blueberries
North American Blueberry Council

March 11, 2025

Catherine Gibson
Deputy Assistant U.S. Trade Representative for Monitoring and Enforcement
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, DC 2050

Dear Ms. Gibson:

This document responds to the Office of the U.S. Trade Representative's (USTR) request for comments regarding the review and identification of unfair trade practices and non-reciprocal trade arrangements (Docket ID USTR-2025-0001).

The North American Blueberry Council (NABC) is a voluntary agricultural trade association representing the interests of highbush blueberry growers, packers, and distributors across the U.S., Mexico, and Canada. NABC advocates for federal policies that promote the continued success of the highbush blueberry industry in North America.

In this submission, NABC highlights trade barriers that currently hinder U.S. blueberry exports to the following markets, in order of priority: Japan, South Korea, Australia, India, Vietnam, South Africa, China, the United Kingdom, and the European Union.

High tariffs remain a significant obstacle to U.S. blueberry exports. NABC's top priority is securing the elimination of Japan's 6-9.6% tariff on U.S. frozen blueberries. Taiwan, Vietnam, India, and the United Kingdom also impose restrictive tariffs that hinder market growth.

Additionally, Australia, New Zealand, and South Africa remain the only three countries that prohibit the importation of U.S. fresh blueberries, despite significant effort by the blueberry industry and USDA.

These and other trade barriers are detailed in the enclosed comments. We appreciate your consideration of these issues and welcome the opportunity to provide any additional information needed.

Sincerely,

Alyssa Houtby
Director of Government Affairs

1. **<u>Japan</u>**

Import Policy: Tariff on U.S. Frozen Blueberries

Eliminating Japan's tariffs on U.S. frozen blueberries remains a top international trade priority for the industry. These tariffs were not removed under the U.S.-Japan Trade Agreement, leaving U.S. exporters at a competitive disadvantage. Currently, Japan imposes a 9.6% tariff on U.S. frozen sweetened blueberries (HS 0811.90.13) and a 6% tariff on unsweetened frozen blueberries (HS 0811.90.23), significantly hindering U.S. sales and market share.

Japan is the industry's third largest export market for frozen blueberries. The continued imposition of Japan's tariffs on frozen blueberries places U.S. growers and suppliers at a considerable disadvantage with competitors in Canada, who can export tariff-free under the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP) agreement.

To maintain competitiveness and prevent further market erosion, it is essential that these tariffs are eliminated as soon as possible. The NABC urges USTR to pursue all available avenues, including an ad hoc agreement with Japan, to secure tariff-free access for U.S. frozen blueberries.

Assessment of Trade Impacts

U.S. frozen blueberry exports to Japan have historically averaged around $7 million annually. However, due to Japan's continued high tariffs on U.S. frozen sweetened and unsweetened blueberries - along with preferential access Japan granted to competing international suppliers, U.S. exports have declined to approximately $4 million.

Eliminating Japan's frozen blueberry tariffs could boost U.S. exports by over $10 million annually over the next decade. Conversely, failure to remove these tariffs jeopardizes the future of U.S. frozen blueberry exports to Japan, risking further declines and permanent market loss.

2. **<u>South Korea</u>**

Import Policy: Restricted Market Access for Fresh Blueberries from California and Washington

Currently, Oregon is the only U.S. state authorized to export fresh blueberries to South Korea. For over a decade, the industry has sought to expand access to California and Washington State, but progress has been slow due to South Korea's inability to work on multiple market access requests concurrently.

Expanding access to California and Washington State is neither controversial nor complex. Both states have nearly identical pest profiles to Oregon, and the industry is seeking access under the same existing terms. The U.S. must not allow South Korea to continue delaying this request.

Granting market access to California and Washington would strengthen growers and packers in rural America and significantly boost total U.S. blueberry exports to Korea.

The NABC urges USTR to press South Korean regulators to finalize market access for California and Washington without further delay.

Assessment of Trade Impacts

South Korea is a large and important market for the U.S. blueberry industry with exports valued at $24.5 million in 2023. With additional state access and trade facilitative phytosanitary conditions, exports could be expected to grow by $10-15 million.

3. **Australia**

Import Policy: Restricted Market Access for U.S. Fresh Blueberries

For nearly two decades, the U.S. blueberry industry has pursued market access for fresh blueberries to Australia. Despite a formal request and significant industry efforts - including a years-long research project to demonstrate effective phytosanitary protocols - progress has been minimal due to unrelated trade issues between the U.S. and Australia.

Australia is a high-value market with strong potential for U.S. fresh blueberries.   A nearly 20-year delay is unacceptable - this request must be prioritized and completed as soon as possible.

The NABC urges USTR to elevate this issue with the Australian government and support USDA efforts to expedite this long-standing market access request.

Assessment of Trade Impacts

A lack of market access to Australia is costing U.S. blueberry growers an estimated $5-10 million annually in lost sales opportunities. Stronger U.S. engagement with Australia is essential to advancing and finalizing this long-overdue market access as soon as possible.

4. **India**

Import Policy: High Tariffs

India continues to impose high tariffs on U.S. fresh and processed blueberries, despite recent MFN tariff reductions secured in September 2023. Currently, U.S. fresh and frozen blueberries face a 10% tariff, while U.S. processed blueberry products are subject to tariffs ranging from 10% to 50%, as detailed in the table below.

India's tariffs are unwarranted and constrain U.S. blueberry exports. NABC urges USTR to pursue the elimination of India's tariffs on U.S. fresh, frozen, and processed blueberries through any available opportunity.

HS Code	Description	India Tariff on U.S. Imports
0810.40	Fresh blueberries	10%
0811.90	Frozen blueberries	10%
0813.40	Dried blueberries	10%
2008.99	"Fruit and other edible parts of plants, prepared or preserved" (general tariff lines for processed blueberries)	30%
2009.89	"Juices, whether or not containing added sugar or sweetening matter" (general tariff lines for blueberry juice drinks)	50%

Assessment of Trade Impacts

Exports of U.S. fresh and processed blueberries are currently valued at $2.3 million. The majority of exports are dried blueberries, which are valued at $2.1 million. Under more trade facilitative tariff conditions, exports of U.S. blueberries could increase to over $10 million by 2030.

5. **Vietnam**

Import Policy: High Tariffs

Vietnam's prohibitively high tariffs on fresh and processed blueberries restrict U.S. exports to the market. Currently, fresh blueberries face a 15% tariff, while frozen and dried blueberries are subject to a 30% tariff, as outlined in the table below.

The impact of these tariffs is further exacerbated by the preferential access granted to competitors such as Canada, Chile, and Peru that benefit from free trade agreements. This puts the U.S. at a significant disadvantage and hampers sales growth in this promising market.

Vietnam represents a high-potential growth opportunity for the U.S. blueberry industry. However, this potential cannot be realized unless Vietnam's tariffs are significantly reduced—or ideally eliminated. The NABC urges USTR to pursue the removal of these tariffs through any available trade negotiations.

HS Code	Description	Vietnam Tariff on U.S. Imports
810.4	Fresh blueberries	15%
811.9	Frozen blueberries	30%
813.4	Dried blueberries	30%
2008.99	"Fruit and other edible parts of plants, prepared or preserved" (general tariff lines for processed blueberries)	30%
2009.89	Juice of fruit or vegetables, unfermented, Brix <= 67 at 20 degrees Celsius	25%

Assessment of Trade Impacts

A lack of market access to South Africa is preventing sales of U.S. fresh blueberries, which could reach an annual value of up to $1 million.

In 2023, exports of fresh and processed blueberries to Vietnam totaled less than $1 million. With improved tariff conditions, exports of U.S. blueberries to Vietnam could increase by more than $5 million over the next five years.

6. **South Africa**

Trade Policy: Restricted Access for U.S. Fresh Blueberries

Over the last three years, the U.S. blueberry industry and USDA's Animal and Plant Health Inspection Service (APHIS) have invested significant time and resources to secure market access to South Africa for U.S. fresh blueberries.

Reflecting this effort, in July 2023, USDA and South Africa reached an agreement to allow access for U.S. fresh blueberries from the entire U.S. However, in November 2023, South Africa abruptly reversed its position, raising unsubstantiated concerns about the effectiveness of the previously agreed-upon pest mitigation measures. As a result, the South African market remains closed for U.S. blueberries, and negotiations have stalled.

The NABC remains committed to working with APHIS to finalize market access under a systems approach. The NABC urges USTR to closely monitor negotiations and, as appropriate, support efforts to ensure South Africa upholds its commitments to science-based SPS principles.

China

Import Policy: High Tariffs

China continues to impose high retaliatory tariffs on U.S. blueberries in response to U.S. Section 232 and Section 301 actions, placing the U.S. at a competitive disadvantage. As a result U.S. exports to China have plummeted from over $4.5 million in 2016 to just $1.4 million in 2024.

Chinese tariffs on U.S. blueberries

HS Code	Description	China MFN Tariff Rate	Current U.S. Total Tariff Rate (inclusive of China retaliatory tariffs)
810.4	Fresh Blueberries	15%	**70%**
811.9	Frozen Blueberries	30%	**85%**
813.4	Dried Blueberries	25%	**80%**

While U.S. blueberries face tariffs as high as 80%, competitors like Peru and Chile enjoy duty-free access as a result of trade agreements, and Canada benefits from a low MFN rate. This significant tariff disparity harms U.S. market share and undermines U.S. exports to China.

The NABC appreciates the administration's efforts to address China's restrictive and unfair trade practices. If trade negotiations with China progress, NABC urges the elimination of Chinese tariffs on U.S. fresh and processed blueberries to restore fair competition and market access.

Import Policy: Unfair Market Access for U.S. Fresh Blueberries

China continues to limit market access for U.S. fresh blueberries from eastern states, despite commitments made under the U.S. China "Phase One" trade and economic agreement.

This agreement granted access for fresh blueberries from West Coast states under a systems approach, the preferred pest management method. While eastern states were technically included, they remain subject to methyl bromide, which serves as a de facto barrier.

Importantly, China also committed to a pilot program allowing eastern states to conduct trapping and treatment for pests as a step toward access under a systems approach. This program was conducted in 2020-21, and the results - demonstrating the protocol's effectiveness - were submitted to China in March 2022. However, to date, neither USDA nor the NABC has received a response, and the status of China's review remains unclear.

The NABC requests that USTR press China for a clear response and immediate action to grant all U.S. blueberry producing states access for fresh blueberries under a systems approach without fumigation.

Technical Barriers to Trade: Import Registration and Inspection Requirements

China continues to hinder market access for U.S. fresh and processed blueberries through burdensome facility registration and inspection requirements.

A key example is China Decree 248, enacted on January 1, 2022, without consultation with trade partners. This regulation imposes strict registration and labeling requirements on manufacturers that export food products to China. Specifically, it mandates that food manufacturers and storage facilities register with Chinese authorities and apply a registration number on the inner and outer packaging of exported products.

In 2024, China expanded these requirements to include fresh products, despite USDA already providing much of the necessary information under phytosanitary market access rules. Now, U.S. commodity groups, including the NABC, must submit identification numbers for every potential exporter, adding yet another unnecessary administrative burden on USDA and blueberry suppliers.

China's excessive Decree 248 requirements increase costs, create bureaucratic hurdles, and violate WTO commitments to ensure measures introduced are least trade restrictive.

The NABC urges USTR to continue to oppose China's restrictive regulatory requirements, including Decree 248, to protect fair trade trade for U.S. blueberry exporters.

Assessment of Trade Impacts

China's high tariffs and restrictive regulatory environment continue to harm exports of U.S. blueberry products. With more trade facilitative conditions, U.S. blueberry exports to China would likely increase by an estimated $5 to $25 million dollars annually.

7. **United Kingdom**

Import Policy: High Tariffs

The United Kingdom (UK) is a key market for the U.S. blueberry industry, with strong potential for growth over the next decade. However, high UK tariffs on U.S. blueberries and blueberry products—reaching up to 25% on some processed products—continue to hinder expansion.

The NABC welcomed the UK's review of its MFN tariff schedule following its withdrawal from the European Union on January 1, 2021. However, the industry was disappointed that the new UK tariffs remain largely unchanged from previous levels. A summary of current UK tariffs on blueberry products is provided in the table below.

The NABC supports the recommencement of U.S.-UK free trade negotiations and urges USTR to prioritize the elimination of all UK tariffs on U.S. blueberries and blueberry products. This is particularly critical given that Canada enjoys tariff-free access under the EU-Canada Free Trade Agreement (CETA). To compete on a level playing field, the U.S. must secure equitable tariff-free access in the UK market.

HS Code	**Description**	**UK Tariff**
0810.40	Fresh blueberries	2%
0811.90.19	Frozen sweetened blueberries (more than 13% sugar by weight)	20% + 7.00 GBP/100kg
0811.90.39	Frozen sweetened blueberries (less than 13% sugar by weight)	20%
081190.95	Frozen unsweetened blueberries	14%
0813.40.95	Dried blueberries	2.0%
2009.89.90	Juice of fruit or vegetables, unfermented, Brix <= 67 at 20 degrees Celsius	16% - 25% + 3.50 GBP/100kg
2008.99.28 2008.99.34 2008.99.37 2008.99.40 2008.99.49 2008.99.67 2008.99.99	“Fruit and other edible parts of plants, prepared or preserved” (general tariff lines for processed blueberries)	16% - 25% + 3.50 GBP/100kg

Unwarranted Sanitary and Phytosanitary Measures: Maximum Residue Limits

The UK’s departure from the EU presents an opportunity to revise its regulatory approach and move away from the EU’s restrictive, hazard-based pesticide review process. The EU’s approach has already led to the withdrawal of numerous important Maximum Residue Limits (MRL), negatively impacting the U.S. blueberry industry and other commodity groups.

The ongoing U.S.-UK trade negotiations provide a key platform to address this issue. The NABC urges USTR to engage with UK officials to ensure that any SPS measures, including pesticide MRL policies, are science-based and minimally trade restrictive.

Assessment of Trade Impacts

The UK is an important market for the U.S. blueberry industry with strong demand for high quality fresh and processed blueberries. With lower tariffs, exports to the UK could be expected to grow by $5-10 million.

8. European Union

Import Policy: High Tariffs

The European Union (EU) imposes high tariffs on imports of fresh, frozen, and dried blueberries, as much as 25.6% on some blueberry products. These prohibitively high tariffs severely undermine U.S. blueberry exports to the EU market, as detailed in the table below.

Until December 31, 2023, the U.S. blueberry industry benefited from a tariff-free duty suspension on frozen unsweetened blueberries (HS code 0811.90.95). However, in July 2024, the NABC was informed that the EU would not renew this suspension, largely due to Canada's preferential access under the EU-Canada Free Trade Agreement (CETA). This preferential treatment, which extends to all other blueberry tariff lines, gives Canada and other trade agreement partners like Chile a considerable competitive advantage over U.S. exporters.

Coupled with the EU's restrictive SPS measures, these high tariffs restrict U.S. market access and diminish the competitiveness of U.S. blueberries. Without tariff reductions, U.S. suppliers will continue to lose market share in the EU.

The NABC urges USTR to actively pursue tariff reductions for U.S. fresh and processed blueberries in the EU through all available trade opportunities.

HS Code	Description	Current EU Tariff on U.S. Blueberries
0810.40	Fresh blueberries	3.2%
0811.90.19	Frozen sweetened blueberries (more than 13% sugar by weight)	20.80% + 8.40 EUR / 100 kg
0811.90.39	Frozen sweetened blueberries (less than 13% sugar by weight)	20.80%
0811.90.95	Frozen unsweetened blueberries	14.4%
0813.40.95	Dried blueberries	2.4%
2009.89.90	Juice of fruit or vegetables, unfermented, Brix <= 67 at 20 degrees Celsius	17.6% - 25.6% + 4.20 EUR /100 kg

2008.99.28 2008.99.34 2008.99.37 2008.99.40 2008.99.49 2008.99.67 2008.99.99	"Fruit and other edible parts of plants, prepared or preserved" (general tariff lines for processed blueberries)	17.6% - 25.6% + 4.20 EUR /100 kg

Unwarranted Sanitary and Phytosanitary Measures: Maximum Residue Limits

The European Union's (EU) Maximum Residue Limit (MRL) application system imposes costly and complex requirements, often demanding data that is not generated in the U.S. for domestic MRLs, such as metabolite data. The cost of obtaining this data can reach hundreds of thousands of dollars per MRL, making it financially unfeasible for many exporters to seek EU import tolerances or MRL adjustments.

This barrier to market access significantly impacts U.S. blueberry exports and other agricultural commodities. The NABC urges USTR to engage with EU officials and advocate for a streamlined, science-based MRL import tolerance system that reduces unnecessary burdens and facilitates fair trade access for U.S. producers.

Systematic Lowering of Maximum Residue Limits

The EU maintains its MRLs under Regulation 396/2005. Article 12 of this regulation provides for a review of the existing MRLs for all substances approved as active substances in plant protection products, and for substances non-approved on or after September 2, 2008.

While scientific reviewers Rapporteur Member State (RMS) and the European Food Safety Authority (EFSA) carry out a full risk assessment in line with the methodology used by Codex Alimentarius, the EU fails to consider the importance of the active ingredient's MRL for trade facilitation purposes even when comment letters are submitted at the beginning of the review process and then again once the proposal is notified to the WTO. Hundreds of EU MRLs, including many that are important for U.S. blueberries, have been amended to the default level of 0.01 ppm or to the lowest limit of quantification (LOQ). For example, the current EU MRL for bifenthrin of 3 ppm is proposed to be lowered to 0.01 ppm, which is more restrictive than the current U.S. MRL of 1.8 ppm.

With this continued methodology and further restrictions of EU MRLs, there will be fewer crop management products available for the industry. Without intervention, the EU will continue to restrict MRLs based on their own environmental standards and policies rather than human health concerns or consideration of pest issues faced by growers.

NABC asks that the U.S. government continue to work with officials in the EU to push for a more effective, transparent, and inclusive regulatory review process.

Pesticide Reviews

The EU's Regulation (EC) No 1107/2009 concerning the placing of plant protection products in the EU market uses a hazard-based approach to pesticide review. Active ingredients may not fall under certain criteria for approval in the EU. The criteria may be based on health concerns (mutagenic, carcinogenic, toxic for reproduction, or endocrine disruptor) or environmental concerns (persistent organic pollutant, persistent bioaccumulative and toxic, very persistent, and very bioaccumulative, among others). If the active ingredient has the potential to cause concern related to exposure, the EU does not carry out a risk assessment at all. Once approval has been withdrawn, associated MRLs are also withdrawn. There are fundamental concerns about the EU's policy of relying on potential hazards rather than conducting a complete risk assessment per the World Trade Organization and Codex Alimentarius.

The concern with the EU pesticide review methodology is relevant for non-EU stakeholders because once a substance is no longer approved for use in the EU, its corresponding MRLs are likely to be restricted as well. Of particular concern are European efforts to apply EU health and environmental standards to imported foods, as we have seen with the proposed withdrawal of MRLs for thiamethoxam and clothianidin. These are two neonicotinoids that are no longer approved for use within the EU even though no human health concerns have been identified. Instead, these MRLs have been restricted due to global environmental concerns. It is imperative that the EU be challenged in its resolve to impose its policies on countries outside of the EU.

Finally, the EU transition policy is unclear and discriminatory. MRL compliance has a different timeline for crops grown in the EU than those imported into the EU. This is a major concern for the U.S. blueberry industry as it does not provide third countries the same national treatment when it comes to MRLs.

NABC respectfully asks that USTR reviews whether the EU's policies are consistent with the EU's international obligations under WTO law.

Technical Barriers to Trade: Packaging Reduction Proposals

NABC is concerned about the negative trade impacts arising from the EU's proposed packaging law, the Packaging and Packaging Waste Regulation (PPWR).

The PPWR, when enacted, will set binding requirements for single use plastic packaging products. This includes bans on single use plastics for most fresh produce, potentially including fresh blueberries, bans on shrink wrap and collation films used during shipping, requirements for all produce packaging to be recyclable by 2030, and reuse targets that would impact transportation packaging, among other areas.

NABC is concerned that the PPWR will act as a further obstacle to trade, and that many of the requirements and targets fail to account for the important functional role of produce packaging and the availability of alternative packaging formats.

This is particularly the case for fresh blueberries, which are a fragile and perishable commodity. Plastic clamshells are important to protect fruit from damage during the shipping process and provide regulators, retailers, and consumers with important consumer labeling and food safety information. At present, there are limited alternative packaging forms that are compliant with the PPWR and meet the requirements of the supply chain.

NABC asks that USTR monitor the EU's finalized PPWR and engage with European regulators and U.S. agricultural groups to ensure trade is not negatively impacted by the PPWR requirements.

Assessment of Trade Impacts

The U.S. exports limited volumes to the European Union. This is largely due to the array of EU restrictions on market access, including high tariffs and problematic MRL policies. With more trade facilitative conditions - both lower tariffs and science-based MRLs - exports to the EU could be expected to grow to $20-$30 million.