

CLA 2018 Spring Conference

*Pesticide Imports and Exports:
Facilitating Global Commerce*

Certificates of Origin for Export

Ongoing Challenges for International Registrations

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What is a Certificate of Origin (COO) for Export?

- A document certifying for a given pesticide active ingredient or formulated product, that it is:
 1. produced/manufactured in the United States
 2. at an EPA Registered Establishment

- Not Lot or Batch specific
- Not shipment specific
- Applicable to registered and unregistered pesticides

What is a COO used for and where are they required?

- Registration approval or renewal in an importing country

Routinely *required* by several countries:

- Central and South America:
 - Colombia, Costa Rica, Ecuador, El Salvador, Argentina, Peru
- Asia:
 - India, Thailand, China (Taiwan)

Why do importing countries require a COO to obtain or renew a registration?

❖ The reason is not always clear:

- In some cases, requirement is stipulated in local regulations
- In other cases, requirement is a long-standing policy

❖ Primary reasons:

- Provides a level of assurance that imported pesticide product is not counterfeit
 - “Made in the U.S.A.” still carries significant weight
- Limited or no local resources for review or monitoring
- Limited or no local inspection or enforcement capacity for imported pesticides

History

- ❖ Until late-2015 COOs were routinely provided by EPA Regional offices:
 - Upon request – on EPA letterhead and notarized
 - Would cite the importing country
 - Would cited the EPA registered establishment no. and address
 - Would indicated that the product was reported as being produced
 - For a specific technical active ingredient or formulated product
 - For registered and unregistered pesticide products

Example

CERTIFICATE OF ORIGIN FOR EXPORT TO ARGENTINA

Records maintained at the Environmental Protection Agency Region 7 Pesticide Section indicate that the product, [*product name*], EPA Registration Number XXX-XXX, was reported as being produced in 20XX by [*Company name*] at their federally registered production site at [*address*], [*city*], [*state*], USA. The production site has been assigned EPA Establishment Number XXX-IA-XXX in accordance with Section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act.

EPA Policy Change – May 2016

EPA Memorandum – Issued May 11, 2016

- Created a Nationally Consistent Approach
 - Ceasing the courtesy practice of issuing Certificates of Establishment and Certificates of Origin
 1. No statutory authority
 2. Regions do not have necessary information to certify origin
 3. COE letters, especially for unregistered pesticides, may be misleading to foreign governments
- Exporters / Industry - have not supported claim of need for EPA to provide either type of certificate

Industry Work-Arounds

In Lieu of EPA-issued COOs:

1) Internal-Company generated COO

- Citing to EPA's public active-Establishment Number database
- Accepted by some countries
- Other (e.g. Taiwan) insisting COO must come from a "reliable 3rd Party"

2) Local Chamber of Commerce

- For specific product batches and/or shipments
- Problematic when importing country authorities require new COO for each batch or shipment

3) State Department of Ag

- Limited examples
- Written as a "Certificate of Manufacturing"

Industry Concerns and Request

Concerns:

- None of the work-arounds have been consistently accepted by importing countries
- Becoming increasingly difficult to secure registrations or renew registrations without a COO
- Risk that companies that manufacture pesticide products in the U.S. will lose access to important export markets

Request:

- To re-open dialogue with EPA on possible solutions
- Help industry maintain trade with foreign markets