



**SIXTH REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE AGREEMENT
ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES**

SUBMISSION FROM THE UNITED STATES

The following submission, dated 22 January 2024, is being circulated at the request of the delegation of the United States.

The period encompassing the Sixth Review, 2020-2023, was marked by the COVID-19 pandemic. Beyond the incalculable effects on humans around the globe, international response to the pandemic greatly affected the development and implementation of SPS measures and the functioning of the WTO SPS Committee. Differently than other Reviews, we view the Sixth Review as an opportunity to identify and explore Members' experiences and lessons learned during the pandemic. We expect that this exercise will inform and direct the work of the Committee by highlighting approaches that can strengthen the functioning and resiliency of Members' SPS systems.

1 TECHNOLOGY AND INNOVATION

1.1. WTO Members have their own experiences to share regarding their responses to the COVID-19 pandemic. However, regardless of how Members' responses may have varied, it is almost certain that technology played an important role in their ability to maintain the function of SPS systems and engage in international trade of agricultural products. Some of the most profound changes affected the ways in which we hold conversations and meet with one another, as virtual meeting platforms offered a means by which Members could stay connected when travel was not possible. Despite the lifting of restrictions on travel, the world is fundamentally different now than it was prior to the pandemic and many interactions that were previously conducted in person are now held using virtual tools. Beyond formal meetings, some Members took the initiative to use virtual tools to support various types of SPS-related regulatory activities, including bilateral negotiations and various types of audits, and lessons can be learned from these early adopters, including lessons on where in-person meetings are preferable to virtual exchanges, and vice versa.

1.2. Beyond the use of virtual tools to facilitate communication, the COVID-19 pandemic forced Members' SPS regulators to adopt or expand the use of electronic tools in order to maintain the continued safe trade in food and agricultural products. For example, prior to the pandemic, the e-Phyto project was gaining global support; throughout the pandemic, many competent authorities used and accepted digitized certificates, including electronic certification, which enabled the continued flow of international trade. The STDF has made significant past and recent investments in these projects, and a substantial number of Members have embraced the use of these tools, including many developing country and least-developed country Members. Thus, the Sixth Review is an ideal opportunity to engage in discussions to further our shared understanding of the opportunities and challenges posed by greater use and adoption of electronic certificates, including sanitary certificates and other digitalized documents.

1.3. In addition to new uses for technology, the COVID-19 pandemic also served to highlight the importance of ensuring that producers are able to meet consumers' needs and their production goals. Over the review period, Members have discussed and raised concerns in the Committee regarding the scientific and risk basis for approval processes and certain regulatory approaches to new tools and technologies, including pesticides, veterinary medicines, and biotechnology products.

Discussions held through the MC12 SPS Declaration Work Programme reiterated the critical role of these tools now and in the future. Members emphasized the indispensable role production technologies will play in helping Members improve the sustainability of their agricultural production systems and address their food security goals, which will undoubtedly expand as new tools are developed and adopted. Through the Sixth Review, Members should continue discussions that took place under the Work Programme and further advance constructive engagement around appropriate SPS regulatory practices that encourage innovation in the production and facilitate trade of safe food and agricultural products.

2 FACILITY REGISTRATION

2.1. Over the period covered by the Sixth Review, the Committee has seen some Members increase their use of facility registration requirements, ostensibly with the goals of improving human and animal health outcomes by strengthening food safety and traceability controls. Although these goals may be conceived rationally, the unnecessary cost of overly burdensome and complicated regulatory systems was made even clearer through the challenging experiences and disruptions Members endured during the COVID-19 pandemic. Members have the right to protect human, animal, and plant life or health within their territories; however, it is critical that all SPS measures, including determining the necessity of facility registration procedures as a prerequisite to trade, be based on and justified by an assessment of risk.

2.2. In addition, it is critical to clarify the appropriate role for competent authorities of exporting Members such that importing Members consider facility self-registration and do not develop unnecessarily burdensome requirements that do not significantly contribute to the primary objective of SPS measures. For example, facility registration requirements that demand additional competent authority intervention (other than providing lists of certified establishments) may be unnecessary and unwarranted. Also, the information required of regulated exporting establishments should be limited to that which is relevant to food safety, not other factors. The Sixth Review provides a timely opportunity to explore best practices related to facility registrations such that Members can work together to enhance the Committee's common understanding of their purpose, while strengthening and improving the resiliency of international trade without imposing undue burdens on trading partners.

3 MISINFORMATION/DISINFORMATION

3.1. The spread of false and harmful information is not new. Today, information spreads easily with increased digitization, which enables more rapid and efficient messaging or information-sharing but also leads to the increased spread of inaccurate or harmful information. This was especially prevalent during the pandemic, and global agriculture is not spared from its effects. Presentations made during the November 2023 "SPS Committee Thematic Session on Risk Communication, Misinformation and Disinformation" highlighted that all WTO Members are affected by misinformation and disinformation in some way. It is important for the Committee to further analyse the implications of misinformation and disinformation on consumer perception about the safety of food and about SPS issues generally, including how to strengthen efforts to identify and combat misinformation and disinformation when developing SPS measures and negotiating with trading partners. The Sixth Review is the opportunity for the Committee to do so.

3.2. The United States offers the following suggestions to guide future Committee work and strategies to address misinformation and disinformation. Transparent regulatory systems can help dispel misinformation by providing accurate and accessible information to trading partners and consumers. Likewise, consumers often do not know how food and agricultural products are produced, so they overestimate their knowledge or fill their knowledge gaps with readily available information without seeking its truthfulness. In turn, consumers, lawmakers, and other stakeholders are not always aware of the potential misinformation points and do not rely on reputable sources and scientific studies to form their opinions or measures. Accordingly, the Committee should consider further SPS work encouraging Members to enhance transparency in their agricultural practices, policies, and regulations with the goal of addressing misinformation and disinformation.

3.3. Additionally, the Committee can continue to facilitate international cooperation and encourage cooperation among Members to share best practices in combating misinformation. Collaborative efforts include sharing experiences, policies, and regulatory frameworks that have

been effective in addressing misinformation in different agricultural contexts. Finally, the Committee can support capacity-building initiatives, especially in developing and least developed countries, by promoting initiatives aimed at enhancing digital literacy, critical analysis, and media literacy skills. Well-educated farmers, producers, and consumers are better equipped to discern accurate information from misinformation, which may help reduce the impact of false claims in the agricultural sector.
