

March 8, 2004

The Honorable Robert B. Zoellick
United States Trade Representative
Room 209A
600 17th Street, N.W.
Washington, D.C. 20508

Dear Ambassador Zoellick:

We are writing in regard to the upcoming meeting of the World Trade Organization's (WTO) Committee on Sanitary and Phytosanitary Measures (SPS Committee) in Geneva Switzerland, beginning on March 17.

In preparation for this meeting, we request that you review the following objections put forth by your office in the *2003 National Trade Estimate Report on Foreign Trade Barriers*. We believe that these objections involve regulatory measures that may constitute legitimate sanitary or phytosanitary protections. While we recognize that these regulatory measures may impede trade, we request that your office abstain from objecting to them at the upcoming SPS Committee meeting and instead, acknowledge that these actions are a genuine attempt at improving the health and safety of consumers.

1) The United States has objected to various European Union requirements for registration of feed lots. In previous submissions to the SPS committee, the USTR took the position that the U.S. "does not require or support registration of animal feed establishments" as required by the European Union and considers this matter an "unresolved" trade concern. The European Union requires registration of all its domestic animal feed establishments to facilitate inspection by responsible authorities. Such inspections are especially critical in light of bovine spongiform encephalopathy (BSE), or "mad cow disease." Since the United States first raised objections to these matters, there has been a "Declaration of Extraordinary Emergency Because of Bovine Spongiform Encephalopathy" in the United States. 69 *Fed. Reg. 1694* (Jan. 12, 2004). Within the declaration, the U.S. Department of Agriculture states that BSE presents a "potential serious burden to foreign commerce." *Id.* In the interest of U.S. trade, swift remedial action is vital to prevent further deterioration of confidence in the safety of U.S. meat. The measures taken by the European Union, if implemented in the U.S., could help regulatory agencies do a better job of tracking cattle and containing an outbreak of animal disease. We recommend that your office re-examine the European Union requirements and reconsider the stance the USTR has taken in this matter.

2) The United States has raised concerns about the European Union's 1998 ban on the use of certain antibiotics in animal feed as growth promoters. The U.S. has stated that this matter is "unresolved" because the European Union has not yet released a review of this ban that it promised to complete by December 2000. The United States Centers for Disease Control and Prevention, the United States National Academy of Sciences, the United States General Accounting Office, and the World

Health Organization (WHO) have each studied the subtherapeutic use in livestock of human-use antibiotics and concluded that this practice poses a risk to human health, though the data is insufficient to quantify that risk with precision. The US should drop its objection and do what the WHO and numerous U.S. scientific and public health organizations have recommended: ban the use of human-use antibiotics to accelerate the growth of livestock.

3) The United States has maintained that it considers as an “outstanding” trade concern various standards maintained by Chile, The Czech Republic, El Salvador, Honduras, and The Slovak Republic that mandate zero-tolerance for *Salmonella* in imported “poultry meat.” The USTR claimed in October 1996 that these requirements discriminate against United States exports. Some of these requirements, however, may constitute a legitimate effort by other nations to incrementally improve food safety protection. *Salmonella* contamination is a well-known public health concern for which countries are entitled to set their own level of protection. For example, the United States Department of Agriculture maintains a zero tolerance for *Salmonella* in meat that it buys for the school lunch program. In brief, the maintenance of these standards is a public health matter that should not be viewed solely in terms of trade impact.

4) Turkey’s Ministry of Agriculture and Rural Affairs requires a dioxin-free certificate in order to import any foodstuff. The United States sees this as problematic because, “U.S. regulatory agencies do not require such testing or certify these types of results.” Though the U.S. government does not require dioxin testing, it recognizes the threat that dioxin poses to human health. According to the Food and Drug Administration (FDA), the appearance of dioxin in a feed or food supply “is of gravest concern.” In January 1999, dioxin contamination was reported at a rendering facility in Belgium. In response, the U.S. temporarily increased its screening measures. After this incident both the FDA and the United States Department of Agriculture, as stated in the *July/August 2000 FDA Veterinarian Newsletter*, planned on increasing the monitoring of foods and animal feeds most likely to contain dioxins. The U.S. has thus acknowledged the threat dioxin poses to human health and should consider adopting required testing procedures rather than only testing in response to immediate threats. Furthermore, USTR should view Turkey’s concern as legitimate rather than an unjustified trade barrier.

5) The United States has raised concern with Ghana’s import restrictions regarding the fat content of imported meat. Ghana’s requirements constitute a legitimate attempt to protect human health. Ghana prohibits the entry of meat that exceeds the maximum fat content levels as follows: 25% for beef, 42% for pork, 35% for mutton, and 15% for poultry. The U.S. could benefit from having such requirements for meat sold in this country. Current USDA regulations allow up to 30% fat in ground beef and 50% fat in pork sausage. According to the American Heart Association’s *Heart Disease and Stroke Statistics – 2004 Update*, cardiovascular disease remains America’s number one cause of death. Meat is one of the largest sources of artery clogging saturated-fat in the American diet. USTR should not attempt to undermine efforts by other countries to improve health by placing lower fat content levels on meat imports.

Sincerely,

Bruce Silverglade
Director of Legal Affairs

Caroline Smith DeWaal
Director of Food Safety