

Update: Work in the WTO on MRLs



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Outline of this presentation

Role of the WTO SPS Committee

Recent Discussions on MRLs

Proposal by Kenya/Uganda/US

Joint Ministerial Statement at MC11

“International Discussion on MRLs”

EU Endocrine Disruptors

Next Steps



WTO SPS Committee

- Regular forum for consultation and to carry out functions related to implementation of the SPS Agreement
 - Non-discrimination
 - Based on science: international standards or risk assessment
 - No more trade restrictive than necessary
 - Transparency



Role on International Standards



- Encourage and **monitor** the use of international standards
- Sponsor technical consultation and study
 - “with objective of **increasing coordination and integration between international and national systems** and approaches for [...] establishing tolerances for contaminants in food...”
- Maintain close contact with Codex
 - “with objective of securing the **best available scientific and technical advice...**”

Role on Specific Trade Concerns (STCs)

- Forum for consultations with countries to **resolve trade concerns** with specific SPS measures
- Raise trade concerns, singly and **in coalitions**, on the “floor” of the Committee
- Provides **regular access to SPS and trade officials** for “bilateral” meetings on the margins



Recent Work on MRLs

- EU pesticides policies
- Glyphosate
- India 2015 Paper
- October 2016 Pesticide MRL Workshop
- Submission on MRLs by Kenya, Uganda and USA
- Joint WTO Ministerial Statement at MC11
- Launch of 5th Review



EU Endocrine Disruptors/EU 1107(2009)

generation, which was on the lower end of the recommended spectrum. The European Union remained committed to continue working with Members and addressing their concerns on this issue.

Categorization of compounds as endocrine disruptors (STC 382)	
Raised by:	Argentina, China, United States of America
Supported by:	Australia, Brazil, Burkina Faso, Burundi, Canada, Chile, Central African Republic, Colombia, Costa Rica, Dominican Republic, Egypt, Guatemala, India, Indonesia, Jamaica, Kenya, Madagascar, Malaysia, Mexico, New Zealand, Nigeria, Pakistan, Paraguay, Peru, Senegal, Sierra Leone, South Africa, Chinese Taipei, Thailand, Togo, Uruguay, Viet Nam, Zambia
Dates raised:	March 2014 (G/SPS/R/74, paras. 4.3-4.4), March 2015 (G/SPS/R/78, paras. 3.20-3.22), July 2015 (G/SPS/R/79, paras. 3.50-3.52), October 2015 (G/SPS/R/81, paras. 3.34-3.37), March 2016 (G/SPS/R/82, paras. 3.15-3.20), June 2016 (G/SPS/R/83, paras. 4.32-4.37), October 2016 (G/SPS/R/84, paras. 3.18-3.23)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.181. In March 2014, the United States noted that the European Union planned to publish a roadmap outlining different options and a preliminary impact assessment in its process to assess, classify and regulate endocrine disruptors. The United States urged the European Union to swiftly

“Specific Trade Concerns –
Note by the Secretariat”

7 March 2017

G/SPS/GEN/204/Rev.17

France – Cherry Import Ban

- ❑ On April 27, 2017, France published a decree reinstating its ban on the import and sale of cherries from countries in which the use of the pesticide dimethoate is authorized. A similar ban was in place between April 22 and December 31, 2016.
- ❑ The action blocks the import of a commodity based solely on the authorization of a pesticide in the country of origin — rather than based on a risk assessment of the safety of residues that might result from its use or whether residues are actually present in imported commodities.
- ❑ US raises concern in July 2016, July 2017, November 2017 and March 2018; Canada and Argentina support.



EU MRLs

Acrinathin, metalaxal and thiabendazole

July 2017, November 2017 and March 2018 - Peru raises concern about the lowering of MRLs to 0.01 mg/kg

Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Nigeria, United States support.



Codex Standard for Glyphosate

- July 2015: U.S. raises concern that Members are considering/taking action to withdraw tolerances based on hazard report; **Ukraine** supports.
- October 2015: U.S. again raises concern; **Brazil, Canada, China and Paraguay** support.
- July 2016: U.S. again raises concern, calls out EU for not reauthorizing based on EFSA opinion; **Argentina, Brazil and Canada** support.
- October 2016: U.S. raises concern, stresses JMPR conclusion; **Argentina, Australia, Brazil, Canada and New Zealand** support.
- March 2017: Argentina raises concern, calls out EU extension to end-2017; **U.S., Canada, Brazil, New Zealand, Australia and Chile** support.
- July 2017: Argentina raises concern, calls out EU extension to end-2017; **Brazil, Canada, U.S., Dominican Republic, and Australia** support
- November 2017: Argentina and the U.S. raise concern; **Australia, Brazil, Canada, Colombia, Peru, New Zealand and Uruguay** support

India – LOD Paper*

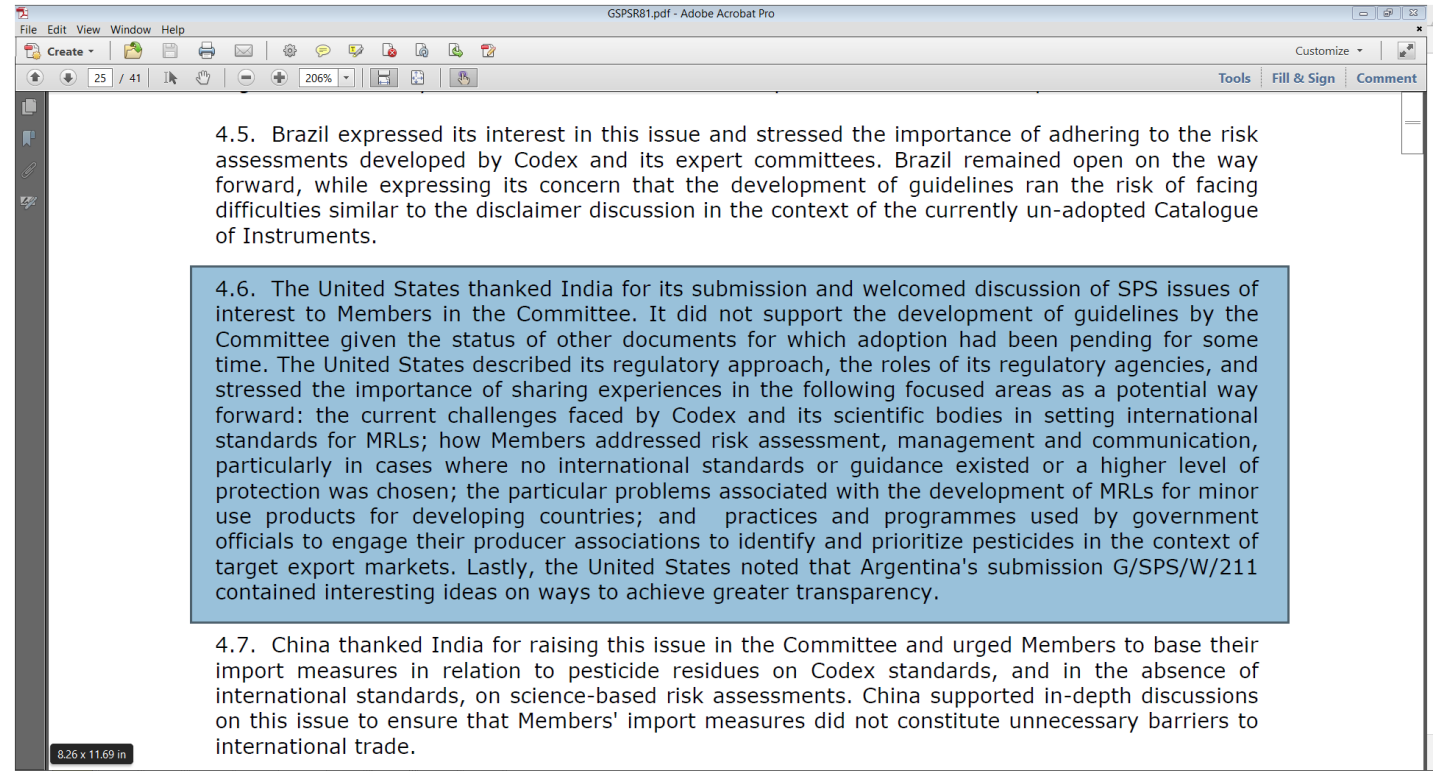
- Focused on LOD problems faced by developing country exporters in major import markets
- Recommended the Committee develop guidelines before importing countries resort to LOD for non-registered pesticides
- Many countries noted importance and complexity of issues; no consensus on developing guidelines
- Committee agreed to explore issues in more depth



*G/SPS/GEN/284

U.S. View: Focus Trade Community on...

- Current challenges in Codex and JMPR
- Central role of risk analysis in setting MRLs
- Minor use & specialty crop issues
- Vital role of producer groups/private sector
- Need to increase transparency



Workshop on Pesticide MRLs

October 2016

Program and Presentations:

https://www.wto.org/english/tratop_e/sps_e/wkshop_oct16_e/wkshop_oct16_e.htm

Summary Report:

[G/SPS/R/85](#)



Joint Paper: Kenya, Uganda & US*

- Set out core conclusions of workshop
 - Central role of risk analysis in protecting health, enabling safe use, and facilitating trade
 - Broad range of MRL-related issues are currently having a significant impact on trade in food and agricultural products
- Proposed next steps in 5 areas of MRL-related trade issues



*G/SPS/W/292

Joint Paper: Recommendations

- **Enable JMPR to Better Respond to Increased Demand and Monitor Progress on New Codex MRLs**
- **Strengthen Notification Practices for Greater Transparency and Predictability on MRLs**
- **Expand Reporting to the Committee on International and Regional Activities on MRLs**
- **Collaborate on Solutions for MRLs for Minor Use and Specialty Crops**
- **Strengthen Role of the Committee in Increasing Coordination and Harmonization**

Kenya, Uganda and the United States Propose MRL Decision at MC11*

Proposed October 3, 2017

The Ministerial Conference *decides* as follows:

We recognize the work undertaken by the SPS Committee to examine pesticide-related issues that impede and disrupt trade in food and agricultural products, and to achieve consensus on collaborative actions to reduce that risk for developing countries. We affirm the need to communicate potential risks associated with pesticide use in the environment while enabling the safe use of pesticides on agricultural products. We endorse the consensus reached by the SPS Committee to increase the capacity and efficiency of national MRL systems; to increase the maximum residue levels (MRLs); to increase national MRLs; to achieve greater harmonization of MRLs; to achieve greater harmonization of MRLs; to achieve greater harmonization of MRLs. We acknowledge the productive work of the SPS Committee (STDF) in building knowledge and capacity. We encourage the SPS Committee to continue its work in addressing trade concerns and to further collaborative, consensus actions.



*G/SPS/W/292/Rev.2

Joint Statement at MC11 Signed by 17 Minsters



WORLD TRADE
ORGANIZATION

WT/MIN(17)/52

12 December 2017

(17-6846)

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Ministerial Conference
Eleventh Session
Buenos Aires, 10-13 December 2017

Original: English

TRADE IN FOOD AND AGRICULTURAL PRODUCTS

JOINT STATEMENT OF UNDERSIGNED MINISTERS

BUENOS AIRES, ARGENTINA

11 DECEMBER 2017

The following joint statement, dated 11 December 2017, is being circulated at the request of the delegations of Kenya, Uganda and the United States.

In order to face the challenge of producing more food in a safer and sustainable way, farmers must be able to access the full range of tools and technologies available for agricultural production. Yet, our farmers' choice of safe tools is increasingly undermined by regulatory barriers that lack a sufficient scientific justification, and this is having substantial negative impact on the production of, and trade in, safe food and agricultural products. We believe in both protecting human health and facilitating access to food – both goals of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). Having in mind the importance of transparency and predictability to international trade, we call on all Members to strengthen the implementation of the WTO SPS Agreement by reinforcing the work of relevant international standards organizations and ensuring the scientific basis of SPS measures is sound. The development and application of sound SPS measures is needed to support farmers' choice in tools that can expand agricultural production and facilitate access to food and agricultural products, and also to safeguard human, animal and plant health.

In this regard, we recognize the work undertaken by the WTO SPS Committee to examine pesticide-related issues that have an adverse impact on international trade in food and agricultural products, and to achieve consensus on collaborative actions to reduce that impact on trade, particularly on the agricultural exports of developing countries. We affirm the central importance of risk analysis to assess, manage, and communicate risks of concern associated with pesticide use in order to protect public health while enabling the safe use of pesticides and facilitating trade in food and agricultural products. We support the voluntary actions by Members put forward by Kenya, Uganda and the United States (G/SPS/W/292/Rev.2) to increase the capacity and efficiency of Codex in setting international standards on pesticide maximum residue levels (MRLs); to improve

Enabling Farmer Access to Safe Tools & Technologies

- Joint MC11 Statement set MRL work in larger context: Negative impact on rural incomes and food security
- Called out the need to address unwarranted regulatory barriers to access to tools & technologies
- *Need positive initiative for collaboration on streamlining regulatory approaches to pre-market approval and inspection systems.*



Goals of Joint Statement at MC11

- Reframe narrative to larger context of shared goals on trade and development (e.g., enabling access, IPM, rural incomes, etc.)
- Consolidate anti-hazard coalition with forward positive work program
- Put forward recommendations to spur momentum on expert work
- Obtain high-level endorsement to leverage effective change

International Discussion in Geneva

- Canada hosted international discussion Feb 26-27, 2018
- Industry-government dialogue on “missing MRLs”
- Focus on trade-enabling principles to address MRL gaps
- Identify areas where efficiencies could be gained

Next Steps in WTO on MRLs

- **17 Signatories plus to submit recommendations (Rev.3) to SPS Committee under its Fifth Review of the Operation & Implementation of the SPS Agreement**
- **Use Committee for reporting/monitoring implementation of recommendations**
- **Continue to monitor Member notifications on MRLs**
- **Advocate for adherence to international standards/risk assessment/scientific principles in setting MRLs**

EU Endocrine Disruptors Redux

- Recent developments: final criteria, import tolerances policy
- Global trade impact
- Agro-food value chains
- Lost crop protection tools
- Myths about alternatives

Thank You

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