

U.S. issues formal complaint over Mexico's GM corn and herbicide ban as Mexico concludes 'science' reviews alleging human health and safety risks

United States Trade Representative Katherine Tai [June 2] announced that the United States has requested dispute settlement consultations with Mexico under the United States-Mexico-Canada Agreement (USMCA). These consultations regard certain Mexican measures concerning products of agricultural biotechnology.

Mexico is one of our oldest and strongest trading partners. Our trade relationship is rooted in trust and honesty and there are many areas where we cooperate and work together.

“The United States has repeatedly conveyed its concerns that Mexico’s biotechnology policies are not based on science and threaten to disrupt U.S. exports to Mexico to the detriment of agricultural producers, which in turn can exacerbate food security challenges. Mexico’s biotechnology policies also stifle agricultural innovation that helps American farmers respond to pressing climate challenges, increase farm productivity, and improve farmers’ livelihoods,” said Ambassador Katherine Tai. “We will continue to work with the Mexican government through these consultations to resolve our concerns and help ensure consumers can continue to access safe and affordable food and agricultural products.”

“USDA supports success for all farmers, and that means embracing fair, open, science- and rules-based trade. In this spirit, the USMCA was written to ensure that producers in all three countries have full and fair access to each other’s markets,” said Agriculture Secretary Tom Vilsack. “We fundamentally disagree with the position Mexico has taken on the issue of biotechnology, which has been proven to be safe for decades. Through this action, we are exercising our rights under USMCA while supporting innovation, nutrition security, sustainability, and the mutual success of our farmers and producers.”

These consultations regard measures set out in Mexico’s February 13, 2023 decree, specifically the ban on use of biotechnology corn in tortillas or dough, and the instruction to Mexican government agencies to gradually substitute—i.e., ban—the use of biotechnology corn in all products for human consumption and for animal feed. The consultations also regard rejections of applications for authorization covering the importation and sale of certain biotechnology products. Mexico’s measures appear to be inconsistent with several of its obligations in the Sanitary and Phytosanitary (SPS) Measures and Market Access chapters of the USMCA.

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Background

[The June 2] announcement follows extensive engagement by the United States with the Government of Mexico on its biotechnology policies, including Ambassador Tai’s discussions with Mexico’s Secretary of Economy Raquel Buenrostro.

The United States has used the tools provided by the USMCA in attempting to resolve concerns with

Mexico's biotechnology policies, including meetings of the USMCA Free Trade Commission, SPS Committee, and Biotechnology Working Group.

On January 30, 2023, the United States sent a formal, written request to Mexico under the USMCA SPS Chapter (Article 9.6.14) for "an explanation of the reasons for" and "pertinent relevant information regarding" certain Mexican measures concerning biotechnology products. Mexico provided a written response on February 14.

In March 2023, the United States [requested](#) and held technical consultations with Mexico regarding its biotechnology measures under the USMCA SPS chapter, but the consultations did not resolve the matter.

Throughout our engagements, the United States has been clear that it would consider all options, including further steps to enforce U.S. rights under the USMCA, if Mexico did not return to science- and risk-based biotechnology policies that are in compliance with USMCA commitments. Through the action announced [June 2], we will seek to work with the Mexican government to resolve U.S. concerns fully.

USTR officials have worked closely with staff from USDA on this matter, and both agencies will continue working together, in consultation with stakeholders, to obtain Mexico's full compliance with its USMCA commitments.

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