



INTERNATIONAL
TRADE
ADMINISTRATION

Good Regulatory Practice

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April 11, 2018

Good Regulatory Practices (GRPs)

- Internationally recognized practices adopted unilaterally by a government that can be used to improve the quality and cost-effectiveness of domestic regulations

GRPs: Basic Elements

1. Transparency
2. Evidence-based decision-making
3. Internal coordination and review

Transparency

- Consistent and predictable regulatory processes
- Structured notice-and-comment processes
- Use of advisory committees and expert groups
- Use of technology and e-Rulemaking

Notice and Comment



FEDERAL REGISTER
The Daily Journal of the United States Government

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Rule

Importation of Hass Avocados From Colombia

A Rule by the [Animal and Plant Health Inspection Service](#) on 08/15/2017

PUBLISHED DOCUMENT

AGENCY:

Animal and Plant Health Inspection Service, USDA.

ACTION:

Final rule.

SUMMARY:

We are amending the regulations to allow the importation of fresh Hass avocado fruit from Colombia into the continental United States. As a condition of entry, fresh Hass avocado fruit from Colombia will have to be produced in accordance with a systems approach that includes orchard and packinghouse requirements and port of entry inspection. The fruit will also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of Colombia with an additional declaration stating that the fruit has been produced in accordance with the requirements. This action will allow for the importation of fresh Hass avocado fruit from Colombia while continuing to provide protection against the introduction of plant pests into the continental United States.

DOCUMENT DETAILS

Printed version:

[PDF](#)

Publication Date:

08/15/2017

Agencies:

[Animal and Plant Health
Inspection Service](#)

Dates:

Effective September 14, 2017.

Effective Date:

09/14/2017

Document Type:

Rule

Document Citation:

82 FR 38591

Page:

38591-38594 (4 pages)

Notice and Comment

INFORMATION:

Background

Under the regulations in “Subpart—Fruits and Vegetables” (7 CFR 319.56-1 through 319.56-77, referred to below as the regulations or the fruits and vegetables regulations), the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

On October 27, 2016, we published in the **Federal Register** (81 FR 74722-74727, Docket No. APHIS-2016-0022) a proposal⁽¹⁾ to amend the regulations by allowing for the importation of commercially produced fresh Hass avocado (*Persea americana*) fruit from Colombia into the continental United States.

We solicited comments concerning our proposal for 60 days ending December 27, 2016. We reopened and extended the deadline for comments until February 16, 2017, in a document published in the **Federal Register** on January 17, 2017 (82 FR 4798, Docket No. APHIS-2016-0022). We extended the reopened comment period until March 20, 2017, in a document published in the **Federal Register** on February 10, 2017 (82 FR 10312, Docket No. APHIS-2016-0022). We received 43 comments by that date. They were from producers, exporters, industry groups, and representatives of State and foreign governments. Of these, 32 were fully supportive of the proposed action. The remaining 11 raised issues that are discussed below by topic.

General Comments

One commenter suggested that APHIS focus on importing fresh Hass avocado fruit from Indonesia since Indonesia’s production levels are much higher than Colombia’s.

APHIS’s phytosanitary evaluation process only begins once a country has submitted a formal request for market access for a particular commodity. APHIS does not solicit such requests, nor do we control which countries submit requests. Were Indonesia to submit a market access request for avocados we would evaluate that request in the same way we do any other.

The same commenter argued that we should direct our efforts towards keeping avocado fruit produced domestically within the United States, thus reducing the

ENHANCED CONTENT

regulations.gov

Docket Number:
APHIS-2016-0022

Docket Name:
Importation of Hass Avocados
From Colombia

Docket RIN
0579-AE29

Supporting/Related Materials:

[Risk Management Document:
Importation of fresh fruit of...](#)

[A Pathway-Initiated Risk
Assessment: Importation of
Fresh...](#)

[Final Regulatory Flexibility
Analysis: Hass Avocado
Imports...](#)

[October 2016: Importation of
Fresh Fruit of Avocado,
Persea...](#)

[Initial Regulatory Flexibility
Analysis](#)

[Importation of fresh fruit of
avocado into the continental...](#)

[Importation of Fresh Fruit of
Avocado, Persea americana
Miller...](#)

ENHANCED CONTENT

Notice and Comment

Primary Documents [View All \(4\)](#)

PR [Imports: Hass Avocados from Colombia](#)

Proposed Rule **Posted:** 10/27/2016 **ID:** APHIS-2016-00

R [Imports: Hass Avocados from Colombia](#)

Rule **Posted:** 08/15/2017 **ID:** APHIS-2016-0022-0052

PR [Imports: Hass Avocados From](#) **Comments** [View All \(44\)](#)

Proposed Rule **Posted:** 02/10/201

PR [Imports: Hass Avocados From](#)

Proposed Rule **Posted:** 01/17/201

Supporting Documents [View All \(7\)](#)

SR

[Risk Management Document: Importation of fresh fruit of avocado \(Persea americana Miller var. "Hass...](#)

Supporting & Related Material **Posted:** 08/15/2017 **ID:** APHIS-2016-0022-0055

SR

[A Pathway-Initiated Risk Assessment: Importation of Fresh Fruit of Avocado, Persea americana Miller...](#)

Supporting & Related Material **Posted:** 08/15/2017 **ID:** APHIS-2016-0022-0054

SR

[Final Regulatory Flexibility Analysis: Hass Avocado Imports from Colombia into the Continental...](#)

“

The U.S.-Colombia Business Partnership salutes the issuance of this important proposed rule, and encourages APHIS to publish very soon the Final Rule. Hass...

[View Comment](#)

Submitter Name: William Burlew **Posted:** 03/20/2017 **ID:** APHIS-2016-0022-0049

“

See attached file(s) 

[View Comment](#)

Submitter Name: Anonymous Anonymous **Posted:** 03/20/2017 **ID:** APHIS-2016-0022-0051

“

I think that the importation of Hass avocados under this systems approach should be permitted. Avocados are known to be a good source of a variety of nutrients...

[View Comment](#)

Submitter Name: Octavia Gory **Posted:** 03/16/2017 **ID:** APHIS-2016-0022-0048

“

More competition leads to lower prices leads to more availability leads to a healthier population. The public health benefits of increased avocado availability...

[View Comment](#)

Submitter Name: Luke Trebatoski **Posted:** 03/13/2017 **ID:** APHIS-2016-0022-0047

“

We are in favor of the proposed rule to allow importation of Colombian Hass avocados. Please see the attached comment for a complete analysis of our position... 

[View Comment](#)

Submitter Name: Stephen Klein **Posted:** 02/27/2017 **ID:** APHIS-2016-0022-0044

Evidence-Based Decision Making

“Regulatory Impact Analysis (RIA) is both a tool and a decision process for informing political decision makers on whether and how to regulate to achieve public policy goals” – OECD 2009

Three basic elements:

- A statement of need for the regulatory action
- A clear identification of a range of regulatory approaches
- An estimate of the benefits and costs of the proposed regulatory approach and the alternatives

Internal Coordination and Review



- Centralized, internal (domestic) coordination between government agencies
- Prospective regulatory planning
- Retrospective reviews of existing stock of regulations

Benefits of GRPs: Builds Trust

- Transparency in regulatory development lends credibility and legitimacy to government actions
 - Interested persons, and businesses of differing sizes, who care about policy and regulatory outcomes have structured, predictable, and non-discriminatory opportunities to provide input into the decision-making process.
 - Civil Society, having collaborated in the development of regulations, can better support the regulatory agency's finalized decisions
 - Regulatory Agencies, having followed the administrative procedures, can better defend their actions to civil society

Benefits of GRPs: Improves Quality

- Fosters the development of more deliberate, evidence-based decision-making, and more legitimate government actions
- Achieves a balance of three factors:
 - Accuracy (best aligned with available data),
 - Efficiency (low cost and least delay), and
 - Acceptability (fair to interests affected by outcome)
- Drives down the information costs associated with developing regulations
 - Members of the public can contribute their ideas and expertise, so that their government can make policies with the benefit of information that is widely dispersed across society.

Benefits of GRPs: Promotes Accountability

- Balances the interests between the private actors (large industrial groups) and public actors (regulatory agencies) with mitigating institutions:
 - Administrative procedures for public review and consultations--government-wide
 - Objective standards for cost-benefit analysis (e.g., published RIA/SME impacts)
 - Advisory committees, peer agency review, and central coordination bodies

Benefits of GRPs: Facilitates Trade and Investment

- Provides companies with information and the ability to plan
- Ensures regulations are not overlapping, duplicative, or conflicting, lowering costs and improving compliance
- Facilitates international trade, investment and economic growth
 - Supports compatible regulatory approaches among trading partners
 - Prevents trade barriers before they occur
 - Supports more open, competitive, and innovative markets

FDI Correlates Strongly with Good Institutional Governance

Good investment

The relationship between inward FDI and the quality of institutional governance¹

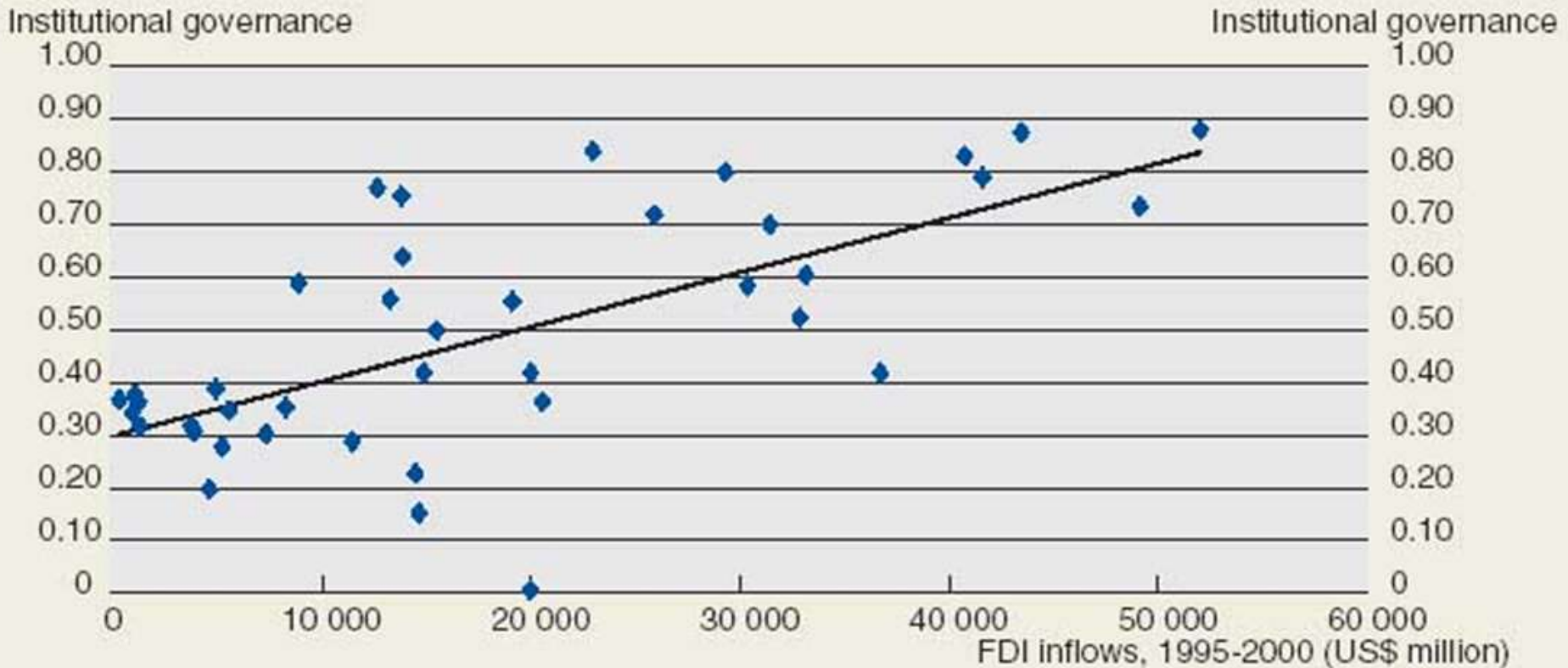
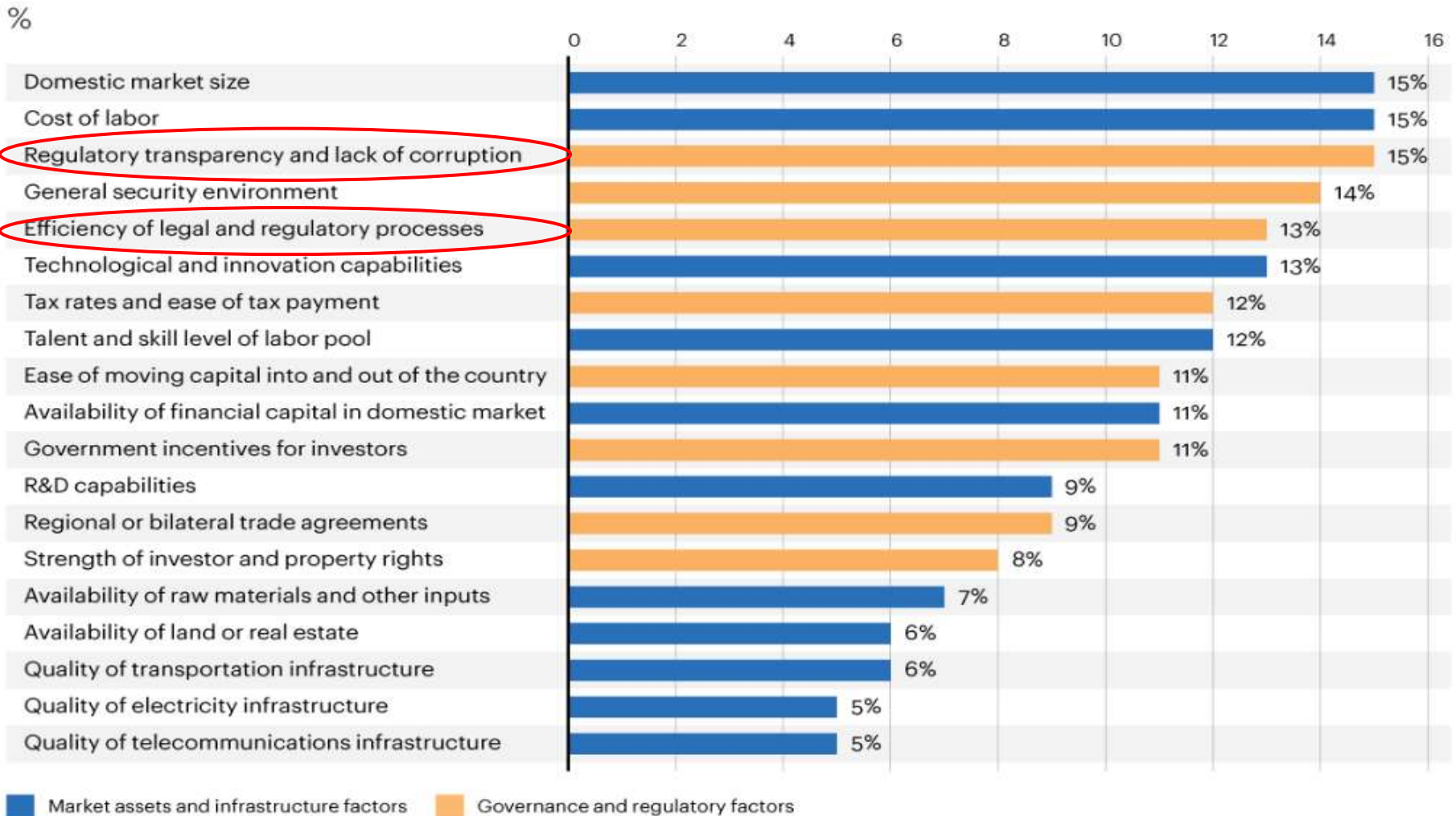


Figure 7

Both market assets and governance are key factors that investors consider when making FDI decisions

What are the most important overall factors for where to make investments?



Note: Respondents were asked to pick their top two factors. As a result, percentages do not add up to 100.

Source: 2016 A.T. Kearney Foreign Direct Investment Confidence Index

International Organizations and GRPs

2012



RECOMMENDATION OF THE
COUNCIL ON REGULATORY
POLICY AND GOVERNANCE

4. Integrate Regulatory Impact Assessment (RIA) into the early stages of the policy process for the formulation of new regulatory proposals. Clearly identify policy goals, and evaluate if regulation is necessary and how it can be most effective and efficient in achieving those goals. Consider means other than regulation and identify the tradeoffs of the different approaches analysed to identify the best approach.



Good Regulatory Practices in APEC
Member Economies -
Baseline Study



OECD

APEC-OECD

INTEGRATED CHECKLIST

ON REGULATORY REFORM

<https://www.apec.org/Publications/2011/11/Good-Regulatory-Practices-in-APEC-Member-Economies---Baseline-Study>

<http://www.oecd.org/regreform/34989455.pdf>

<http://www.oecd.org/gov/regulatory-policy/49990817.pdf>

GRPs and Trade Agreements

U.S. Trade Promotion Authority:

- “(7) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices to reduce market access for United States goods, services, and investments are—
- (A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;
- (B) to require that proposed regulations be based on sound science, cost benefit analysis, risk assessment, or other objective evidence;
- (C) to establish consultative mechanisms and seek other commitments, as appropriate, to improve regulatory practices and promote increased regulatory coherence