

FW: Thailand coordination/info sharing on paraquat/chlorpyrifos ban

From: "Anderson, Lisa M. EOP/USTR" <lisa.m.anderson@ustr.eop.gov>
To: "Nicholson, Erin H. EOP/USTR" <erin.h.nicholson@ustr.eop.gov>, "Branch, Colby H. EOP/USTR" <colby.h.branch@ustr.eop.gov>
Date: Tue, 28 Apr 2020 12:31:16 -0400
Attachments Update on TFDA residue in foods implementation for Paraquat and Chlorpyrifos_Bangkok_Thailand_04-17-2020.pdf (131.82 kB); Unofficial Translation_MOI Draft Notification on Paraquat and Chlorpyrifos 4 24 2020.docx (27.36 kB); tha567.docx (47.81 kB)

Hi Erin and Colby,

FYI for more background on the Thailand paraquat and chlorpyrifos bans. Apologies for not sending this e-mail before the call, but it's not too late to catch up on the issue.

Lisa


Lisa Anderson | Director, Agricultural Affairs | Office of Agricultural Affairs |
Office of the U.S. Trade Representative
Lisa.M.Anderson@ustr.eop.gov | O: 202-395-7130 | C: **EXEMPTION 6** |

From: Faglarone, Jacob - FAS, Washington, DC **EXEMPTION 6** usda.gov>
Sent: Friday, April 24, 2020 2:14 PM
To: Anderson, Lisa M. EOP/USTR <Lisa.M.Anderson@ustr.eop.gov>; Rasmussen, Mark - FAS, Washington, DC **EXEMPTION 6** usda.gov>
Cc: Prado, Marta M. EOP/USTR <Marta_M_Prado@ustr.eop.gov>; Francom, Michael - FAS, Guangzhou, China **EXEMPTION 6** fas.usda.gov>; Egelhofer, David - FAS, Washington, DC **EXEMPTION 6** usda.gov>; Fulton, Catherine - FAS, Washington, DC **EXEMPTION 6** usda.gov>
Subject: RE: Thailand coordination/info sharing on paraquat/chlorpyrifos ban

Hi Lisa,

Thanks for your questions. This is actually very timely as I just reached out to industry on this today and am setting up a Plant Division call next week on this topic. We would be very happy to have you on the call for USTR input. If you have availability Monday or Tuesday, please let me know.

Thailand **did** notify these bans to the WTO TBT committee, as they did in October when they originally planned to implement in December. We received the translation this week, along with the GAIN report in the attachments. In our original TBT comment in November, we requested that they notify such bans to the SPS committee, due to the impact on MRLs. They seem to have not taken our request seriously, as they only notified to the TBT committee, again.

EPA is currently reviewing the registration for chlorpyrifos and paraquat, on their regular 15 year review schedule. There is some uncertainty in terms of their future regulatory status in the United States, so it is a little bit more complicated than developing a position for glyphosate is. Last I checked, EPA expected to finish these reviews in 2020 Q4. However, that timeline was developed before the COVID-19 pandemic, so it may be pushed back. Either way, this does not help us develop a strategy in the near term. 

In recent weeks and months (and all the way back to fall 2019, during the original ban announcement), industry has definitely been vocal about chlorpyrifos and paraquat. USW and USGC have been checking in and raising concerns, particularly with respect to chlorpyrifos-methyl. We will certainly be looking for their responses as we prepare to respond to Thailand.

As for connecting with APHIS on Mark Powers'/NHC's concerns, I believe Mark R. has more on that from a call he had with Andrea Simao, though I have yet to hear back from APHIS.

Let me know your availability early next week and I'll set something up for us to discuss.

Thanks again for your continued help on these bans,

Jake Fagliarone

International Economist
Plant Division | Trade Policy and Geographic Affairs

EXEMPTION 6

Washington, D.C.

EXEMPTION 6 [usda.gov](https://www.usda.gov)



From: Anderson, Lisa M. EOP/USTR <Lisa.M.Anderson@ustr.eop.gov>

Sent: Friday, April 24, 2020 1:26 PM

To: Rasmussen, Mark - FAS, Washington, DC EXEMPTION 6 usda.gov>; Faglarone, Jacob - FAS, Washington, DC EXEMPTION 6 usda.gov>

Cc: Prado, Marta M. EOP/USTR <Marta_M_Prado@ustr.eop.gov>

Subject: Thailand coordination/info sharing on paraquat/chlorpyrifos ban

Hi Mark and Jake,

Would it be possible to touch base with USDA on where things are with regard to Thailand's ban on chlorpyrifos and paraquat? It would be good to know where things stand with the EPA review of chlorpyrifos and what actions the U.S. might want to take with regard to that and paraquat. If Thailand changes its MRLs on these substances to zero -- per the rules of being in category 4 -- then Thailand would need to notify them to the WTO, correct? Have you seen anything notifications from Thailand to this effect? What are you hearing from U.S industry on these bans and what it plans to do if there is a zero tolerance? What does such a ban mean for U.S exports of wheat and soybeans, for example?

I'm happy to set up a line here to further discuss but I think we should be coordinated going forward. COVID-19 may have delayed things a bit on Thailand's side, but it would be best to be proactive on a strategy.

On a separate Thailand note, were you able to discuss Mark Powers' concerns on SPS and import restrictions with APHIS? If so, what was the upshot?

Best,

Lisa

Lisa Anderson | Director, Agricultural Affairs | Office of Agricultural Affairs |
Office of the U.S. Trade Representative

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1 April 2020

(20-2630)

Page: [APG]/[ANP]

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<p>1. Notifying Member: <u>THAILAND</u> If applicable, name of local government involved (Article 3.2 and 7.2):</p>
<p>2. Agency responsible: Department of Agriculture (DOA) Ministry of Agriculture and Cooperatives http://www.doa.go.th Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</p>
<p>3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:</p>
<p>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Hazardous substances used in agriculture (Pesticides); (HS: 3808); (ICS: 65.100)</p>
<p>5. Title, number of pages and language(s) of the notified document: Draft Notification of Ministry of Industry on List of Hazardous Substances (vol....) B.E. (2 pages, Thai) (2 page(s), in Thai)</p>
<p>6. Description of content: The Ministry of Industry has proposed to withdraw the list of hazardous substances under the hazardous substances list attached to the Ministry of Industry Notification; Re. List of Hazardous Substances B.E. 2556 (2013) dated 28 August B.E. 2556 (2013), List 1.1, under the responsibility of Department of Agriculture. Manufacturers, importers, exporters, or any person having in possession of hazardous substances (category 4) as listed in this notification prior to the effective date shall abide by the order of authorized officials within the time of specified by the authority. This notification will be in effect on 1 June 2020</p>
<p>7. Objective and rationale, including the nature of urgent problems where applicable: Protection of human health or safety</p>
<p>8. Relevant documents: Hazardous Substances B.E. 2535 (1992) amended Vol.2 B.E. 2544 (2001) Vol.3 B.E. 2551 (2008), and Vol. 4 B.E. 2562 (2019)</p>

9. Proposed date of adoption: - Proposed date of entry into force: 1 June 2020
10. Final date for comments: 60 days from notification
11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body: National Bureau of Agricultural Commodity and Food Standards (ACFS) 50 Phaholyothin Road, Ladyao Chatuchak, Bangkok 10900 Thailand Tel: +(662) 561 4024 Fax: +(662) 561 4034 E-mail: spsthailand@gmail.com Websites: http://www.acfs.go.th , http://www.spsthailand.net/ https://members.wto.org/crnattachments/2020/TBT/THA/20_2298_00_x.pdf

(Unofficial Translation)

**Notification of Ministry of Industry on List of Hazardous Substances No. ____
B.E. _____ (A.D. _____)**

By virtue of Section 5 paragraph two and Section 18 paragraph two of the Hazardous Substance Act B.E. 2535, Minister of Industry and by the opinion of the National Hazardous Substance Act issues the notification as following:

Article 1 Cancel the list of Hazardous Substance as presented in the Annex of Ministry of Industry Notification on List of Hazardous Substances B.E. 2556, dated 28 August 2013, and replace the following list in the Annex:

List 1 which is under supervision of Department of Agriculture

List 1.1. Restricted items No. 53 chlorpyrifos, No. 54 chlorpyrifos-methyl, No. 352 paraquat, No. 353 paraquat dichloride, and No. 354 paraquat dichloride [bis (methyl sulfate)]

Article 2 Manufacturers, importers, exporter and possessors of hazardous substance in category 4 under this notification that have operations before effective date of this notification are to act in accordance with order of authorized officials within a determined period.

Article 3 This notification is in effective on June 1, 2020.

Announced on Date Month.... Year

Minister of Industry

A List of Hazardous Substances Annexed to the Notification of Ministry of Industry on List of Hazardous Substances (No. ___)

List 1 which is under supervision of Department of Agriculture

Item No.	Hazardous Substance	CAS No.	Category
53	chlorpyrifos	2921-88-2	4
54	chlorpyrifos-methyl	5598-13-0	4
352	paraquat	4685-14-7	4
353	paraquat dichloride	1910-42-5	4
354	paraquat dichloride [bis (methyl sulfate)]	2074-50-2	4

SENSITIVE BUT UNCLASSIFIED