



May 10, 2013

Mr. Douglas Bell
Chair, Trade Policy Staff Committee
Office of the United States Trade Representative
600 17th Street, NW
Washington, DC 20506

RE: USTR Docket Number USTR-2013-0019.
Request for Comments on Proposed Transatlantic Trade
and Investment Partnership.
78 Fed. Reg. 19566. 1 April 2013

Dear Sir:

We are pleased to submit comments to the United States Trade Representative in support of the Administration's intention to launch negotiations for a Transatlantic Trade and Investment Partnership (TTIP) with the European Union. We support the reduction and elimination of technical barriers to trade and are strong supporters of measures to protect the trade secrets of companies.

With the U.S.-EU economic relationship being already the world's largest, accounting for one third of total goods and services trade and nearly half of global economic output, the Transatlantic Trade and Investment Partnership offers a unique opportunity to further expand on that success. Potential benefits include increased international competitiveness, and promotion of jobs and growth. Without a level playing field, U.S. businesses are at a competitive disadvantage. Trade partnerships are critical in eliminating trade barriers.

The stated aims for a successfully negotiated Transatlantic Trade and Investment Partnership include intent to:

- "tackle costly 'behind the border' non-tariff barriers that impede the flow of goods and services trade" and
- "seek to significantly cut the cost of differences in regulation and standards by promoting greater compatibility, transparency, and cooperation".

We believe that the area of flavors and flavor safety can lead the way in these important pursuits. Consumers worldwide are continually demanding new and improved flavors in their foods and beverages. Consumers and the food and beverage industry expect flavors and foods containing them to be safe as well as available across jurisdictional boundaries.

To that end, producers of foods and beverages urge the parties to provide for the explicit recognition of the thorough and globally consistent scientific protocols by which the safety of flavors is determined, assuring the safety of flavoring materials and the products that they are in. We also urge the parties to acknowledge that disclosure of product formulation for flavors and products containing flavors as a condition of market access is not required. Specifically, the TTIP should provide for the following –

To improve alignment of flavoring regulations and regulatory activities with the objective of promoting and protecting public health while not creating unnecessary obstacles to trade and eliminating these barriers when possible, the Parties shall accept the predominant international flavor-safety protocols as evidence of the safety of flavoring materials, as follows:

All flavoring materials, including those obtained by chemical synthesis or isolated using chemical processes, and those denominated as natural flavoring materials (both individual substances and natural-complex materials) shall be considered acceptable for use if they qualify under one or more of the following criteria, indicating that the material is appropriate for use in the formulation of flavorings:

- a. Listed in the International Organization of the Flavor Industry (IOFI) Global Reference List of Flavorings (GRL);
- b. Accepted by the Joint Food & Agriculture Organization (FAO)/World Health Organization (WHO) Expert Committee on Food Additives (JECFA) as posing no safety concerns at current levels of intake;
- c. Evaluated and found, using the same or similar methodology as used by JECFA, to present “no safety concern under conditions of intended use” by authoritative bodies such as the European Food Safety Authority (EFSA) or the Japanese Food Safety Commission (FSC); and/or
- d. Deemed to be Generally Recognized As Safe (GRAS), or approved as food additives by the US Food and Drug Administration (FDA) including GRAS determinations published by the Expert Panel of the Flavor and Extract Manufacturers Association of the United States (FEMA).

Resultant benefits of such a convergence of flavor regulations would include –

- Transparency (Companies would know which flavorings are acceptable across these markets.)
- Transportability of Goods (reduction of the barriers to trade caused by even slight misalignment in flavor-safety approaches)
- Greater Choice for Consumers
- Cost Savings for Governments (able to re-focus scarce resources in areas with greater concerns)
- Elimination of need for regulators to ask for compositional information
- Resultant Protection of Trade Secrets

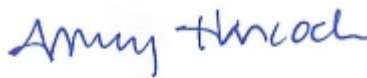
We look forward to working with USTR and other agencies during this negotiation and would be pleased to answer questions or provide more information if needed.

Sincerely,



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