## U.S. SPS Market Access Pathways\* for Foods, Feeds and Agricultural Products

Any food or agricultural product that may present a viable risk to animal or plant health, e.g., most unprocessed foods, agricultural products, eggs, grains, feeds, fresh fruits & vegetables, all unprocessed and some processed milk & dairy, meats & poultry

All other plant- or animal-derived processed foods, animal feeds & beverages, such as canned/dried/frozen foods, packaged foods, confections, honey, juices/waters, snack foods, dairy foods, seafood, dietary supplements

(Customs & Border

Protection)

(Food Safety)

CBP (Customs & Border Protection)

(Food Safety)

Alcoholic beverages

CBP (Customs & Border Protection)

APHIS (Animal & Plant Health)

System-wide equivalence is not applicable. Pest- or disease-specific "alternative measures" are permitted routinely for market access.

Meat & poultry & All fresh & processed foods, except meat & poultry & processed eggs

FSIS (Food Safety)

FSIS

An affirmative finding by FSIS that an exporting country's governmental inspection system is equivalent to the U.S. inspection system is required for market access. All establishments must be certified to FSIS by the exporting country's inspection authority. The eligibility of a country and its certified establishments is subject to change based on results of annual audits by FSIS.

**❖** For Meat, Poultry and Processed Eggs, significant market access gains are achieved by a finding by FSIS of equivalence to U.S. measures.

Currently, 37 countries have been found by FSIS to be equivalent and are eligible to export meat or poultry or processed eggs to the United States. Approximately 990 establishments may export these products to the United States.

By mutual agreement, TTB and FDA share food safety enforcement responsibilities for alcoholic beverages. Currently, TTB is the principal enforcement agency.

No affirmative governmental demonstration of compliance with U.S. SPS (and TBT) measures or finding of equivalence is required for market access. No affirmative industry demonstration of compliance is usually required --- however, producers of infant formula, low acid/acidified canned foods, seafood and raw molluscan shellfish, juices and fluid milk do have special SPS market access requirements. For all foods, compliance by the regulated industry is expected and market access restrictions for particular producer/industry occur if U.S. requirements are violated. From December 12, 2003, all food and feed facilities must be registered and prior notice of food imports must be provided to FDA.

For All Other Foods and Feeds, little market access gain would be achieved by a finding of equivalence by FDA.

Already, for almost all countries, any producer that can meet U.S. food safety (and TBT) measures is eligible to export product. More than 200 countries now export FDA/TTB-regulated foods and beverages to the United States. Well over 100,000 establishments export foods and related products to the United States.

## **Revised November 2003**

- Customs and Border Protection (CBP) is an agency of the Department of Homeland Security (DHS)
- The Food and Drug Administration (FDA) is an agency of the Department of Health and Human Services (DHHS)
- The Animal and Plant Health Inspection Service (APHIS) is an agency of the Department of Agriculture (USDA)
- The Food Safety and Inspection Service (FSIS) is an agency of the Department of Agriculture (USDA)
- The Alcohol and Tobacco Tax and Trade Bureau (TTB) is an agency of the Department of the Treasury
- SPS -- "Sanitary and Phytosanitary Measures" as defined in the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures
- TBT -- "Technical Barriers to Trade" as defined in the World Trade Organization Agreement on Technical Barriers to Trade

<sup>\*</sup>Simplified representation of pathways -- individual agencies should be consulted for details concerning importation of any particular product.