

May 8, 2013

RE: Request for Comments Concerning Proposed Transatlantic Trade and Investment Agreement; 78 Fed. Reg. 19566 (2013)]

The Center for Science in the Public Interest (CSPI) offers the following comments and recommendations to the U.S. Trade Representative regarding the proposed Transatlantic Trade and Investment Agreement. This letter also serves as notice that I wish to make an oral presentation during the May 29 and 30 hearing and its contents may be recognized as a summary of those comments.

CSPI and Trade

CSPI is a bi-national non-governmental health advocacy and education organization with offices in Washington, D.C., (USA) and Ottawa, ON, (Canada), which focuses on food, food safety and nutrition issues. We are supported principally by the 900,000 subscribers to *Nutrition Action HealthLetter* and by foundation grants. We accept no government or industry funding. In addition to work on domestic policies in the U.S. and Canada, we participate in the CODEX Alimentarius under the flag of the International Association of Consumer Food Organizations (IACFO). We are also members of the Transatlantic Consumer Dialogue (TACD), which coordinates between consumer organizations in the U.S. and EU on issues of mutual interest and trade.

International trade in food and harmonization of safety standards promises valuable benefits for consumers. Properly structured, trade agreements can deliver a variety of safe food products that are appropriately labeled to inform consumers about nutrition, ingredients and additives. Trade agreements could also improve protections by ensuring international traceability to a food's source and information sharing regarding recalls.

But the benefits of trade will only be secured to consumers if our agreements provide at least equal weight to consumer health and safety vis-a-vis trade promotion interests. We believe it is critically important that the TTIP talks include public health protections consistent with the Agreement on Sanitary and Phytosanitary Measures (SPS) and the Agreement on Technical Barriers to Trade (TBT). Any discussion of enhanced SPS or TBT measures should be focused on strengthening consumer protections. They should avoid concepts such as a rapid dispute resolution mechanism, which could take official actions to stop unsafe food imports out of the normal system of administrative hearing and court review with potentially dire public health consequences.

Specific Proposals for Consideration

In response to the Federal Register notice of April 1, 2013, CSPI offers the following recommendations be included in talks between the U.S. and EU.

Performance standards. A performance standard is the level of a hazard to be achieved at a specific point in the food chain. One form of a performance standard, the zero tolerance, means that the presence of the controlled organism at any level causes the food to be adulterated. Consumers should not be exposed to foodborne diseases where there are reasonable measures for reducing or eliminating the risk or dangerous organisms in food. Currently, the U.S. and EU have differing policies on the dangerous pathogenic bacteria *Listeria monocytogenes*. We encourage the Trade Representative to seek agreement and adoption of the U.S. policy of zero tolerance for *Listeria monocytogenes*. Additionally, we encourage adoption of the U.S. policy of zero tolerance for *E. coli* O157:H7 and other STECs.

Antibiotic Resistance. Antibiotics are losing their effectiveness due in part to overuse in animals raised for food. Consumers should not be exposed to resistant bacteria associated with foodborne diseases. Rather, our trade agreements should promote World Health Organization standards that would preserve the effectiveness of critical antibiotics. An additional consideration is the potential for antibiotic and other drug residues to cause allergic reactions and other health side effects if they are present in food. We encourage the Trade Representative to seek agreement and adoption of the EU policy banning non-therapeutic use of antibiotics in food animals.

GRAS substances. In the United States, chemical processors and the food industry can declare substances "Generally Recognized as Safe" (GRAS) without seeking government review. This puts consumers at risk from presumed safe additives which in fact carry a risk of allergic reactions or long-term detrimental health effects. We encourage the Trade Representative to seek an agreement on a standardized governmental review and approval process for all GRAS substances before they can be used in food

Animal ID Systems. Identifying food animals from birth to final processing/packaging is critical to managing and controlling animal and human risks from disease and contaminants. A consistent animal identification system is needed to help consumers avoid exposures to drug and chemical residues and dangerous diseases such as BSE. It is important to agriculture because of the threat of contagious animal diseases such as Footand-Mouth Disease. Unfortunately, the U.S. has a weak animal identification program. We encourage the Trade Representative to seek agreement and adoption of an uniform animal ID system modeled on the EU system.

Rapid Alert of Recalls. The EU operates a rapid alert system for notifying member states when food is identified as being adulterated or mislabeled. A similar system should be established between the U.S. and the EU since consumers travel widely and without proper notice may not be aware of contamination events to which they may have been

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exposed. Also, border officials need adequate, timely notice of recalls and contamination events so that they can stop potentially harmful food before it enters the national food supply. We encourage the Trade Representative to seek agreement on protocols for public sharing of food adulteration alerts and coordinating recall information on trade items.

These proposals are offered as ideas for bringing about greater compatibility between the regulatory systems of the U.S. and EU while also promoting public health. If adopted they provide the promise of reduced costs and administrative delays, and greater economic growth through trade. These benefits would be realized not in small part because of greater consumer acceptance of internationally traded food due to a perception of common and strong food safety standards. It would also reduce the cost of doing business by eliminating the need for private audits to verify that food or ingredients meet the importing country's safety standards.

Thank you for considering these views as you prepare to begin the TTIP talks. We look forward to working with the Trade Representative to see that a final agreement serves the interests of consumers.

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CSD/dwp