

USDA Trade Policy and  
APHIS Role in SPS Trade Management  
Workshop on International Trade for:  
Producers, Processors & Policy Makers  
*March 5, 2009*

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# Objectives

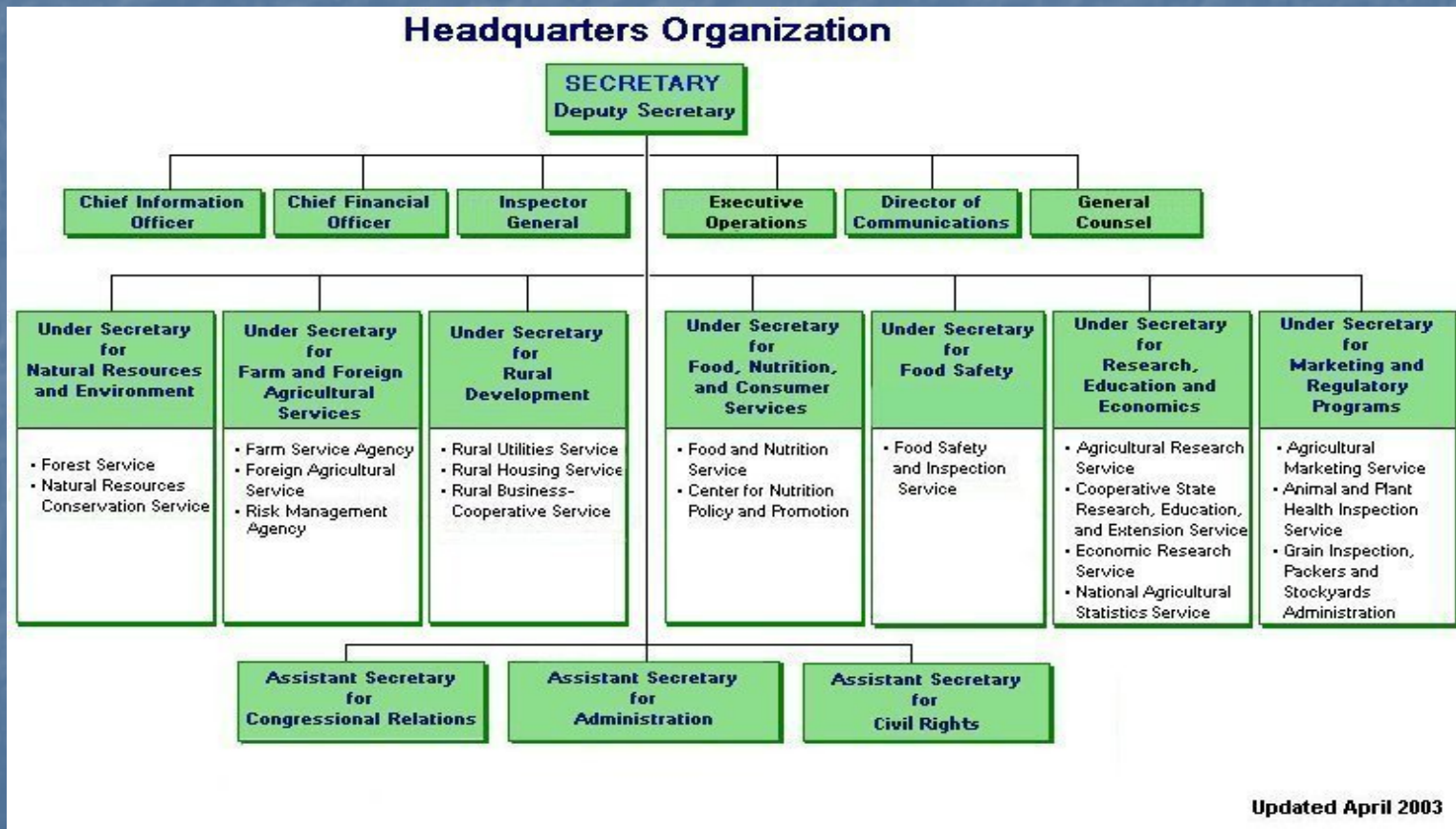
## Trade Facilitation

- *How USDA is structured to facilitate Agricultural trade?*

## Sanitary and Phytosanitary (SPS) Issue Management

- *How is USDA's Animal and Plant Health Inspection Service (APHIS) organized to manage SPS Trade issues?*

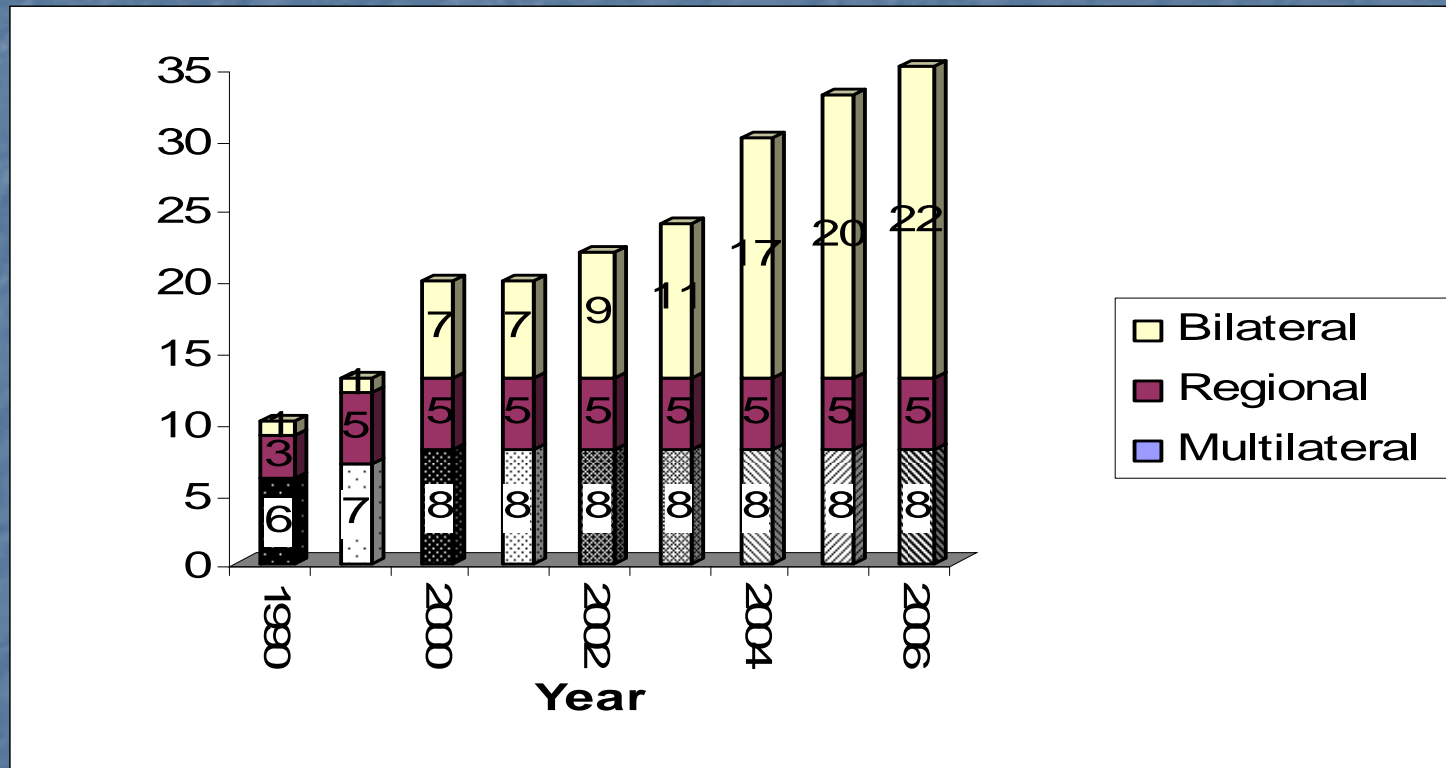
# USDA Organizational Structure



# Primary USDA Program Areas & Agencies with Trade Responsibilities

- Under Secretary for Farm and Foreign Agricultural Services
  - Foreign Agriculture Service (FAS)
- Under Secretary for Marketing and Regulatory Programs
  - Animal and Plant Health Inspection Service (APHIS)
- Under Secretary for Food Safety
  - Food Safety and Inspection Service (FSIS)

# Trade Negotiations Surge



# Acronyms

- OIE
  - World Organization for Animal Health
- IPPC
  - International Plant Protection Convention
- WTO
  - World Trade Organization
- CCA
  - Consultative Committee on Agriculture
- FTA
  - Free Trade Agreement
- SPS
  - Sanitary and Phytosanitary



# US Trade Policy Objectives

- Expand trade
- Create rules based trade system
- Reduce barriers, including NTBs
- Reduce other distortions
- Recognize LDC situation

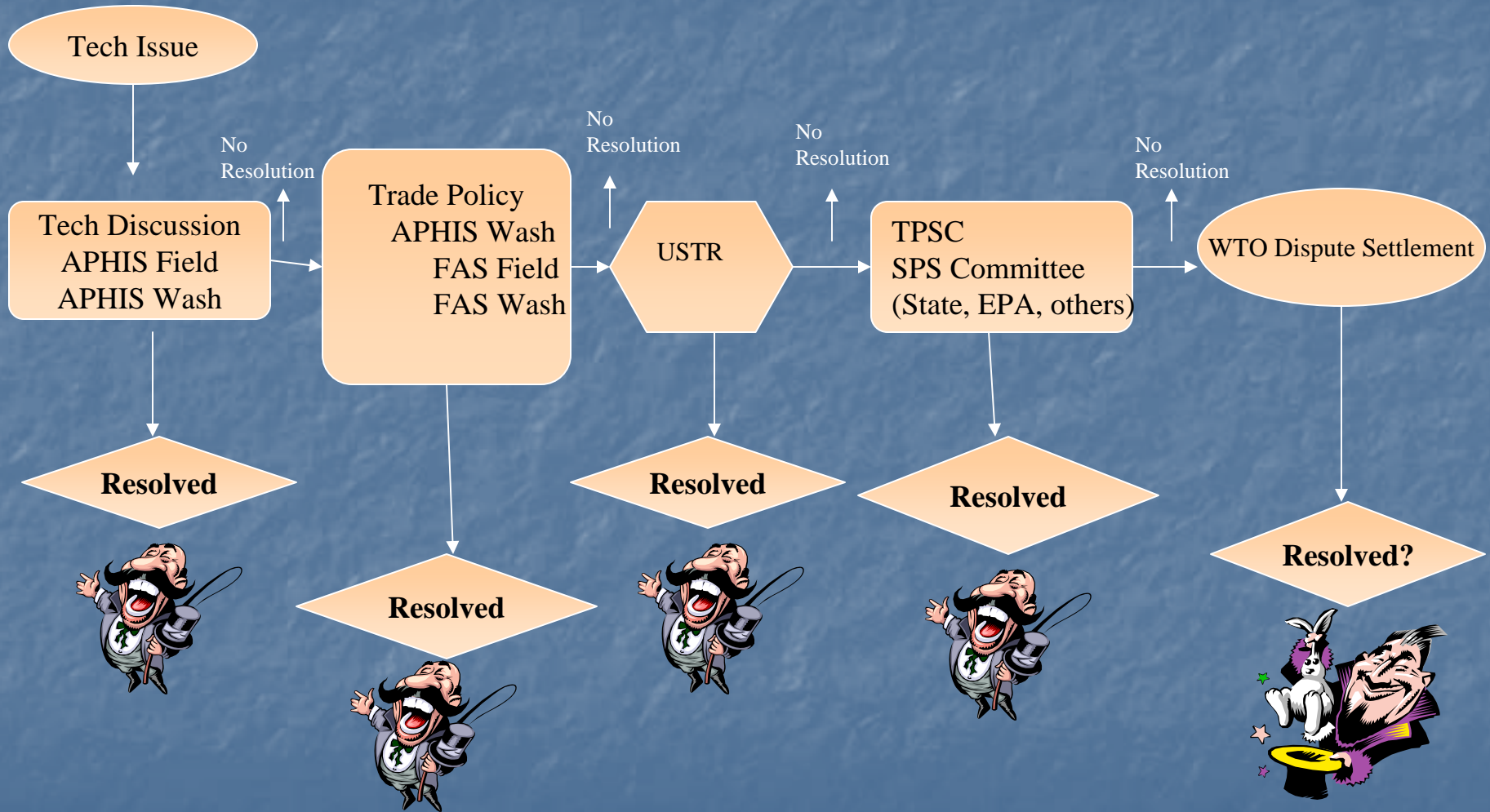
# Trade Policy—Main Considerations

- SPS Agreement
- Ag Trade Liberalization
- Capacity Building
- Interagency Processes
- Policies & Strategies of other Countries
  - *Reciprocity*
  - *Differing domestic interests*
  - *Historical/relationship issues*
  - *Broader Agendas*

# USG Interagency Process

- USTR is the Lead Agency for the Development and Maintenance of Overall USG Trade Policies and Priorities.
- For SPS-Issues, the Following Agencies Participate in the Interagency Process: APHIS, FSIS, FAS, FDA, EPA, DOC, and DOS.
- APHIS' Partnership with USTR and other Agencies through the Interagency Process Strengthens both APHIS' and the USG's Trade Policies, Aims, and Priorities.

# SPS Issue Resolution Process



# APHIS' Role in Trade

“Developing and directing programs to enhance the trade in U.S. plants, animals, and their products in compliance with established international sanitary and phytosanitary standards.” (CFR)

Programs = standard setting; export certification; technical workplans/protocols; international communications; technical assistance.

# APHIS Strategic Plan

- **APHIS Mission Priority 3:** Facilitate safe agricultural trade through effective management of SPS issues.
  - Recognition of the Interdependency of APHIS' Protection and Trade Priorities
  - Vigorous Participation in International Standard Setting Bodies (IPPC and OIE)
  - Management of Import and Export SPS Issues:
    - 1) Collaborate with FAS to Establish Clear Priorities about the Order in which SPS Issues should be Addressed
    - 2) Streamline Regulatory and Risk Assessment Processes

# APHIS' Primary Statutory Authorities

- Plant Protection Act of 2000
  - June 20, 2000
- Animal Health Protection Act of 2002
  - May 13, 2002
- Regulatory Authority Given to the Secretary of Agriculture and Delegated to the APHIS Administrator

# Plant Protection Act of 2000 (7 U.S.C. 7701 et seq.)

- The detection, control, eradication, suppression, prevention, or retardation of the spread of plant pests or noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States.
- ... facilitate exports, imports, and interstate commerce in agricultural products ... in ways that will reduce ... the risk of dissemination of plant pests and noxious weeds.

# Animal Health Protection Act of 2002 (7 U.S.C. 8301 et seq.)

- The prevention, detection, control, and eradication of diseases and pests of animals are essential to protect:
  - Animal health
  - Health and welfare of U.S. citizens
  - Economic interests of U.S. livestock and related industries.
  - The U.S. environment
  - Interstate commerce and foreign commerce in the U.S. in animals and other articles.

# Administrative Procedures Act (APA) (5 U.S.C. 551 et seq.)

- For most rulemaking, the APA requires:
  - Publication of a proposed rule in the Federal Register
  - Opportunity for the public to submit written comments
  - Publication in the Federal Register of a final rule, with an explanation of any changes that the agency has made and a response to the public comments
  - An effective date for the final rule that is at least 30 days after publication, unless the rule relieves restrictions or there is other good cause for making the rule effective earlier

Need Identified

Risk analysis may be necessary

Work Plan prepared, reviewed, and designated "not significant," "significant," or "economically significant" by the Office of Management and Budget (OMB)

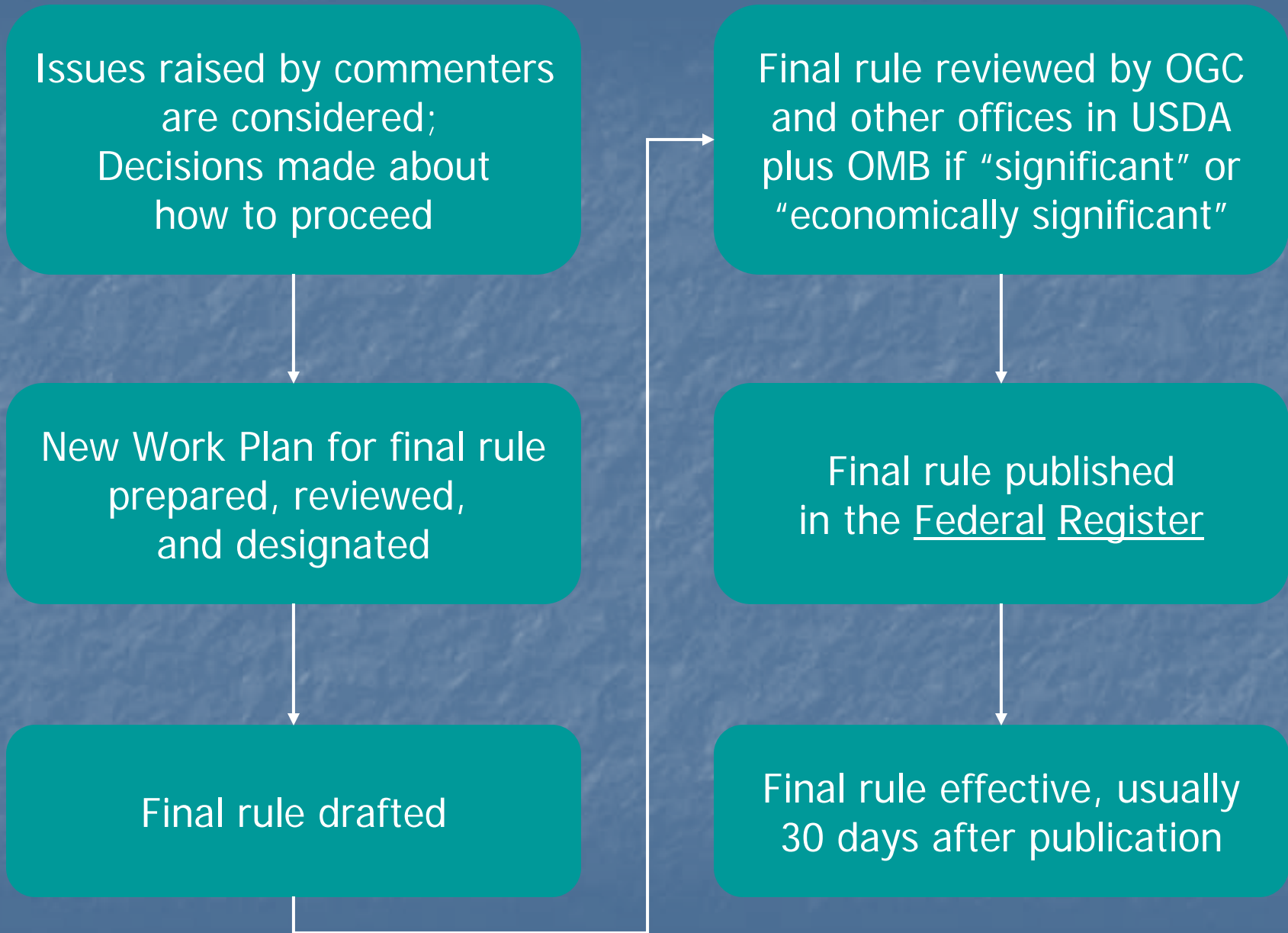
Proposed rule drafted; all required analyses completed

Proposed rule reviewed by OGC and other offices in USDA, plus OMB if "significant" or "economically significant"

Proposed rule published in the Federal Register with 60-day comment period

If an interim rule, effective prior to start of comment period

Comments arrive; Public hearings may be held



Issues raised by commenters are considered;  
Decisions made about how to proceed

New Work Plan for final rule prepared, reviewed, and designated

Final rule drafted

Final rule reviewed by OGC and other offices in USDA plus OMB if "significant" or "economically significant"

Final rule published in the Federal Register

Final rule effective, usually 30 days after publication

# Typical Time Required for Rulemaking

Work Plan → Proposal → Comment Period → Final Rule → Effective Date

“Not significant” rule:

1 year

“Significant” or “economically significant” rule:

2-3 years

Some take a little less time; some take longer.

# Development of Import Protocols and Operational Work Plans for Imported Commodities

- Import Protocol (APHIS-Veterinary Services)
- Operational Work Plan (APHIS-Plant Protection & Quarantine)
- Developed in conjunction with foreign government counterparts
- Published final rules provide operational guidelines
- Agreement between two governments

# The World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures

- Principles of:
  - Transparency
  - Harmonization
  - Equivalence
  - Risk assessment
  - Regionalization

# Take Away Message

1. APHIS plays important role in trade, operating at nexus of regulatory and trade policy.
2. APHIS is only one player in a complex trade policy environment that is dynamic & ever-shifting.
3. APHIS has organized itself to operate in this complex environment by aligning certain staffs to deal with plant & animal health issues affecting trade policy.
4. To survive in this environment requires lots of networking, sense of priorities, & communications with SPS management team for information sharing and guidance.

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