with their obligations under relevant WTO Agreements.

3. The United States reiterates its concerns with the application of EU domestic environmental policies to food and agricultural products imported from third countries. We echo the comments of the many WTO Members who rightly understand that countries require the use of diverse approaches, tools, and technologies to meet their sustainability objectives.

4. We can all agree that pest control and crop protection needs vary by crop and by country and region. National competent authorities must remain empowered to establish the measures necessary for the protection of human, animal, or plant life or health within their own territories. However, the regulation published in the Official Journal of the European Union on 15 February 2023, is a *de facto* extension of the EU production requirements to farming communities outside the European Union because it requires third country imports to satisfy the EU environmental policy preferences and comply with pesticide MRLs that appear to have been reduced without scientific justification.

5. Pesticide MRLs are not an appropriate tool for achieving the EU domestic environmental objectives. International consensus-based pesticide MRLs reflect the highest level of pesticide residue that is legally tolerated in or on food or feed in consideration of consumer exposure and possible health risks; pesticide MRLs are not an appropriate or efficient indicator of environmental outcomes because MRLs are not developed to address this objective.

6. We note that in the most recent European Food Safety Authority, or EFSA, opinion, the European competent authority on MRLs determined that existing EU MRLs did not pose a food safety risk for consumers. The US Environmental Protection Agency and Codex also completed science-based human health risk assessments confirming that existing MRLs above the limit of determination for clothianidin and thiamethoxam do not pose a food safety risk for consumers.

7. WTO Members rely on pesticide MRLs, including MRLs established by Codex, to ensure food safety for consumers and to facilitate trade in agricultural products. The United States reminds the

European Union that the Codex Committee on Pesticide Residues, or CCPR, confirmed in 2022 that consideration of environmental issues of global concern is not within its mandate and that environmental issues are not included in CCPR risk management principles.

8. The United States shares the EU concerns about pollinator health and is actively working to protect bees and other pollinators in the United States. We note the widely shared scientific understanding that complex interactions among multiple factors affect bee colony and wild pollinator health, including the presence of pests, pathogens, and diseases; pesticide use; poor nutrition due to loss of foraging habitats and monoculture; bee management practices; and lack of genetic diversity.

9. The United States would again reiterate our concerns with the paucity of scientific evidence that the European Union has provided thus far to demonstrate the relationship between the new regulation and the stated objective of protecting animal or plant life or health and protection of the environment in a manner that is no more trade restrictive than necessary.

10. The European Union has not provided data demonstrating that the use of these substances at current MRL levels poses an actual risk to pollinators, either in the European Union or globally. The studies cited only evaluate European production systems and a limited number of pollinators found in Europe and do not take into account regional conditions, practices, and fauna in other parts of the world.

11. We therefore repeat our request that the European Union provide robust scientific evidence and scientific justification that demonstrates how the reduction of these two pesticide MRLs contributes to protecting global pollinator health, the stated objective of the EU measure. Regardless of the transition period provided by the European Union, measures that are not technically justified should not be implemented by Members.

12. Global challenges require collaboration across the global community; unilateral approaches based on questionable and incomplete science may complicate or further delay meaningful progress on these pressing issues while unnecessarily affecting agricultural production and trade. In place of the EU regulation, the United States continues to welcome a collaborative approach to protecting pollinators and the opportunity to exchange resources, scientific expertise, and new ideas.

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