

**MONITORING THE PROCESS OF INTERNATIONAL HARMONIZATION
AND USE OF INTERNATIONAL STANDARDS, GUIDELINES,
AND RECOMMENDATIONS**

Response from the United States

Overview

1. Pursuant to the Secretariat request for an indicative list of those international standards, guidelines and recommendations which are considered to be of major importance to trade (G/SPS/W/58), the United States has prepared the attached annex identifying some of the areas where the failure of countries to apply an international standard, guideline or recommendation impedes trade. Recognizing the importance of the Committee on the Sanitary and Phytosanitary Measures in identifying priority areas for establishing and applying international standards, guidelines, and recommendations, the United States encourages the Secretariat to establish a mechanism in the Committee's regularly scheduled meetings where Members can identify and discuss areas where work on harmonization is of particular importance.

Procedure

2. Under Article 12.4 of the SPS Agreement, the Committee is charged with developing a procedure to monitor the process of international harmonization. The particular expertise of the Committee is to provide input on the trade-related effects of these standards, guidelines and recommendations and if appropriate provide direction to the international standard-setting bodies on which standards are of particular importance.

3. A practical first step could be to establish a standing agenda item for the Committee meetings where Members could raise their concerns related to the process of international harmonization. In the committee meeting, Members could provide examples of instances where the process of international harmonization is working well or where harmonization (or the lack thereof) is causing significant trade distortions. This information could then be evaluated by other Members, who could determine appropriate steps to take at the national level in light of the comments raised by other Members. Through their participation in the international standard setting bodies, Members could also take this information into account in setting priorities for developing new or updating existing international standards, guidelines or recommendations.

4. The Secretariat could be charged with presenting an annual report to the Committee on areas identified by Members over the previous year where non-use of a standard, guideline or recommendation impedes trade. The Secretariat also could be charged with providing a report to the annual meeting of the respective international standard-setting organizations of the areas identified by Members over the previous year where the absence of a standard, guideline or recommendation impedes trade.

Non-use or Variation of an International Standard, Guideline or Recommendation

5. The international standard-setting organizations have established standards, guidelines and recommendations to address specific risks for many traded products. The Agreement on the Application of Sanitary and Phytosanitary Measures provides that a Member may apply a standard more stringent than an international standard, provided a number of specific conditions are met. While in some cases Members have demonstrated that an international standard is not appropriate for use, there are instances where countries deviate from international standards without providing a justification. These deviations have resulted in unwarranted restrictions which have negative trade effects.

6. Annex A identifies areas where the United States has encountered trade restrictions due to the non-application of international standards. Restrictions on U.S. poultry meat for the purpose of guarding against highly pathogenic Avian Influenza (Fowl Plague) is an example where relevant international standards exist but are not being used. According to testing done in accordance with the OIE diagnostic guidelines, the United States does not have pathogenic or highly pathogenic Avian Influenza. Hence, the bans on U.S. poultry meat for the ostensible purpose of guarding against Avian Influenza are inconsistent with the OIE Code. (OIE International Animal Health Code, chapter 2.1.14)

Absence of an International Standard, Guideline or Recommendation

7. Even when an international standard, guideline or recommendation does not exist, Members are still subject to the disciplines of the Agreement when they establish SPS measures, i.e. it must be based on scientific risk assessments which substantiate the effectiveness of the measures in mitigating a specific animal, plant or human health risk.

8. There are, however, cases where individual governments have different standards and a consensus on the most appropriate international standard has not yet been determined, such as in the case of standards for aflatoxin in food and feed stuffs. Also international standards may be absent in those instances where regulatory actions are evolving in response to technological change. The Committee should draw attention to specific examples where the lack of a standard is impeding trade. However, the primary responsibility for developing a standard, guideline or recommendation must rest with the international standard setting body.

9. One area where the United States has encountered significant trade impediments is related to food additives. Currently, international standards only exist for food additives used in Codex standardized foods. They do not cover food additives routinely found in many other major

processed food products. Some additives, such as benzoic acid and sulfites, are used in a wide range of U.S. food products that are not part of the Codex standardized food lists. In the absence of international standards for such non-standardized foods, some countries have established tight restrictions on these additives, rejecting U.S. food products that have been demonstrated to be safe.

10. Efforts to remedy this problem are underway in the Codex Committee on Food Additives and Contaminants. A working group chaired by the U.S. is writing a new General Standard for Food Additives that will not be limited to uses in foods covered by Codex commodity standards. The United States encourages all WTO Members to support this effort.

**AREAS OF TRADE WHICH ARE IMPEDED BY NON-USE OR VARIATIONS
IN THE APPLICATION OF AN INTERNATIONAL STANDARD,
GUIDELINE, OR RECOMMENDATION**

Commodity	International Organization	Standard	Background
Meat	Codex	Codex; Alinorm 91/31, Appendix 1	Three natural hormones (estradiol, progesterone, and testosterone) occur naturally in all food animals, humans, and in many other food products. Two other hormones (zeranol and trenbolone acetate) have a similar growth promotion effect, but do not occur naturally in cattle. The Committee on Veterinary Drugs of the Codex Alimentarius Commission agreed on maximum residue limits (MRLs) for trenbolone and zeranol, and agreed that limits were unnecessary for the three natural hormones. Nevertheless, nineteen WTO member countries have banned the use of these hormones and effectively prohibited trade.
Poultry Meat	OIE	OIE International Animal Health Code, Chapter 2.1.14. Definition and OIE Manual of Standards, Chapter 14.	Countries are blocking poultry meat imports due to Fowl Plague, a disease which can only be transferred through live birds. Testing done in accordance with the relevant OIE diagnostic standards has demonstrated that the U.S. does not have Fowl Plague. Hence, the bans and restrictions on U.S. poultry meat for the ostensible purpose of guarding against Fowl Plague are inconsistent with the OIE Code.
Fruits	IPPC	FAO/IPPC, Part I Significant quarantine pests.	An IPPC standard exists for defining a quarantine significant pest. Nevertheless, countries are routinely taking action (i.e. fumigation) on intercepted pests regardless of national conditions and whether the pest is quarantine significant according to the IPPC definition.
Fruits	IPPC	FAO/ IPPC, Part 4 Pest-free areas.	Some countries do not apply the IPPC pest-free area standard and instead impose highly restrictive measures on products that originate outside infected or quarantined areas. The U.S. has experienced difficulties with fruit being denied access even though it originates in pest-free areas.
Tomatoes	IPPC	IPPC Pest Risk Analysis, Establishment of Potential(2.2.1) and Spread Potential (2.2.2)	Some countries are relying on outdated experiments to establish their quarantine on tobacco blue mold. Newer studies have proved this disease does not threaten tomatoes. IPPC Articles 2.2.1 and 2.2.2 recommend that reliable biological information be obtained where the pest allegedly exists. Therefore banning tomatoes due to tobacco blue mold is contrary to IPPC recommendations.