



Office of the United States Trade Representative  
600 17<sup>th</sup> Street NW  
Washington, DC 20508

May 10, 2013

**Comments Concerning the Proposed Transatlantic Trade  
and Investment Partnership (TTIP)  
Federal Register Docket USTR-USTR-2013-0019**

*Introduction and Summary*

The Center for Food Safety (CFS) is a legal, science, and public policy institute located in Washington, D.C., San Francisco, California, and Portland, Oregon. We advocate for meaningful food and farming policies that protect food safety and advance nutritional standards and food security.

While CFS is supportive of economic, regulatory, and cultural cooperation between the European Union (EU) and the United States, based on trends of trade agreements over the last few decades, we are concerned that negotiations for a Transatlantic Trade and Investment Partnership (TTIP) may result in lowering food safety and public health standards in favor of advancing trade interests. We oppose any proposal that would either dismantle the right to maintain domestic, democratically constructed food and health policies, or preclude the right to improve upon such policies. At all levels, the highest standards of public safety should be attained.

We urge the USTR to view the TTIP negotiations as an opportunity to advance an *innovative approach that harmonizes minimum standards upward*, and allows governments the flexibility to improve food safety, health, environmental, and other standards and fulfill their *raison d'être* of responding to and safeguarding its citizens.

## *Concerns About Harmonization*

Recent announcements by U.S. and EU officials negotiating the TTIP, along with industry representatives, speak of the need to “harmonize” food safety, environmental, and consumer protection standards. However, based on current trade agreements and judicial rulings by trade bodies such as the World Trade Organization (WTO), terms such as “harmonization” or regulatory “convergence” or “coherence,” while sounding sensible, have in practice resulted in setting a ceiling on standards. In other words, harmonization has codified low standards for food safety and public health and, perversely, restricted or prohibited countries from attaining higher standards that protect citizens.

For example, in June 2012, the WTO ruled that some provisions of U.S. country-of-origin meat labeling policy (COOL) were barriers to trade and violated product-related “technical regulation” limits set by the WTO. The COOL program was passed by Congress as part of the 2008 farm bill with the aim of ensuring that U.S. families could know where their food comes from and thus make informed choices in their purchasing. It is also designed to make it easier for health regulators to track food borne bacteria to its point of origin. This binding WTO ruling means that Mexico and Canada may soon impose trade sanctions against the U.S. if it does not weaken or eliminate provisions of its COOL program in order to comply with WTO rules.<sup>1</sup>

In another example of how trade bodies have overturned domestic public health and safety policies—in 2011, the WTO ruled against aspects of the U.S. ban against the sale of candy cigarettes and other sweet-flavored cigarettes (which often attract children to smoking) contained in the U.S. Family Smoking Prevention and Tobacco Control Act of 2009.

The USTR’s *High Level Working Group on Jobs and Growth* (HLWG) final report cites that the TTIP will seek “an ambitious ‘SPS-plus’” based on key principles of the WTO Sanitary and Phytosanitary Agreement (SPS), as well as building on disciplines of the WTO Agreement to Technical Barriers on Trade (TBT) chapter. CFS is concerned about this WTO-plus approach given that the two rulings cited above, as well as the majority of binding and enforceable rulings of the WTO, demonstrate a consistent pattern of lowering food, environmental, or consumer safety standards in behest to trade agendas. It is critical that a TTIP agreement reverse this trend, and not constrain the rights of nation-states to aim toward the highest food and public health standards.

---

<sup>1</sup> Public Citizen, “WTO Rules Against Yet Another U.S. Consumer Protection Policy,” June 29, 2012. <http://www.citizen.org/pressroom/pressroomredirect.cfm?ID=3647>

## *Impacts on Safety of Meat Imports*

Another aspect of harmonization of concern to CFS and numerous other consumer and public health organizations is the concept of “substantial equivalency.” In the U.S., some agencies may adopt a foreign country’s regulatory standards and systems as being “equivalent” to those of the United States. Similarly, the U.S. can enter into “mutual recognition agreements” that allow nations to rely on the results of each other’s testing, inspection, or certification regimes.

Granting “equivalency” is often subjective, imprecise, and based on incomplete or outdated information. For example, the quixotic decision of the U.S. to maintain Australia’s equivalency status after it adopted a privatized meat inspection system has resulted in repeated incidents of Australian meat imports being contaminated with fecal material and digestive tract contents.<sup>2</sup> Australia is not the only country exporting meat to the U.S. that exhibits problems. In 2012, the U.S. recalled 2.5 million pounds of Canadian beef products that were potentially contaminated with E.coli 0157:H7.<sup>3</sup>

Another disturbing example—China was declared “equivalent” for exporting poultry products to the U.S., yet investigations show that this decision was based on outdated audit information and seemed to be motivated as part of a *quid pro quo* to allow U.S. beef exports to China.<sup>4</sup>

## *Other Food Safety Issues*

Harmonization, represented in many forms, can adversely impact food safety and public health on other fronts as well. For example, the EU bans its meat producers from using the growth-promoting drug ractopamine and bans the import of meat treated with it. Similarly, the EU currently bans imports of chlorine-washed poultry products while American poultry producers use the chemical wash. CFS opposes any harmonization or trade measure that would force nations, on either side of the Atlantic, to accept food products containing residues of drugs that are not approved by their governments.

---

<sup>2</sup> “Call for USDA Review of Australia’s Meat Inspection System,” *The Beef Site*, January 4, 2013. <http://www.thepigsite.com/swinenews/31950/call-for-usda-review-of-australias-meat-inspection-system>

<sup>3</sup> Helena Bottemiller, “2.5 Million Pounds of Recalled Canadian Beef Entered U.S.,” *Food Safety News*, October 8, 2012. <http://www.foodsafetynews.com/2012/10/2-5-million-pounds-of-recalled-canadian-beef-entered-u-s/#.UY1ZWkrVrpw>

<sup>4</sup> Food & Water Watch, Citizen Petition for Rulemaking to Remove the People’s Republic of China as Being Eligible to Export Poultry Products to the United States under 9 CFS 381.196 (B), at 4-6, 10-12, Jan. 19, 2011, available at [http://www.fsis.usda.gov/PDF/Petition\\_Food&Water\\_Watch.pdf](http://www.fsis.usda.gov/PDF/Petition_Food&Water_Watch.pdf)

Again, we urge that the TTIP become a new model of trade that sets *minimum safety standards at the highest level* instead of following the old trade model of limiting or capping such standards.

### *Genetically Modified Organisms (GMOs)*

CFS is concerned about the aggressive stance of the USTR and agribusiness toward eliminating non-tariff “barriers” such as import rules on and/or labeling of genetically modified (GM) crops or organisms (GMOs). Such an aggressive sentiment was evident when United States Trade Representative (USTR) Ambassador Ron Kirk said: “Whether it’s GMOs or other issues, we want to deal with many of these non-tariff barriers that frustrate our trade.”<sup>5</sup>

In contrast with U.S. policy, the European Food Safety Authority recognizes the precautionary principle and maintains stringent safety and scientific standards in regard to approving and labeling GM crops and products. We support the right of the EU and all countries to maintain high standards appropriate to their particular environment and cultures. As is shown in every public opinion poll in the EU, Europeans, by a wide margin, want GMO products to be labeled as such.<sup>6</sup> CFS believes it would be irresponsible, and unethical, to negotiate a trade agreement that seeks to constrain democratically elected governments from responding to the mandates of its citizens.

Similarly, we are concerned that trade measures lowering or eliminating GMO labeling standards in the EU will squelch burgeoning local and state GMO labeling initiatives in the U.S. CFS urges the USTR to reject any trade measures that threaten the right of U.S. and EU citizens to democratically determine food safety and public health standards.

TTIP negotiations will also likely impact the EU’s strict regulations on growing GM crops. As an early adopter and the largest grower of GM crops, the U.S. experience is watched by other nations, including the EU. GM crops perpetuate, and in some cases, increase the use of synthetic

---

<sup>5</sup> Office of the United States Trade Representative, The Nelson Report, Press Briefing By USTR Ambassador Ron Kirk and Deputy National Security Advisor Mike Froman On U.S.-EU Trade Negotiations, February 13, 2013.

<sup>6</sup> See for example, Rebecca Smithers, “Two-thirds of British consumers say GM food labelling is important,” *The Guardian*, January 9, 2013.  
<http://www.guardian.co.uk/environment/2013/jan/09/consumers-gm-food-labelling>

nitrogen fertilizers and toxic chemicals<sup>7</sup> contributing a high percentage of greenhouse gases.<sup>8</sup>

Further, there is an alarming epidemic of “super weeds” that have evolved resistance to glyphosate, the primary herbicide used on GM crops. *Farm Industry News*, January 2013, reported that the area of U.S. cropland infested with these weeds increased by 25 percent in 2011 and 51 percent in 2012.<sup>9</sup> In response, the agriculture industry is seeking commercial approval of next-generation GM crops with stronger toxic chemicals. For example, Dow AgroSciences is seeking USDA approval of corn and soybeans resistant to 2,4-D, an active ingredient in Agent Orange, which is often contaminated with carcinogenic dioxins. Monsanto is planning to seek approval for dicamba-resistant soybeans, corn, and cotton. Dicamba has been linked to increased rates of non-Hodgkin’s lymphoma,<sup>10</sup> as well as colon and lung cancer in farmers.<sup>11</sup>

Given these known harms, and potential harms, of growing GM crops, CFS believes it is critical that trade measures do not force nation-states to adopt agriculture and farming systems that may deteriorate the environment or food safety, or impede their ability to set ambitious policies in response to climate change. Additionally, trade measures should not contradict and run counter to international efforts to reduce greenhouse gas emissions and curb global warming.

Instead, CFS supports trade policies that advance ecologically based farm and food systems. In TTIP stakeholder meetings to date, agricultural industry representatives have stated that GM crops are needed to feed a hungry and growing population. However, CFS disputes such conclusions especially given that after two decades and millions of dollars spent on GM crop technology, there is no evidence that such crops have curbed

---

<sup>7</sup> GE crops in the U.S. used more than 26 percent more pesticides per acre than non-GE, conventional crops. Charles Benbrook, *Impacts of Genetically Engineered crops on Pesticide Use in the United States: The First Thirteen Years*, The Organic Center, November 2009, p. 47 & Supplemental Table 7, [http://www.organic-center.org/science.pest.php?action=view&report\\_id=159](http://www.organic-center.org/science.pest.php?action=view&report_id=159)

<sup>8</sup> Dipti Thapa and Marjory-Anne Bromhead, *The Hague Conference on Agriculture, Food Security and Climate Change, Opportunities and Challenges for a Converging Agenda: Country Examples*, issue brief, Conference ed., World Bank, 2010, p. 2. See also, IPCC, Contribution of Working Group III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, in: B. Metz, O.R. Davidson, P.R. Bosch, R. Dave, L.A. Meyer (eds.), *Agriculture*, Cambridge University Press: Cambridge, 2007.

<sup>9</sup> “Glyphosate-resistant weed problem extends to more species, more farms,” *Farm Industry News*, January 29, 2013. <http://farministrynews.com/herbicides/glyphosate-resistant-weed-problem-extends-more-species-more-farms>

<sup>10</sup> Kenneth P. Cantor, Pesticides and other agricultural risk factors for non-Hodgkin’s lymphoma among men in Iowa and Minnesota (*Cancer Res*, 1992) 52: 2447-55.

<sup>11</sup> Claudine Samanic, et al., “Cancer Incidence Among Pesticide Applicators Exposed to Dicamba in the Agricultural Health Study,” *Environmental Health Perspectives* 114 (2006): 1521-26.

hunger today. Instead, CFS promotes the increasing body of science and research concluding that organic and agro-ecological farming approaches best ensure food security, especially in times of climate chaos.<sup>12</sup>

### *Transparent and Inclusive TTIP Process*

CFS looks forward to continuing a dialogue as trade negotiations advance; however, we are deeply concerned about the lack of transparency and inclusiveness in the process thus far. It is essential that TTIP draft texts be made available and that an open process be established for continual engagement and consultation with NGOs, the public, and Congress.

### *Conclusion*

Finally, we emphasize that citizen groups are prepared to rigorously defend high food safety and public health standards and challenge any trade measures that would lead to a race to the bottom when setting standards that do not fully defend citizens and the environment. Should the TTIP follow the trend of previous trade agreements, democratic choice and public safety will suffer. We strongly urge policy makers to set a new example and champion public interests in way that benefits citizens both in the U.S. and EU.

CFS welcomes the opportunity to submit these comments and can provide further information or clarifications as needed.

Debbie Barker  
International Programs Director  
Center for Food Safety  
[dbarker@centerforfoodsafety.org](mailto:dbarker@centerforfoodsafety.org)  
202.547.9359

---

<sup>12</sup> IAASTD, *Agriculture at a Crossroads: Global Report*, publication, Washington, D.C.: Island Press, 2009; *Agroecology and the Right to Food*, report presented at the 16<sup>th</sup> Session of the United Nations Human Rights Council [A/HRC/16/49], March 8, 2011.