



AMERICAN SPICE TRADE ASSOCIATION, INC.

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January 23, 2020

Rachel Vanderberg
Foreign Agricultural Service
United States Department of Agriculture

Re: ASTA's Comments to the United States Government on EU Notification G/SPS/N/EU/360

Dear Ms. Vanderberg,

The American Spice Trade Association (ASTA) was established in 1907 and serves as the voice of the U.S. spice industry in the global market. Our approximately 200 member companies are involved in all aspects of the spice trade: importing, growing, processing, and marketing at both the wholesale and retail levels. The spice industry is an integral part of the overall food and agricultural sectors, which account for about one fifth of the U.S. economy. The spice industry is an inherently global industry that supports the livelihoods of farmers in many developing nations. Spices are sourced from countries all over the world and the spice industry is entrenched in global trade.

ASTA's member companies include multinational corporations that rely on complex global supply chains and sell into multiple regional markets to support their businesses in the United States. Many of these companies source spice and herb commodities grown in a wide variety of countries around the world and sell into the European Union (EU). The revocation of the chlorpyrifos tolerances will create a major disruption in these supply chains. The exceedingly short transition time is of particular concern. An exemption of products already in the stream of commerce, a reasonable multi-year transition period until 2023, and a reconsideration of MRLs on the basis of technical feasibility would significantly ease the burden of the EU's new proposed requirements on the U.S. spice industry.

Thank you for the opportunity to contribute the following comments to inform the United States government's response to European Union Notification G/SPS/N/EU/360.

- **Products already in the EU market should be exempted from the new requirements**

Due to the extremely short transition time and lack of an exemption for products currently in the stream of commerce, many products already on store shelves would be rendered out of compliance with the new MRL requirements before the shelf life of the products expire.

Herbs and spices are used as seasoning ingredients in a wide range of food products, many of which have long shelf lives. The vast majority of herbs and spices are sold to food manufacturers for use in recipes at a minor percentage of the overall product. Despite the insignificant contribution to the product, the revocation of the MRLs would not only impact spice and herb



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products sold directly to consumers, but also could impact a wide array of food products that contain these ingredients.

The unreasonable implementation timeframe would put food companies who legally imported ingredients into the EU in the extraordinarily unfair and damaging situation of having to remove products from store shelves and destroy them in order to come into compliance. This would not only be incredibly economically burdensome to food companies, but also unbelievably wasteful of food and packaging materials. As such, we ask that the EU include an exemption for products that are already on the market at the time that the regulation is implemented to allow companies sufficient time to deplete their existing inventory before being required to comply with the new MRLs.

- **Growing regions need time to adapt**

Chlorpyrifos is permitted for use and used on a wide variety of herbs and spices in many counties around the world, which are then subsequently imported in the EU. For example, it is used to control insects on black pepper in Vietnam, Indonesia, and Malaysia. Likewise, it is used on many other spices and herbs around the world and there are corresponding chlorpyrifos MRLs established on spices and herbs in many countries and within Codex.

Chlorpyrifos is currently being applied during this growing season. The cycle of growing, harvesting, exporting and trading spice and herb commodities takes a total of at least three years. During the first year, the product is grown and harvested, then exported; these commodities typically have a shelf life of at least two years.

It is a massive undertaking to obtain changes in growing practices at the farmer level. Spices are typically grown on very small shareholder farms (<10 hectares), which yield relatively low quantities of spices per farm, perhaps only a few hundred pounds annually. Since spice companies need relatively large quantities for their commercial purposes, at least several tons at a time, spices typically need to be consolidated from many farms in order to obtain commercially viable quantities for importers. Implementing widespread changes to agricultural practices requires communicating to hundreds of thousands of farmers and working with local governments within a given region. Then, even once the farmers have transitioned away from actively using the chemical, it can persist in the soil for years and cross contact between the crop and the soil can result in residues.

Furthermore, many spice growers are subsistence farmers in developing countries who rely on the yields of their crops for the livelihoods of their families. The loss of this critical tool to manage devastating pests may diminish the ability of these farmers to obtain sufficient yields while transitioning to the new regulations. The loss of an important pest management tool combined with the inability to export product containing residues to the EU, which is a key export market, has the potential to significantly threaten the livelihoods of farmers, impacting their ability to feed and care for their families.



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Finally, with respect to herbs and spices grown in the United States, the EPA permits the application of chlorpyrifos on spearmint and peppermint and has an allowable tolerance of 0.8 ppm and also a tolerance on peppermint oil and spearmint oil of 8ppm. While the exports of mint products to the EU are modest, it would benefit U.S. growers to continue to have the ability to use chlorpyrifos on mint without encountering a technical trade barrier.

A transitional period allowing the industry to come into compliance by 2023 would significantly alleviate these burdens. Furthermore, we urge the EU to reconsider the MRLs based on feasibility within the supply chain due to unavoidable levels.

In summary, we are requesting the following:

- An exemption for products currently on store shelves to avoid incredible economic burden and waste.
- A more reasonable transition time until 2023 to allow growers sufficient time to adapt to the new requirements.
- Establishment of MRLs based on technical feasibility, taking into account unavoidable supply chain challenges and environmental persistence of the chemical.

Once again, ASTA sincerely appreciates the opportunity to provide input to the U.S. government on the European Union Notification G/SPS/N/EU/360.

Sincerely,

Laura Shumow
Executive Director
American Spice Trade Association