AGRICULTURE DOCUMENTATION
INVENTORY OF NON-TARIFF MEASURES

UNITED STATES
Sanitary and Phytosanitary Regulations
Affecting Products in CCCN Chapters 1-24

This document supersedes AG/DOC/4/US/1, issued in June 1982. Several of the measures listed in the earlier document, namely those relating to CCCN positions 04.03, 04.04, 08.09, 08.12 and 16.02 have not been retained in the present document since the respective measure notified is either no longer applicable (08.09) or the measure has not been sufficiently specified by the interested country so as to permit action or a meaningful response by the United States. As regards measures notified in respect of products in positions 06.01 and 06.02, the United States has supplied additional comments which are reflected in this document.
Product: Live animals of the bovine species (01.02)

Country or group maintaining measures: United States

Countries indicating an interest: Switzerland

(a) Description:
Health and sanitary controls (ex 01.02 - cattle for breeding)

(b) Comments by other countries:
Switzerland - Veterinary inspection and quarantine arrangements are very exacting and expensive and this limits, or practically excludes, the possibility of exporting cattle to the United States.

Furthermore, the United States has quarantine stations to deal only with imports from the United Kingdom, Ireland and the Scandinavian countries and this amounts to discrimination against other exporting countries such as Switzerland.

(c) Comments by country maintaining the measures:
Veterinary inspection and quarantine arrangements are intentionally strict to prevent the entry of foot-and-mouth disease (FMD) into the United States. Until recently the United States has accepted cattle imports only from those countries listed as FMD-free in the Tariff Act of 1930 (19 USC 1306), including the United Kingdom, Ireland and the Scandinavian countries. The United States now operates the 'Harry S. Truman Quarantine Facility' on Fleming Key of the Key West Islands. This quarantine facility is equipped to provide veterinary inspection and quarantine arrangements for imports of cattle from those countries which have not been declared FMD-free. Use of this facility is allotted by lottery which Switzerland and other countries not declared FMD-free are eligible to participate in.

July 1983
Product: Crustaceans and molluscs, whether in shell or not, fresh (live or dead), chilled, frozen, salted, in brine or dried; crustaceans, in shell, simply boiled in water

Country or group maintaining measures: United States

Countries indicating an interest: Japan

(a) Description:
Health and sanitary controls: Maryland State Law requirements

(b) Comments by other countries:

Japan: Bilateral discussions have been held and have led to United States explanations similar to those here indicated. The requirement is too rigid. In the laws of other States (other than Maryland) Japanese exporters do not face such requirements. (Applies also to 16.05)

(c) Comments by country maintaining the measures:

The United States participates in a bilateral international agreement with Japan, and also with six other countries, which permits these countries to export their shellfish to the United States. The certification of the foreign importers is done by foreign or State (not federal) control officers. The 'Maryland State Shellfish and Food Products' Act does not allow imports of oysters, clams and mussels unless they have been certified for inter-State shipments. The law is designed as a protection against certain types of heat-resistant toxic bacteria which can be present in a pasteurized air-tight container. Contamination by metals, pesticides and marine toxins is reported to be increasingly evident. There is also a growing potential for radioactivity contamination and radionuclides.¹ None of these threats to human health can be eliminated purely by heat and sterilization. The United States administers an ongoing programme, The 'National Shellfish Sanitary Programme', which sets minimum sanitary requirements in the United States for fishery products. The minimum requirements apply equally to domestic and imported products. Since the programme is aimed at setting minimum requirements, however, the individual States may still maintain stricter sanitary controls.

¹ radio-isotope

July 1983
Product: Milk and cream, fresh, not concentrated or sweetened

(a) Description:

Health and sanitary controls: State and local regulations

(b) Comments by other countries:

Canada: The problem is with the State and local laws, which require inspection in person. The officials involved will not leave their local areas to do this, which effectively prohibits Canadian shipments, particularly to the north-eastern United States. It is difficult to see how a code of conduct would be of help.

(c) Comments by country maintaining the measures:

Both State and local legislation apply, in addition to federal laws. The Federal Milk Import Act, 1927, requires an import permit, which certifies that the animals are disease-free and also that the establishments where the animals are kept and the products handled meet sanitary requirements. The inspection leading to the permit must be conducted either by a United States veterinarian or an authorized veterinarian in the producing country. There is a formal agreement with the Canadian Government for the conduct of these inspections.

The "Definition of Standards of Identification for Milk and Milk Products" has been established to provide a uniform code for all the States. This code sets minimum standards required to be adopted by all States. However, each State can adopt more stringent standards. There are large areas, particularly in the north-eastern area, where there is a high degree of uniformity in local requirements.

July 1983
Product: (CCCN) Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant, in growth or in flower (06.01)

Country or group maintaining measures: United States

Countries indicating an interest: EEC

(a) Description:

Health and sanitary regulations

(b) Comments by other countries:

EEC: A second fumigation is compulsory for imports from certain countries. This seems discriminatory. (Applies also to 06.02)

(c) Comments by country maintaining the measures:

Second fumigations for these imports are not required in the United States. However, if living exotic plant pests are found upon arrival in the United States, fumigation may be required even though fumigation may have already been performed in the country of origin. (Applies also to 06.02)

Since the measure is both necessary and non-discriminatory, the United States requests that this notification be deleted from the Inventory.

July 1983
### Product:

(CCCN) Other live plants, including trees, shrubs, bushes, roots, cuttings and slips (06.02)

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<td>United States</td>
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(a) **Description:**

Health and sanitary regulations

(b) **Comments by other countries:**

See item 06.01.

(c) **Comments by country maintaining the measures:**

Same comments as for CCCN position 06.01.

July 1983
<table>
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<tr>
<td>(CCCN) Crustaceans and molluscs, prepared or preserved (16.05)</td>
<td>United States</td>
<td>Japan</td>
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(a) **Description:**

Health and sanitary regulations: Maryland State-Law requirements

(b) **Comments by other countries:**

Same comments as for item 03.03.

(c) **Comments by country maintaining the measures:**

Same comments as for item 03.03.

July 1983