



Regulatory Framework for Plant Protection

Marina Zlotina

IPPC Technical Director

Plant Protection and Quarantine

USDA-APHIS



This presentation addresses:

- Importance of the regulatory framework
 - The WTO
 - The SPS Agreement
 - SPS Agreement and risk analysis
 - Evidence
 - Risk assessment
 - Risk Management
 - ALOP
- The IPPC
- ISPMs
- NPPOs and RPPOs

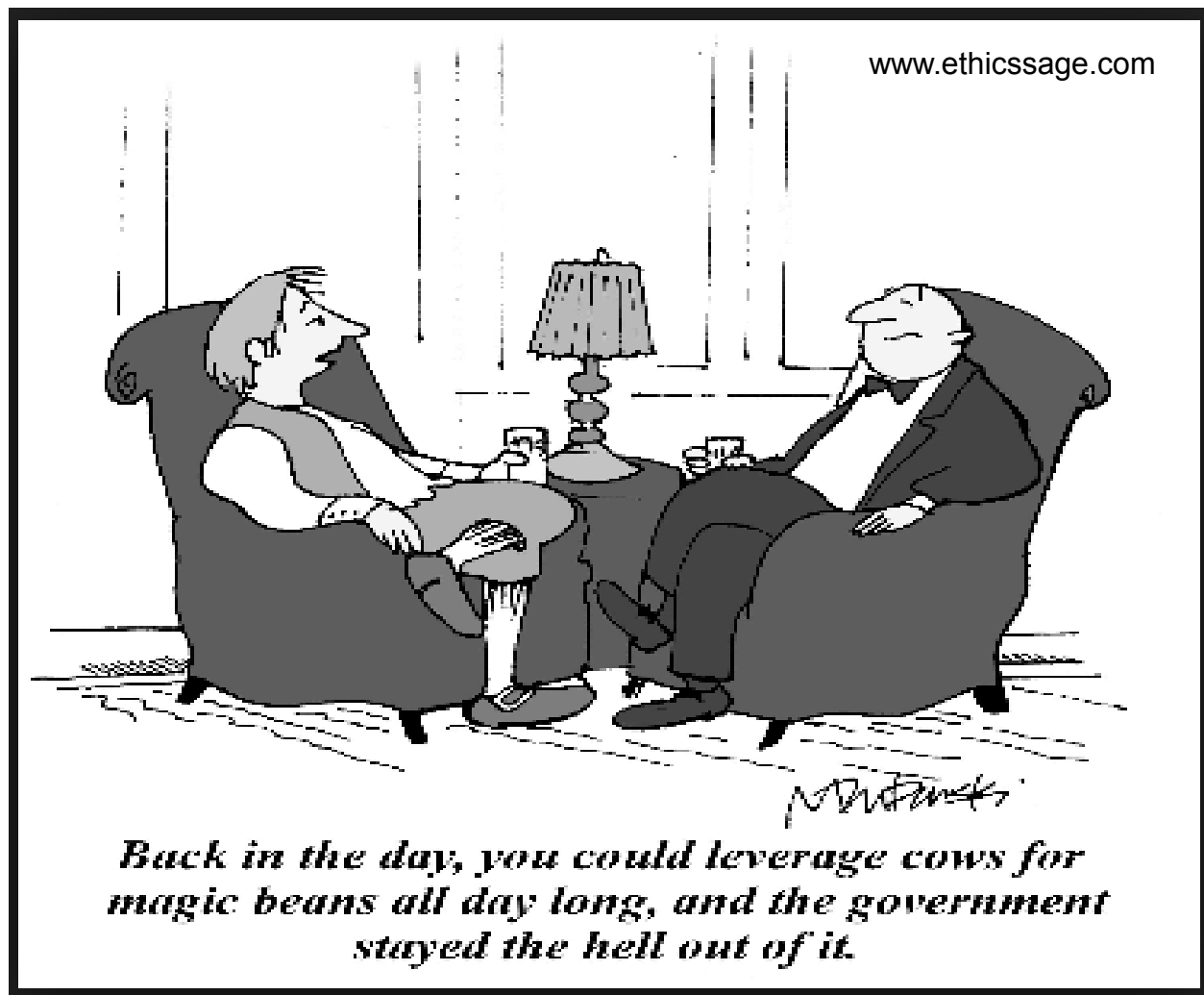


Why the framework is important

Before the international regulatory framework was in place nations wanted to protect themselves while trading with other nations

- This was achieved through tariffs and other types of trade barriers (technical)
- Sanitary and phytosanitary measures as barriers
- Affecting prices, distorting trade





World Trade Organization (WTO)

- Established as a forum for governments to **negotiate** trade agreements, **facilitate** trade between nations and **reduce impediments** to trade
- Only global organization dealing with the rules of trade between nations
- Successor to the GATT



WTO Objectives

- Help trade go smoothly, **fairly**, and predictably, by...
 - Administering trade agreements
 - Forum for negotiations
 - Handling disputes—“legally binding”
 - Monitoring trade policies
 - Providing technical assistance and training
 - Cooperating with other organizations



Agreement on the application of sanitary and phytosanitary measures (SPS Agreement)

- Agreement on how governments can apply measures for food safety, animal health and plant health **without unnecessary obstacles to trade**





"These new regulations will fundamentally change the way we get around them."

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SPS Agreement

- Encourages countries to use international standards, guidelines and recommendations when developing their **SPS measures**
- **S** = Sanitary = human health and animal health
- **PS** = Phytosanitary = plant health



Importance of SPS

- An SPS measure that is not actually required becomes a protectionist tool
- Complex SPS measure may be deceptive and difficult to challenge
- The SPS Agreement restricts the use of unjustified measures for the purpose of trade protection



Why does this matter?

The basic aim of SPS Agreement is to maintain the **sovereign right** of any country to provide the **level of SPS protection it deems appropriate**, but ensure that these sovereign rights are **not misused** for protectionist purposes and do not result in unnecessary barriers to international trade.

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Key SPS Requirements

- Sovereignty
- Transparency / notification
- **Risk Assessment**
- Regionalization
- Equivalence
- Provisional measures
- Least trade restrictive (minimal impact)
- Non-discrimination / national treatment
- **“Appropriate level of protection”/ consistency**
- Harmonization





International Regulatory Framework and Risk Analysis

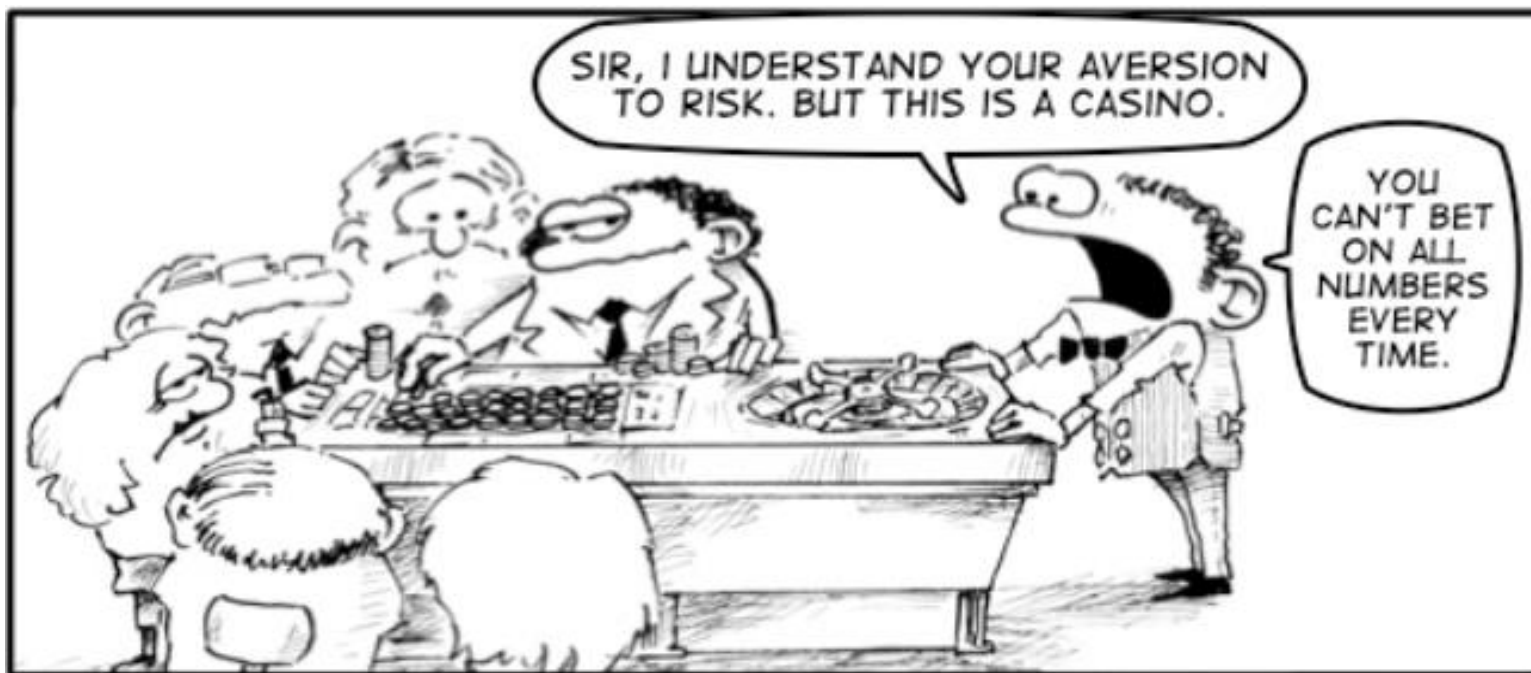


SPS Agreement: Article 2

“Members **shall** [hard legal language = obligation] ensure that any SPS measure is applied **only to the extent necessary** to protect human, animal or plant life or health, is **based on scientific principles** and is not maintained without sufficient scientific evidence...”

SPS (Article 5) and Risk Assessment (RA)

“The **evaluation of the likelihood** of entry, establishment or spread of a pest or disease within the territory of an importing Member according to the sanitary and phytosanitary measures which might be applied, and of the **associated potential biological and economic consequences.**”



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- RA must be used in determining appropriate measures
- Assessments shall be based on available scientific information



Uncertainty

- Uncertainty is built-in to the concept of risk; without it, the term “risk” does not apply.
- That is, if the probability and the consequences of a particular hazard are known with certainty, it is not a risk.



Separating uncertainty from judgment about risk

- Risk estimate should be based only on the available **evidence**, not the on uncertainty associated with the evidence
 - Given element should not be rated higher if there is a lot of uncertainty;
 - The rating should be assigned based on available evidence and the high level of uncertainty should be noted.

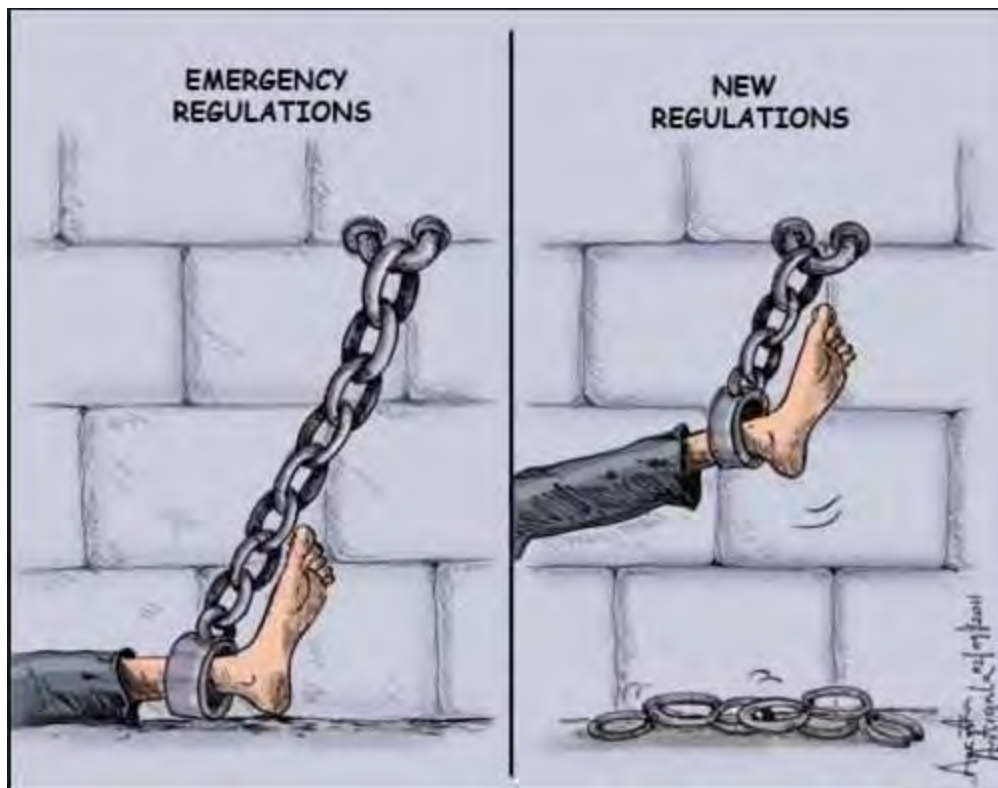


Provisional measures

- “In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members.” (SPS Article 5 para 7)



Provisional measures



Risk Management in SPS

- Risk management should be consistent with a country's appropriate level of protection



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Appropriate level of protection (ALOP)

Appropriate level of protection (or acceptable level of risk) = **the level of protection deemed appropriate** by a WTO member in establishing a sanitary or phytosanitary **measure to protect** human, animal or **plant life or health** within its territory



SPS Article 5, para 5

“...With the objective of achieving **consistency** in the application of the concept of **appropriate level of** sanitary or phytosanitary **protection** against risks to human life or health, or to animal and plant life or health, each Member shall **avoid arbitrary or unjustifiable distinctions** in the levels it considers to be appropriate in different situations, if such distinctions result in discrimination or a disguised restriction on international trade.”

- There should be a rational, consistent relationship between the *risk associated with a given situation*, the **measures applied to mitigate or manage the risk** and the level of protection applied across different commodities and sectors.



Bush, George W.:

“See, in my line of work you got to keep repeating things over and over and over again for the truth to sink in, to kind of catapult the propaganda.”

(White House Press Release: May 24, 2005)



The International Plant Protection Convention (IPPC) and International Standards for Phytosanitary Measures (ISPMs)



Safeguarding America's Agricultural and Natural Resources

United States Department of Agriculture | Animal and Plant Health Inspection Service | Plant P

The International Plant Protection Convention (IPPC)

- Multilateral treaty for international cooperation in plant protection
- Governed by Commission on Phytosanitary Measures
- Phytosanitary standard-setting body named in SPS Agreement





Safeguarding America's Agricultural and Natural Resources

United States Department of Agriculture | Animal and Plant Health Inspection Service | **Plant Protection and Quarantine**

The International Plant Protection Convention (IPPC)

- Global instrument for harmonization of **phytosanitary measures**
- Phytosanitary measures are “any legislation, regulation, or official procedure having the purpose to prevent the introduction and/or spread of pests”



Purpose of the IPPC

- From Preamble: “...international cooperation in controlling pests of plants and plant products and in preventing their international spread, and especially their introduction into endangered areas”
- ...and to promote appropriate measures for their control



Scope of the IPPC

- Pests of plants including diseases and weeds
- Plants, plant parts, unprocessed plant products
- Storage places, conveyances, and containers
- Other objects or materials capable of transporting or spreading pests



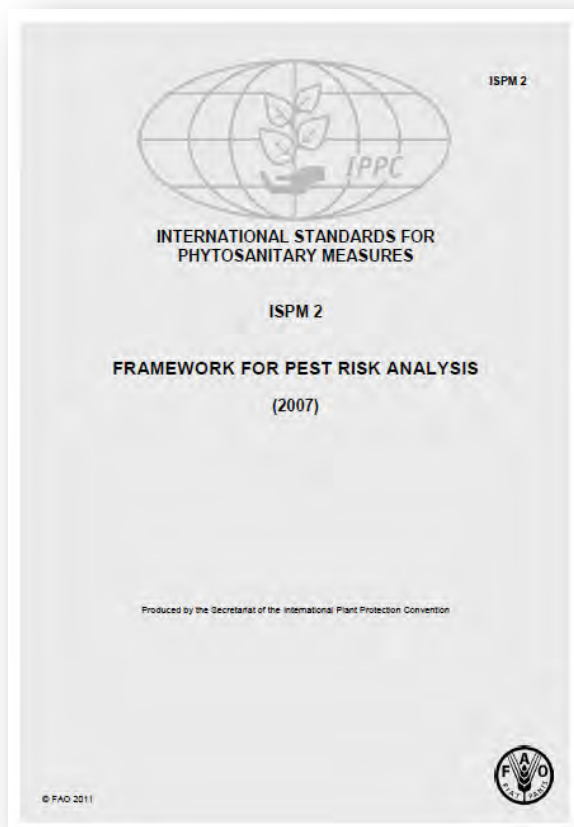
IPPC activities

- **International standard-setting (ISPMs)**
- Information exchange
- Dispute resolution/dispute avoidance
- International cooperation in pest eradication and pest management
- Technical assistance
- Capacity building



IPPC standards (up to 2015)

- <https://www.ippc.int/en/core-activities/standards-setting/ispms/>
- Others in development



Types of ISPMs

- **Reference standards**
 - Glossary of Phytosanitary Terms
- **Pest risk analysis standards**
- **Concept standards**
 - Guidelines for pest free areas
- **Specific standards**
 - Wood packaging
 - Fruit fly standards



(Pest) Risk Analysis and the IPPC

The process **evaluating biological or other scientific and economic evidence** to determine whether an organism is a pest, whether it should be regulated, and the strength of any phytosanitary measures to be taken against it

according to ISPM No. 5



Pest risk analysis (PRA) ISPMs

- **ISPM 2:** Framework for pest risk analysis
- **ISPM 11:** Pest risk analysis for quarantine pests including analysis of environmental risks and living modified organisms
- **ISPM 5:** Glossary of phytosanitary terms
- Other relevant standards: ISPM 21: PRA for RNQPs



Pest risk management ISPMs

- Equivalence – ISPM 24
- Pest free area – ISPMs 4, 10, 22, 26
- Systems approach – ISPM 14
- Wood packaging – ISPM 15
- Irradiation – ISPM 18
- Inspection – ISPM 23
- Transit – ISPM 25
- Categorization of commodities (by pest risk) ISPM No. 32



IPPC standards: Key point

IPPC standards are not obligations under the IPPC, but **are** obligations for IPPC contracting parties that are also WTO members under the SPS Agreement.



IPPC-WTO relationship

- Independent organizations linked through the SPS Agreement
- Both are international treaties (Codex and OIE do not have treaty status)
- Different memberships, governance



The IPPC is a protection agreement that makes **provision for trade**; the SPS is a trade agreement that makes **provision for protection**.

Key points

SPS Agreement (of WTO)

- Technically justified SPS measures
- Harmonization of SPS measures
- Identifies three standard-setting bodies



Key points

International Plant Protection Convention (IPPC)

- International treaty
- Governed by Commission
- Produces International Standards (ISPMs)
 - Reference, concept, specific
 - Provides guidance to countries on implementing national laws/regulations



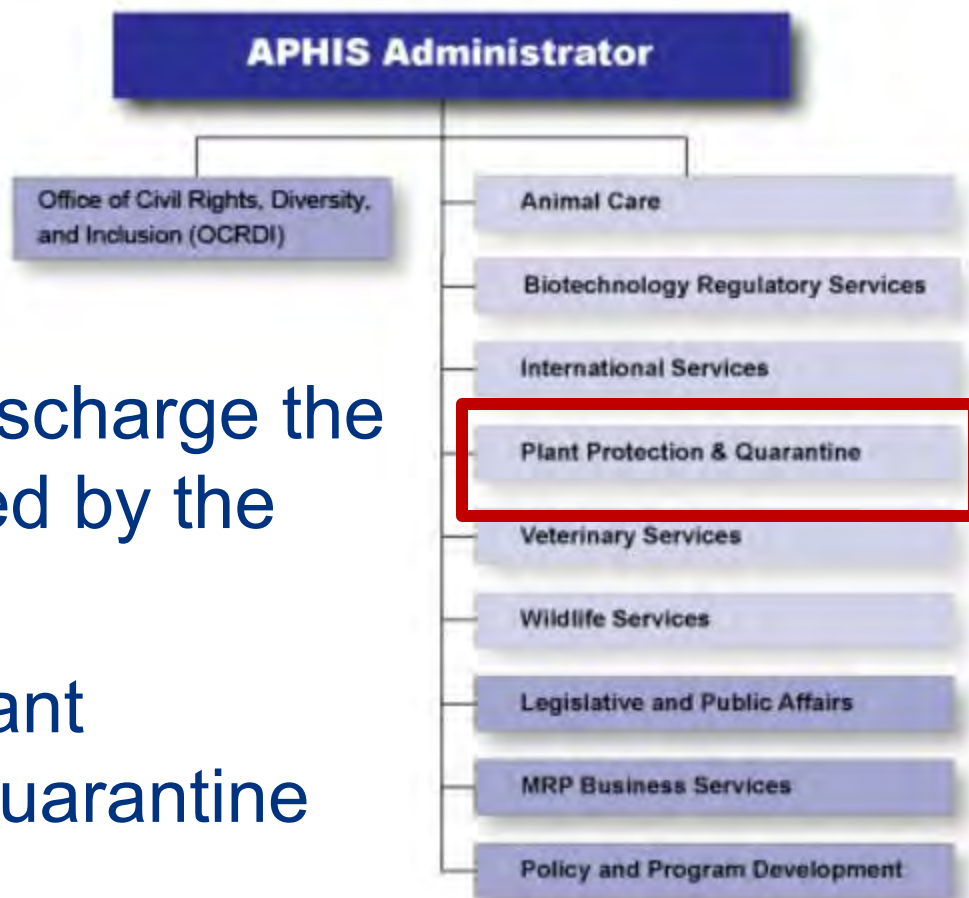


National and Regional plant protection Framework(s)



National Plant Protection Organization (NPPO)

- **ISPM 5:**
- “Official service established by a government to discharge the functions specified by the IPPC”
- **USDA-APHIS Plant Protection and Quarantine**



To discharge its functions, an NPPQ must have...

1. Legal/regulatory authority
2. Administrative actions
3. Functional capacity
 - i. scientific
 - ii. technical
 - iii. analytical
 - iv. operational

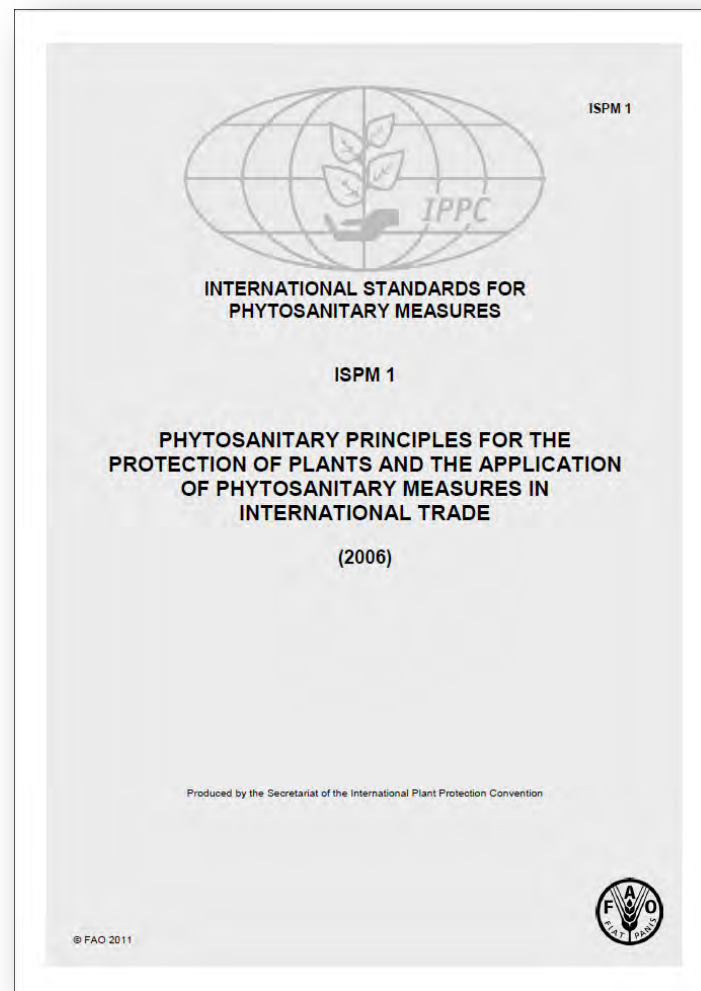
**Pest Risk
Analysis**

United States Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine



Guidance for NPPOs

ISPM No. 1: Phytosanitary principles for the protection of plants and the application of phytosanitary measures in international trade



Regional Plant Protection Organizations (RPPOs)

- ISPM 5:
- “An intergovernmental organization with the functions laid down by Article IX of the IPPC”
- Prevent introduction and spread of pests
- Promote economic and social development of members



The Nine RPPOs

- Asia and Pacific Plant Protection Commission **(APPPC)**
- Comunidad Andina **(CA)**
- Comité de Sanidad Vegetal del Cono Sur **(COSAVE)**
- Near East Plant Protection Organization **(NEPPO)**
- European and Mediterranean Plant Protection Organization **(EPPO)**
- Inter-African Phytosanitary Council **(IAPSC)**
- North American Plant Protection Organization **(NAPPO)**
- Organismo Internacional Regional de Sanidad Agropecuaria **(OIRSA)**
- Pacific Plant Protection Organization **(PPPO)**



Role of RPPOs

- Serve as a forum for countries in a region to harmonize at regional level
- Assist member countries in meeting IPPC obligations (e.g., pest reporting)
- Develop regional standards
 - Apply **only to member countries** in RPPO
 - Address issues relevant/specific to a region
 - Do **not** replace or override IPPC standards





Thank you!

