

# Client Alert

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## Department of Commerce Requests Public Comments on Regulatory Barriers Disrupting U.S. Exports to Canada and Mexico

The Department of Commerce (Department) has requested public comments to help it identify regulatory differences with Canada and Mexico that disrupt U.S. exports to those countries. Having identified such differences, the U.S. government will then seek to work cooperatively with the governments of those countries to reduce or eliminate any unnecessary differences in product regulations that are impeding U.S. exports. Comments are due on April 4, 2011. The notice was published in the March 3, 2011 Federal Register (76 Fed. Reg. 11760).

President Obama announced his National Export Initiative (NEI) in 2010, setting a goal of doubling U.S. exports by 2015. The Department has linked this request for public comments to the NEI, noting that pursuing greater regulatory cooperation is a key part of Administration efforts to increase exports to mature markets such as Canada and Mexico. The Department also stated that the main impediments to greater trade with Canada and Mexico are not tariffs or quotas, but unnecessary differences in product regulations.

The Department asks that submitters “be as specific as possible in describing the relevant product or product sector, and the country or countries in which they believe there is an opportunity to facilitate trade.” The Department also requests comments on what type of cooperative activity between or among the three countries would be productive in addressing each particular regulatory concern. Examples provided in the notice of possible cooperative activities include information-sharing agreements, technical assistance, and agreements to align particular regulatory measures.

King & Spalding attorneys and professionals, including former senior officials in the U.S. government, in the Government of Mexico, and at the World Trade Organization, have extensive expertise in addressing cross-border trade and regulatory issues in North America and throughout the world. They are available to assist clients in preparing an effective response to the Department’s request for comments, including identifying appropriate regulatory issues to address and formulating proposed approaches to resolving those issues.

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