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—DISCUSSION—
TECHNICAL REGULATIONS AND FOOD SAFETY IN NAFTA

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Bredahl and Holleran's paper provides a general overview of international technical barriers for food and agricultural products by giving a limited review of current literature, details on the Sanitary Phytosanitary (SPS) agreements, and highlights of particular technical barrier concerns. The paper also discusses the differences between voluntary standards and technical regulations. The article concludes with a detailed description of the issues surrounding the importation of Mexican avocados to the United States, and a few general suggestions on international cooperation and coordination.

The definition of technical barriers to trade in the opening discussion should be expanded. Technical regulations are defined in the paper as "national or international government-enforced legal requirements imposed for health, safety, or environmental reasons." Voluntary standards are defined as "nationally or internationally accepted procedures or guidelines adopted to maintain consistent quality." This definition of technical barriers omits a class of technical barriers required and handled by governments that address *quality* concerns. In the United States, agricultural quality standards are primarily voluntary, but many countries regulate and legislate the protection of agricultural products and food quality. Countries have mandated shelf-life restrictions for food safety and quality concerns. Countries also regulate grain quality and standards. Two agencies within USDA are responsible for handling foreign countries' quality concerns with U.S. agricultural products. The Agricultural Marketing Service handles foreign quality regulations for U.S. fruits and vegetables exported to foreign countries. The Grain Inspection and Packers and Stockyards Association addresses grain quality concerns voiced by foreign governments and companies.

Following the opening definition, Bredahl and Holleran provide one method to categorize technical barriers for food. The cited categorization is a misleading system for organizing technical barriers because it does not make the clear distinction between regulatory goals, targets, and methods. Food safety and packaging belong in two discrete categories, whereas the paper's example groups them as one. *Regulatory goals* are the rationale for a specific SPS or quality issue, such as plant health, animal health, food safety, environmental measures, or quality or conformity requirements. *Regulatory targets* pinpoint where in the production process a particular regulation is aimed, such as during the inputs

for production, processing stage, or distribution. The *regulatory* method includes the specific requirements imposed, such as a requirement to list the ingredients on the package.

Under the above classification, food safety and packaging should not be grouped in the same category. Food safety is a regulatory goal, while packaging is a regulatory method that targets the processing stage of production. For example, packaging requirements may serve many different regulatory goals. Food safety could be the rationale for listing the contents on a product's package to avoid specific allergens. Limited packaging or packaging material made of recyclable materials could meet an environmental objective. Packaging methods could also provide quality assurances for a particular product.

The paper follows the classification discussion with a concise descriptive section on the current NAFTA and WTO regimes for technical barriers and SPS issues. Following the WTO and NAFTA discussion, a case study illustrates the length and complexity of one SPS issue: the importation of Mexican avocados into the United States. The resolution mechanism is described as a systems approach. It is designed to achieve one regulatory goal, in this case plant health, but uses several regulatory targets and regulatory methods to achieve the goal.

The paper concludes with a discussion of how to reach accord and efficiency between countries in the regional and multilateral TBT and SPS agreements. Methods suggested are:

1. regulatory harmonization (the same);
2. regulatory equivalence (different, but striving to reach the same regulatory goal) both suggested in the GATT SPS agreement; and
3. coordination and alignment.

The explanation for alignment recognizes that there could be a gradual narrowing of technical food and agricultural regulations based on voluntary standards of practice. This observation reopened the earlier brief discussion of voluntary standards. The issue of voluntary standards is left unexplored and would be a good addition to the suggested areas for future research.

The paper provides a good description of the NAFTA and GATT SPS and Technical Barriers to Trade (TBT) agreements. It addresses some interesting issues that warrant further exploration in addition to the voluntary standards topic. These issues include: 1) how historical cultural differences can effect the legal system and thus, SPS rules, 2) how coordination or overlap of regional SPS agreements (NAFTA) may interact with the multilateral SPS agreements (WTO), and 3) an analysis in efficiency differences and germaneness of voluntary standards versus regulatory mandates.