

VI. TECHNICAL AND REGULATORY BARRIERS

Standards and Testing

The United States has an estimated 44 000 standards jurisdictions which are the federal, state and local regulatory authorities that enforce the estimated 89 000 U.S. standards and technical regulations. This results in overlapping responsibility and redundant standards and regulations. In some cases, the products are regulated directly through inspection or testing programs, or both. In other cases, an approval body may have to certify that products meet standards set by a particular state or municipal government. This becomes a technical barrier in cases where many states and municipalities have regulations that apply different standards, or where certification requirements differ.

State regulations governing laboratory accreditation also act as barriers to trade. As stated in a National Institute of Science and Technology publication, "Laboratories desiring to be accredited nationwide to conduct electrical safety-related testing of construction materials have to gain the acceptance of at least 43 states, more than 100 local jurisdictions, three building codes ..., [and] a number of federal agencies, as well as several large corporations." In other words, it is common for a testing organization to need multiple state and local government accreditation to conduct similar testing.

The U.S. voluntary standards systems are still intact after several attempts to impose greater government control. The lack of one central standardizing body further exacerbates problems for exporters to the United States, particularly small and medium-sized companies.

Many exporters find it difficult to prove that their products meet the U.S. Food and Drug Administration (FDA) requirements for quality and labelling. This is because of a lengthy decision-making process and the absence within the FDA of a mechanism for approval of exporters' labels in advance of shipment. These deficiencies create uncertainty for exporters and difficulties at border points.

The U.S. Farm Bill requires the USDA to conduct, for grading purposes, random spot checks of potatoes entering through ports of entry in the northeastern United States. Canada considers these checks to be unnecessary since, through reciprocal arrangements with the USDA, Agriculture Canada inspects and certifies all Canadian exports of potatoes to the United States as meeting USDA grading requirements.