European Union - Chlorothalonil (pesticide active substance)

statement by the united states to the committee on technical barriers to tradE
6 and 7 march 2019

The following communication, dated 21 March 2019, is being circulated at the request of the delegation of the United States.

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The United States thanks the European Union for the bilateral meeting and would like to continue to express ongoing concerns with the EU's approach to pesticide regulation, and specifically with the December 2018 *Draft Commission Implementing Regulation concerning the non-renewal of the approval of chlorothalonil*.

Chlorothalonil is a broadly effective fungicide used on many horticultural products in the US, most significantly cranberries and almonds.

Following the EU's summary removal of MRLs for Chlorothalonil in 2014, the US cranberry industry suffered significant crop losses due to the loss of this effective crop protection tool, without any corresponding food safety benefits. To regain access to this important tool the US cranberry industry invested significant resources generating new data to support an import tolerance application for submission to EFSA, to allow for the use of chlorothalonil on cranberries destined for export to the EU.

The United States was pleased that EFSA acknowledged no consumer risk and in 2016, the EU established an import tolerance harmonized with the US tolerance of 5 mg/kg for cranberries.

Given that EFSA so recently evaluated this substance and found no risk to consumer health, even at a level twice the current import tolerance, we would request that the EU maintain its current standard for residues on cranberries at 5 mg/kg.

Can the EU confirm that no action will be taken on chlorothalonil MRLs prior to the conclusion of a comprehensive risk assessment to support any changes to existing MRLs and import tolerances?

The US almond industry has also expressed concern about the loss of chlorothalonil from its pest management programs, as producers rely on a robust rotation of fungicides to manage resistance and protect against crop damage and unnecessary food waste.

The uncertainty created by the nonrenewal of chlorothalonil creates a burden for US growers who are making crop protection decisions for their 2019 crops. The uncertainty causes particular difficulties for producers of commodities with longer shelf lives (e.g., dried fruits, nuts), for which there may be significant periods between application, harvest, processing, and distribution.

More generally, the United States has repeatedly expressed concern that the EU, by focusing on data gaps and adopting hazard-based standards for regulation, may not fulfill its obligation to conduct risk assessments. The United States has also repeatedly expressed its concern regarding the process for product registration approvals and establishment of MRLs, as well as the overly restrictive timelines involved.

We believe that the EU's process for approving and establishing residue limits for active substances creates unnecessary barriers to trade. We request that the EU establish risk-based approaches, which comport with the principles of non-discrimination, transparency, necessity, and predictability.

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