

Resolution Subject: Equivalence Criteria for Food

Text of Resolution: *Whereas*, the Interstate Shellfish Sanitation Conference, (ISSC), and the Food and Drug Administration, (FDA), agreed to a Memorandum of Understanding, (MOU), on March 14, 1984 which continues to present; and

Whereas, The National Shellfish Sanitation Program (NSSP) and its associated documents, including the FDA/ISSC MOU, do not make provisions for equivalency determinations or recognition of other programs; and

Whereas, under Article 4 of the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS), as a participating member, the U.S. is obligated to consider equivalent food safety measures of a participating country if those measures provide a level of public health protection equal to that provided by the U.S. system - the NSSP; and

Whereas, FDA must address the concept of equivalence and related criteria afforded by non-NSSP shellfish regulatory systems; therefore

Be it Resolved, that the ISSC recognizes that FDA, as a U.S. regulatory agency, is bound by the WTO to consider equivalency if requested by other countries and that the ISSC recognizes and accepts equivalency determinations by FDA; and

Be it Further Resolved, that upon request from FDA, the ISSC will provide input on the criteria and evaluation processes that may be applied by FDA for such determinations.

Action by 2011 Resolutions Committee Recommended adoption of Resolution 11-003 as submitted.

Action by 2011 Task Force III Recommended adoption of Resolution 11-003 as a substitute for Proposal 07-303.

Action by 2011 General Assembly Adopted Resolution 11-003 as a substitute for Proposal 07-303.

Action by FDA February 26, 2012 Concurred with Conference action on Resolution 11-003.