



18 November 2020

(20-8280)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: English

**EU MRLS AND PESTICIDE POLICIES – SPECIFIC TRADE CONCERN 448:
EU MRLS FOR BUPROFEZIN, CHLOROTHALONIL, DIFLUBENZURON,
ETHOXYLSULFURON, GLUFOSINATE, IMAZALIL, IOXYNIL,
IPRODIONE, MOLINATE, PICOXYSTROBIN
AND TEPRALOXIDIM**

SUBMISSION BY THE UNITED STATES OF AMERICA

The following document, received on 13 November 2020, is being circulated at the request of the Delegation of the United States of America.

1.1. The United States thanks Colombia, Costa Rica, Dominican Republic, Ecuador, and Paraguay for continuing to support inclusion of this important issue on the SPS Committee's November 2020 meeting agenda.

1.2. We remain deeply concerned over the European Union's implementation of unnecessarily restrictive pesticide policies. The EU codification of a hazard-based approach to pesticide regulation and implementation of the so-called "precautionary principle" is adversely impacting global agricultural production and trade, particularly in developing countries.

1.3. At the June 2020 meeting, the European Union provided a list of responses that once again do not address our concerns.

1.4. The United States asked about the level of protection the European Union seeks when it ignores the weight of scientific evidence in making its regulatory decisions. The European Union responded that residues must not present "an unacceptable risk to humans". However, many of the substances for which the European Union has reduced MRLs to the limit of detection (LOD) have been reviewed by Codex and other trading partners, and were found not to present an unacceptable risk when used according to good agricultural practices. And so, we continue to ask how these MRLs that have been adopted by Codex and are based on scientific evidence do not meet the EU level of protection.

1.5. We specifically note in this regard, [G/SPS/N/EU/394](#) notified on 15 July 2020. Despite Codex proposing to increase its chlorothalonil MRL for cranberries, the European Union has reduced the MRL to the LOD. In the same notification, and despite Codex having established MRLs, the European Union also reduced MRLs to the LOD for fenamidone and propiconazole, foliar fungicides used on many crops including leafy green vegetables and brassicas, mushrooms, corn, wild rice, peanuts, almonds, sorghum, oats, pecans, apricots, peaches, nectarines, plums and prunes. Using a variety of fungicides helps reduce resistance to any specific fungicide, but the European Union is limiting producer access to these tools.

1.6. The European Union's efforts are eroding public confidence in Codex and risk-based regulatory systems and casting unwarranted doubt in consumers' minds about the safety of the global food supply while doing nothing to advance public health. We request that the European Union explain how these actions are consistent with obligations of the SPS Agreement.

1.7. The European Union also claims that it makes its decisions on active substances "after a rigorous risk assessment". However, the European Food Safety Agency (EFSA) reviews often point to inconclusive results or data gaps and EFSA then declines to complete the consumer risk

assessments. Again we reference [G/SPS/N/EU/394](#) as an example. The notification covered the modification of MRLs in ten active substances, eight of which had been previously approved for use in the European Union but were not renewed upon review. None of these eight active substances, carbon tetrachloride, chlorothalonil, chlorpropham, dimethoate, ethoprophos, fenamidone, methiocarb, propiconazole nor pymetrozine, had completed consumer risk assessments as part of their EFSA reviews. This is only one of several SPS notifications that the European Union has made in 2020.

1.8. We also continue to be concerned with increasing politicization of MRLs, most notably in April when the Committee on Environment, Public Health and Food Safety (ENVI) voted in favor of an objection tabled by a Member of Parliament on maximum residue levels for mandestrobin, commonly used on strawberries, table grapes and wine. The MRLs that ENVI rejected met all EU approval and safety criteria, including a supportive EFSA risk assessment on data sufficiency and unlikely risk to consumer health.

1.9. The European Union also 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 differences in treatment between domestic and imported products.

1.10. The EU Farm to Fork strategy, Biodiversity Strategy, and the Pesticide REFIT evaluating Regulations 1107/2009 and 396/2005 raise concerns that the European Union will only accelerate the use of the problematic practices we have highlighted. Further, these documents all include directives to force trading partners to adopt the European Union's precautionary standards.

1.11. In July 2020, the US International Trade Commission, an independent federal agency, published volume one of its report, "The Global Economic Impact of Missing and Low Pesticide MRLs". The report finds, among many things, trade to be negatively impacted by unharmonized MRLs.

1.12. The international community should be working together to support science-based measures that promote a safe and sustainable food supply. We call on the European Union to join with its trading partners in identifying such mutually beneficial solutions.
