



# CENTER FOR FOOD SAFETY

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Comments to the High Level Regulatory Cooperation Forum  
On Transatlantic Trade and Investment Partnership  
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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 and the United States, 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 strongly oppose any proposal that would either dismantle the right to maintain existing food and public health policies, or preclude the right to improve upon such policies in order to ensure that the highest standards of public safety are met.

Recent announcements by U.S. and the 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 rulings by trade bodies such as the World Trade Organization, terms such as “harmonization” or regulatory “convergence” or “coherence,” while sounding rather 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 is coming from and thus make informed choices in their purchasing, and also to make it easier for health regulators to track food borne bacteria to its point of origin.

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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.* As yet another example of how trade bodies can overturn domestic public health and safety policies, in 2011 the WTO ruled against aspects of the U.S. ban against the sale of candy- 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.

Unfortunately, the majority of binding and enforceable rulings of the WTO and those of other trade bodies such as the North American Free Trade Agreement (NAFTA) demonstrate a consistent pattern of lowering food, environmental, or consumer safety standards in behest to trade agendas.

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 very 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. 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.

Another disturbing example—China was declared “equivalent” for exporting poultry products to the U.S. but 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>1</sup> Similarly, we are concerned about the trend to harmonize tolerances of maximum residue limits of unapproved new animal drugs in food shipped to the U.S.

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<sup>1</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).

Time does not permit a full review of how harmonization, in its many forms, are whittling down food safety and public health precautions in the drive to increase trade. In sum, we urge that the TTIP demonstrate a new model of trade that sets *minimum safety standards* for all participating parties instead of following the old trade model of limiting or capping such standards.

We are also 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). As United States Trade Representative (USTR) Ambassador Ron Kirk has said: “Whether it’s GMOs or other issues, we want to deal with many of these non-tariff barriers that frustrate our trade.”<sup>2</sup>

Compared to the U.S., 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 individual countries to maintain high standards appropriate to their particular environment and cultures, and the ability to respond to mandates of its citizens.

Especially given that GM crops perpetuate, and in some cases, increase the use of synthetic nitrogen fertilizers and toxic chemicals<sup>3</sup> contributing a high percentage of greenhouse gases,<sup>4</sup> it is critical that trade measures instead advance ecological farm and food systems that help avert and adapt to catastrophic climate chaos and better ensure food security.

Also, given that around 26 states in the U.S. have moved to enact more comprehensive labeling requirements for GMOs, we oppose any trade measures that could threaten the rights of U.S. citizens to democratically determine higher standards in food labeling.

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<sup>2</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>3</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>4</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.

Again, time does not permit a fuller discussion of this and other matters but we look forward to continuing a dialogue as trade negotiations advance. We strongly urge that the negotiation process be fully open and that negotiating texts will be published as they are developed. As already noted, we encourage and support efforts to make the TTIP a model of a new trade system that provides minimum standards of safety and protection for citizens of all countries.

Finally, we emphasize that citizen groups are prepared to rigorously defend high food safety and public health standards and ready to reject any trade measures that would lead to a race to the bottom when setting standards that do not fully defend citizens and the environment.

Thank you for this initial hearing of our concerns.

