

June 19, 2020

Under Secretary Ted McKinney
Trade and Foreign Agricultural Affairs
United States Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Ambassador Gregg Doud
Chief Agricultural Negotiator
Office of the United States Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Under Secretary McKinney and Ambassador Doud:

The undersigned agricultural organizations have come together to request the U.S. administration's assistance in negotiating meaningful agricultural regulatory reform as part of any upcoming trade agreement with the European Union (EU).

We do this acknowledging the solid work that has already been done by many at the U.S. Department of Agriculture and the U.S. Trade Representative's office and are writing to encourage you to leverage and build upon that foundation during any upcoming bilateral negotiations. We want to encourage continued resources be dedicated to the pursuit of this matter.

We were encouraged by European Union Trade Commissioner Hogan's comments that the EU could be open to negotiations over agricultural regulatory barriers. In many ways, meaningful regulatory harmonization, and a European commitment to implement its food regulations consistent with the World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures (WTO SPS), could have as large an impact upon U.S. agricultural exports as tariff reduction.

In particular, the undersigned are concerned about the European Union's practical abandonment of a risk-based approach when establishing maximum residue levels (MRLs) for crop protection products applied to agricultural commodities produced in and exported to the European Union, in spite of the central role of risk assessment in EC Regulation 396/2005. We strongly support the ongoing multilateral approach to resolving this issue and believe that working in concert with developing countries and other WTO members that export to the EU is an appropriate approach. While the EU's reluctance to apply a risk-based approach when establishing MRLs is not strictly a bilateral issue, if the U.S. did not raise it in the course of bilateral negotiations, that omission could be misinterpreted as a lack of commitment or interest. This matter is too critical for such a misunderstanding.

All of us in this coalition are committed to producing and delivering safe and healthy food products. Equally, we are all committed to ensuring that food standards are scientifically founded, not politically driven, and are based on internationally accepted risk analysis principles as defined in the WTO SPS Agreement.

That is why, specifically, during any bilateral trade talks with the European Union, the undersigned organizations request that the European Union commit to:

- complying with its WTO SPS Agreement obligations when setting MRLs and import tolerances for agricultural chemicals;
- transparently identifying a level of protection necessary to protect human, animal or plant health and consistently applying that level in a manner that does not constitute a restriction on international trade;
- considering risk assessment techniques developed by international organizations and the standards set by the Codex Committee on Pesticide Residues for import tolerances;
- establishing a transparent and streamlined process for establishing import tolerances for plant protection products that are removed from the EU market for environmental or applicant exposure issues;
- ensuring products treated with previously approved EU crop protection products be allowed to enter the European market and complete the channels of trade.

The undersigned organizations thank you for the work that has already gone into this issue and appreciate your continued commitment to resolving it.

Sincerely,

American Farm Bureau Federation
American Peanut Council
American Potato Trade Alliance
American Soybean Association
American Spice Trade Association
California Apple Commission
California Blueberry Association
California Blueberry Commission
California Cherry Export Association
California Citrus Quality Council
California Fresh Fruit Association
California Pear Growers Association
California Prune Board
California Specialty Crops Council
California Walnut Commission
California Wild Rice Advisory Board
Cranberry Institute
CropLife America

Florida Fruit and Vegetable Association
Hop Growers of America
National Corn Growers Association
National Potato Council
North American Blueberry Council
Northwest Horticultural Council
Olive Growers Council of California
U.S. Grains Council
U.S. Hop Industry Plant Protection
Committee
U.S. Soybean Export Council
U.S. Wheat Associates
United Fresh Produce Association
USA Rice
Washington State Potato Commission
Wisconsin Potato & Vegetable Growers
Association