

## What to Do if You Have a Pesticide Residue Violation

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It is the phone call no one wants to receive: Your shipment is being held in a foreign market for a pesticide residue violation. Thousands of dollars of perishable product are at stake. Customers are unhappy. Demurrage charges are mounting. The cost of re-export or destruction is high. What do you do?

Bryant Christie Inc. (BCI) has assisted numerous growers, shippers, and commodity groups when facing this issue. The situation is always tense and decisions must be made quickly to try to save the shipments. The following are 10 lessons learned (some the hard way) that may be helpful when a shipment is rejected for a MRL violation.



- 1. Gather All Information Possible:** Good information is critical for a timely resolution. Where is the shipment being held? What is the status of the shipment? Is it on the docks? In a storage facility? Importantly, what chemical is the importing country claiming they found? Is that chemical approved for use in the country of origin? Was it applied to the product? All this information will help frame how to respond to the violation notice.
- 2. Ask For a Retest:** The first thing Bryant Christie Inc. always recommends is to seek a retest. Sometimes, the second test will reveal no residue, and the shipment can be released. If the retest confirms the finding, shippers are no worse off. Incidentally, BCI finds that most foreign labs are accurate with their testing. We had an experience in Japan where a lab found a highly unlikely residue on a crop. A sample of the shipment was later tested in an accredited lab in the US, and the Japanese finding, as unlikely as it was, was confirmed. Mistakes can certainly be made, but BCI has rarely found foreign labs inaccurate.
- 3. Is There a Proposed MRL?** Sometimes there is no MRL officially in place, but it may be proposed. The regulatory review is complete, and the MRL will be in effect in a matter of weeks or months. For such cases, strong arguments can be made to allow entry.
- 4. Is the Product Processed?** If the violation occurs on a processed product, shippers may be able to argue that processing factors should be considered, which might place the residue below the MRL. If the violation occurs on a concentrated juice or dehydrated product, an argument can be made to retest the product in the final form individuals will consume.
- 5. An Alternative Account:** Some shippers test lots prior to export for pesticide residues. If a shipment is detained, they are then able to produce a document to counter the finding.
- 6. Keep the Discussions at a Technical Level:** Countries inevitably feel obligated to defend their testing regimes and lab findings. Elevating and politicizing issues are only likely to encourage a government to dig in regarding their position. BCI has had the most success when addressing pesticide residue violations quietly at the technical level.
- 7. Figure Out What Happened:** Residue violations do occur. Most often these are because a foreign market is missing a MRL and the compound was approved for use in the domestic market. Other possibilities include drift from neighboring fields resulting in residues, or markets which have differing residue definitions altogether. Once the active ingredient in question is known, it is in the interest of the shipper to determine what happened so an explanation can be provided. Although this may not result in release of the shipment, it can provide assurances to the foreign market and the buyer such an incident will not occur again. Some markets such as Japan or Taiwan may ask for a written report from the shipper or industry explaining why the violation occurred.

**8. Speak to the Registrant:** Working with the registrant of the compound is also important. The registrant might be able to provide additional details on the likelihood of a residue. Importantly, they can also work to obtain a needed MRL so residue violations do not occur in the future. In 2016, BCI assisted an industry which was facing repeated violations in Taiwan for a compound. BCI approached the registrant on behalf of the industry, and after some internal discussions, the registrant agreed to submit a data package to Taiwan to establish the needed MRL.

**9. Work With Available Grower Groups or Importer Associations:** The first inclination when a violation occurs is to try to keep it quiet. While certainly no one wants publicity for a violation, there is value in sharing the information with the appropriate grower group or importer association. The grower group may know of similar violations and may be able to coordinate an industry response. The importer association can sometimes work with the foreign government to ensure sanctions applied are not overly burdensome.

**10. Explore Other Options for the Shipment:** If there truly is a residue violation and the product is not enterable, other options should be explored. Perhaps the shipment can be returned to the exporting country, or maybe a neighboring market has a MRL in place such that the product would be compliant. Both options might salvage some value from a shipment that would otherwise be destroyed.



The simplest way to avoid residue violations is to know the MRL and the market's testing policies. BCI's **GlobalMRL.com** has the latest MRLs in over 120 markets. The database also contains market information pages which include background on whether and how a market tests for pesticide residues. This information can prove valuable for exporters prior to shipments. In addition to this, BCI has industry experts available to provide individual assistance on MRL violations or pesticide residue issues.



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