

We hope this finds you well

The Republic of Colombia appreciates the opportunity offered by the United States to comment on the notification identified as G/SPS/N/USA/3270, made to the World Trade Organization (WTO), announcing the entry into force of the regulation prohibiting the use of Chlorpyrifos in foodstuffs. In this regard, Colombia would like to provide the following comments that highlight the potential impact on world agriculture that affects, in particular, Colombian coffee and bananas. We would therefore be grateful if you would take them into consideration in order to promote agricultural development and facilitate foreign agricultural trade with the United States, Colombia's main trading partner.

In Colombia, as in other countries, the use of certain active molecules -such as Chlorpyrifos- is indispensable in agricultural production. These are essential phytosanitary tools to protect crops against pests and diseases, as well as to maintain the quality and safety of the product during the production and marketing stage in the international market.

Of particular concern is the prohibition of the substance Chlorpyrifos (G/SPS/N/USA/3270) and consequently the reduction of the Maximum Residue Limit (MRL) which, in practice, reflects a zero tolerance (0.01 mg/kg). This substance is essential for controlling quarantine pests in coffee crops, mainly the coffee berry borer (which is the most important and devastating pest in coffee plantations and generates significant economic losses when crops are not controlled with effective insecticides such as Chlorpyrifos).

In banana as in many other countries, the main affectation is due to the "black weevil", therefore, the substance Chlorpyrifos is used through the plastic wrapping "TreeBag" (impregnated with Chlorpyrifos), which, in addition to avoiding damage to the fruit, ensures less exposure to the phytosanitary product compared to other substances.

The prohibition of the Chlorpyrifos molecule, which currently has no competitive substitute in the country, would hinder the control of quarantine pests in our agricultural products, negatively affecting Colombian coffee and banana exports to the U.S. market, which in turn will have a significant negative social and economic impact on the producing regions.

We note that in the current prohibition of the molecule Chlorpyrifos, although the Environmental Protection Agency conducted a study related to the consequences of its use and impact on human health, it was not possible to conclude on the safety of the substance, therefore, we suggest the prohibition, and consequently the elimination of the MRL at the minimum level of detection (0.01mg/kg) as a preventive measure.

For the above, we wish to express Colombia's concern for the potential impact on our exports of agricultural products such as bananas, coffee and other exotic fruits that employ more than 2,700,000 people and represent the economic livelihood of more than 583,000 families in the cultivation of coffee and 213,950 families in the cultivation of bananas. This is a consequence of the proposed ban on Chlorpyrifos.

In this regard, it is important to mention that when reviewing the Codex Alimentarius and even the Colombian national regulation -harmonized with this international reference organization-, it is found that the MRLs that have been determined -based on conclusive scientific evidence- are 0.05 mg/kg for the Chlorpyrifos molecule. Therefore, the US modification would depart from the Codex Alimentarius as the international standard recommended by the WTO SPS Agreement.

It is worth noting that Colombian banana and coffee producers have implemented phytosanitary plans under international quality standards, where Good Agricultural Practices are linked and some, have certifications such as Global GAP. Additionally, since 2017, efforts have been intensified for the adoption of good agricultural practices especially associated with Chlorpyrifos deficiency periods that ensure compliance with the MRLs required by international markets.

For this reason, we request that in the US analysis of the Chlorpyrifos molecule, the provisions of the WTO SPS Agreement be taken into consideration, particularly those established in Article 5, paragraph 2 (when assessing risks, Members shall take into account: existing scientific evidence; existing processes;

processes and procedures for the evaluation of the risks; and the risks associated with the use of chlorpyrifos): Existing scientific evidence; relevant processes and production methods; relevant inspection, sampling and testing methods) as well as in paragraph 3 of the same Article 5 (Members shall take into account as relevant economic factors: possible injury from loss of production or sales).

On the other hand, with respect to the deadlines established in notification G/SPS/N/USA/3270, we are grateful to the U.S. for providing greater clarity on the adoption times. In this regard, we wish to recall that WTO Members should provide a reasonable period of time between the publication of technical regulations and their entry into force, in order to allow time for producers in exporting Members, especially developing countries, to adapt their products or production methods to the requirements of the importing Member.

We also thank the U.S. for providing us with additional information on the process and timelines for the establishment of import tolerances for the active substance to be banned. We also encourage the U.S. to deepen its interaction with trading partners on this issue to reduce the negative effects on trade.

By virtue of the above, Colombia urges the U.S. to maintain the registration of the molecule Chlorpyrifos. Colombia also requests a period of at least 12 months for the entry into force of the measure, taking into account that to date there is no phytosanitary alternative substitute for Chlorpyrifos, and (the period of six months granted in the WTO notification) is not enough time to make the necessary adjustments in the production of our crops to ensure compliance with the new requirements for access to the U.S. This is in accordance with the provisions of the WTO SPS Agreement, which establishes that in determining the appropriate level of sanitary or phytosanitary protection, Members shall minimize negative effects on trade.