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Committee on Sanitary and Phytosanitary Measures

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**COVID-19 TESTING ON IMPORTED FOOD AND AGRICULTURAL PRODUCTS AND "LETTER OF COMMITMENT" ATTESTATIONS**

SUBMISSION BY THE UNITED STATES

The following document, received on 30 June 2020, is being circulated at the request of the delegation of the United States.

1.1. We appreciate the contributions of the Secretariat, the representatives of the International Standard Setting Bodies, the WHO and other Members in this timely and important session on the SPS-related aspects of COVID-19.

1.2. The United States reiterates its commitment to protecting public health and to complying with its obligations under the SPS Agreement. The global nature of this public health crisis makes compliance with WTO obligations critically important to ensure that our workers and consumers are protected without unduly restricting trade flows. To that end, U.S. regulatory agencies are working with their foreign counterparts to share scientific evidence about the virus and information about the approaches they are taking to protect consumers and maintain trade. We look forward to continuing our collaboration with our partners as we together address global public health and trade concerns.

1.3. We would like to underscore the FAO/WHO issued document entitled, *COVID-19 and Food Safety: Guidance for Food Businesses*,<sup>1</sup> which outlines the relation of COVID-19 to food safety: "*It is highly unlikely that people can contract COVID-19 from food or food packaging. COVID-19 is a respiratory illness and the primary transmission route is through person-to-person contact and through direct contact with respiratory droplets generated when an infected person coughs or sneezes. There is no evidence to date of viruses that cause respiratory illnesses being transmitted via food or food packaging. Coronaviruses cannot multiply in food; they need an animal or human host to multiply.*"

1.4. Chair, despite the clarity of this Guidance, the United States is receiving increasing reports of COVID-19 product testing across a variety of food and agricultural commodities, including meat, seafood, fresh fruit, and bulk grains. In some cases, U.S. exporters report that importing country is testing 100 percent of shipments, despite the absence of any identified risk.

1.5. We appreciate that the intended focus of this COVID-19 session is not specific trade concerns. However, we feel we must convey that reports of food safety measures ostensibly related to COVID-19 have escalated sharply over the past week due to the recent actions taken by one Member. Further, these actions have created escalating confusion and consternation across food supply chains.

1.6. The United States is deeply concerned about this Member's recent actions to restrict imports of food and agricultural products, allegedly to prevent transmission of COVID-19 and the adverse impact it may have on trade and food security.

1.7. Chair, several foreign embassies including ours, recently received a form letter from this Member's capital that referenced the FAO/WHO Guidance document, *COVID-19 and Food Safety: Guidance for Food Businesses*<sup>1</sup>.

1.8. The form letter to the embassies requested that: 1) government regulated establishments that export food and agricultural products adopt food-safety management systems consistent with the FAO/WHO Guidance; and 2) the competent authorities should suspend exports from facilities that "identify COVID-19 cases or suspected cases" and notify the importing government of the status of COVID-19 infections in facility workers.

1.9. Such a request of foreign regulators to restrict food and agricultural exports is not appropriate nor scientifically justified. The FAO/WHO Guidance focuses on keeping these workers safe, and also states clearly that there "is no evidence to date of viruses that cause respiratory illnesses being transmitted via food or food packaging."

1.10. This Member also advised its importers to request that their foreign suppliers of agricultural products sign "Letters of Commitment" attesting that the importer of the products will:

- abide by the import country's laws and regulations;
- abide by the WHO "*COVID-19 and Food Safety: Guidance for Food Businesses*" to ensure that food products are "not contaminated by COVID-19 and to ensure food safety"; and
- if a food exporting enterprises discovers new cases of COVID-19, "take all necessary measures to eliminate food safety risks and protect consumers' health."

1.11. Chair, we are also unaware any notification to the public, to the trading community or to other governments of measures to implement COVID-19 testing requirements for imported foods. Nor are we aware of any public notification of similar testing requirements applied for domestically produced foods.

1.12. We ask that all Members base their actions to protect public health and safety amid the COVID-19 pandemic on scientific principles and evidence of risk, and to avoid unnecessary barriers to food trade that is vital to global food security in this crisis.

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<sup>1</sup> <https://www.who.int/publications/i/item/covid-19-and-food-safety-guidance-for-food-businesses>