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Committee on Sanitary and Phytosanitary Measures

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**EUROPEAN UNION MRLS AND PESTICIDE POLICIES – SPECIFIC TRADE CONCERN 448:
EU MRLS FOR ALPHA-CYPERMETHRIN, BUPROFEZIN, CHLOROTHALONIL,
CHLORPYRIFOS, CHLORPYRIFOS-METHYL, DIFLUBENZURON,
ETHOXYLSULFURON, GLUFOSINATE, IMAZALIL, IOXYNIL,
IPRODIONE, MANCOZEB, MOLINATE, PICOXYSTROBIN
AND TEPRALOXIDIM**

SUBMISSION BY THE UNITED STATES OF AMERICA

The following submission, received on 20 November 2023, is the statement made by the United States of America at the 15-17 November 2023 WTO SPS Committee, and is being circulated at the request of the Delegation of the United States of America.

1. The United States, along with a number of other Members, continues to express concern with the European Union's pesticide approval and renewal decisions and the systemic trade barriers that result from the subsequent withdrawal or reduction of pesticide maximum residue levels, or MRLs, to the Limit of Quantification on the basis of uncertainty and insufficient scientific evidence.
2. We remind the European Union that SPS measures must be based on science and risk; should only be imposed when necessary to protect human, animal, or plant life or health. If SPS measures are justified and necessary, they should be imposed in the least trade restrictive manner possible.
3. The United States has also taken note of recent EU MRL reductions to levels well below the European Union's current, default limit of determination (LOD) of 0.01 parts per million (ppm). The United States is concerned that the European Union's efforts to lower MRLs to levels ranging from 0.001 ppm to 0.005 ppm appears to be more trade restrictive than necessary to meet the EU level of protection. The United States is concerned that such reductions to MRLs will have unnecessary negative effects on agricultural trade and create trade disruptions due, in part, to inaccurate residue analytical results, cross-contamination, or other reasons outside of the control of producers or exporters.
4. We request that the European Union maintain existing MRLs for active substances that do not pose known unacceptable food safety risks, complete a full risk assessment for each MRL prior to any proposed MRL reduction or withdrawal, and complete a science-based review of import tolerance applications based on consumer dietary risk in line with Codex guidance and standards.
5. We also ask the European Union to retain existing MRLs while import tolerances are under consideration. The lack of predictability that results from the consideration of import tolerance requests on a "case-by-case" basis unnecessarily increases uncertainty for farmers globally and limits farmers' ability to protect crops from pests and diseases.
6. We again note the continued use of emergency authorizations by EU member States reflects the harsh reality facing farmers who lack effective and economical crop protection alternatives and underscores the very real need to protect crops from harmful pest and disease pressures.
7. Both farmers in the European Union and around the world rely on access to the full range of tools and technologies available for agricultural production, and these tools are essential to mitigate food safety risks and to alleviate poverty. The European Union's systematic approach to MRL reductions based on uncertainty undermines the promotion of good agricultural practices, increases the risk of

insect and disease resistance by limiting the ability of farmers to rotate pesticides, and ignores the impacts of evolving pest and disease pressure in a time of increased climatic changes.

8. Agricultural producers need to be able to use a full range of pesticides that have been thoroughly evaluated and permitted for use by competent national authorities in order to further develop resilient agricultural sectors and farming communities. The use of these products can enhance yields and productivity while also limiting post-harvest losses and reducing unnecessary food waste.

9. Our growers and processors are increasingly concerned that the European Union continues to implement transition measures that do not provide adequate time for legally produced agricultural products to be marketed and sold, and that appear to favour EU domestic products over imported products. We ask the European Union to consider more equitable and flexible approaches to enforcing MRLs and to adopt the least trade restrictive practices possible to allow lawfully produced food products that meet applicable MRLs at the time of the pesticide application, to have sufficient time to move through the supply chain.

10. Well-functioning, objective, science-based regulatory systems protect consumers and are critical for trade.

11. During these times of increasing global food insecurity and unexpected global challenges related to changes in climate and disease, we urge the European Union to recognize that its regulatory approaches for pesticides are increasingly out of step with those of nearly every other Member of the WTO and strongly consider the concerns that have been raised for years by many WTO Members.
