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Committee on Sanitary and Phytosanitary Measures

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STATEMENT MADE BY THE UNITED STATES AT THE MEETING OF 20-21 MARCH 1996

Preliminary Comments on Development and Application of Residue Limits to Foods in Trade under WTO SPS Principles (G/SPS/W/34)

We commend Australia for preparing this paper which addresses elements that Members consider when establishing maximum residue limits (MRLs) and how those MRLs are applied in practice.

The paper primarily addresses chemicals that have premarket approval for use and/or for which data is required to be developed in support of an MRL. These types of MRLs are commonly limited to residues of veterinary drugs and pesticides in food, as opposed to other types of substances that may contaminate food by accident. We agree with Japan that food additives do not fall under the umbrella of this paper.

We agree with the basic premise of the paper that national approval procedures for establishing MRLs can be slow and expensive, and the suggestion that countries adopt Codex MRLs whenever possible.

Codex has adopted about 2,500 MRLs for pesticide residues. The majority of US MRLs are in line with, or less stringent than a Codex MRL, if one exists. They usually reflect good agricultural practices (GAPs) in the United States, although foreign use GAPs can be taken into account if we receive a request to do so and are provided with data. The United States has established about 9,000 MRLs for pesticide residues.

Our experience has been that when pesticide residues are found in imported foods, they usually fall within the United States' MRL, if one exists. Problems do occasionally occur when a MRL has not been established because any residue level found may be reason to restrict entry of food. However, this happens infrequently.

I note that somewhere between 1.5 and 2 million shipments of food enter the Unites States annually. Out of these, the United States samples about 6,000 for compliance with pesticide MRLs and, of these, only about 3 per cent or under 200 shipments contain residues for which there are no MRLs set or the MRL has been exceeded.

In most cases, we would agree with the paper's assertion that a single food consignment that has only marginally exceeded an established MRL may not pose an immediate threat to human health, given that these health effects may only occur over time with repeated exposures. Notable exceptions include pesticides, such as aldicarb, that pose acute rather than chronic hazards; and chemicals that do not have No Observable Adverse Effect Levels (NOAELs), for example, substances like some carcinogens that do not have a threshold for adverse effects, but do pose a risk to human health.

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Further, because less than one per cent of all food imported into the United States is sampled for pesticides, it cannot be assumed that the other 99 plus per cent of the shipments not sampled are residue free. Any risk assessment conducted in setting an MRL must consider the potential for exposure to residues from food, whether domestically produced or imported, and the capability of the national control system to prevent exposure. Therefore, the United States would not agree with the validity of conducting risk assessments based on a single residue finding in a single food shipment, as envisioned in the paper.

While the United States does not necessarily agree with all the concepts elaborated in the Australian paper, we strongly endorse its main tenets - harmonization of national approaches for setting maximum residue limits, that Members base their sanitary and phytosanitary measures on international standards where they exist, and consideration of data on good agricultural practices of other countries in setting national MRLs.