



28 March 2023

(23-2192)

Page: 1/2

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 27 March 2023, is the statement made by the United States of America at the 22-24 March 2023 WTO SPS Committee, and is being circulated at the request of the Delegation of the [United States of America](#).

1. The United States thanks Australia, China, Ecuador, and other WTO members for again raising concerns with the European Union's approach.
2. The United States shares the European Commission's goals for more sustainable food systems, and we recognize the importance of considering the economic, social, and environmental dimensions of sustainability. 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.
5. The EU's recently implemented regulation, which was notified in [G/TBT/N/EU/908](#), requires food and agricultural products from third countries to meet reduced MRLs for two neonicotinoids pesticides even though the EU's scientific justification remains unclear for demonstrating how the reduction of these two pesticide MRLs contributes to protecting global pollinator health, the stated objective of the EU's measure.
6. The United States is also concerned that pesticide MRLs are not an appropriate tool for achieving the EU's domestic environmental objectives. Pesticide MRLs are the highest level of pesticide residue that is legally tolerated in or on food or feed; pesticide MRLs are not an appropriate indicator of environmental health because MRLs are not developed to address this objective.
7. The most recent European Food Safety Authority (EFSA), US Environmental Protection Agency (EPA), and Codex science-based human health risk assessments confirmed that existing MRLs above the limit of determination (LOD) for clothianidin and thiamethoxam do not pose a food safety risk for consumers. Pesticide MRLs are not an environmental safety metric, and using them as such may result in unintended consequences and undermine the use of international standards for food safety.
8. The United States shares the EU's 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. However, the United States has concerns with the scientific evidence that the European Union used to demonstrate the relationship between their proposed measure and the stated regulatory objectives 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 also 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. Further, 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 (CCPR) confirmed that consideration of environmental issues of global concern was not within its mandate and that environmental issues are not included in CCPR risk management principles.

12. The United States requests that the European Union provide additional scientific evidence to support the reduction of these MRLs, especially given that EFSA has permitted the necessary continued use of clothianidin and thiamethoxam under emergency authorization use in the European Union.

13. 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's regulation, the United States would welcome a collaborative approach to protecting pollinators and the opportunity to exchange resources, scientific expertise, and new ideas.

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