

No More Toxic Trade

10 Steps to Address the Imported Food and Product Safety Crisis

ONE Fix existing trade pacts that limit import safety standards and border inspection.

A thorough review is needed now of our existing trade agreements – from the North American Free Trade Agreement (NAFTA) and the World Trade Organization (WTO) pacts to recent NAFTA-clone regional agreements – to carefully identify the provisions that are causing problems. We must fix these existing agreements – and do better in the future. If we are to enjoy the benefits of trade, we must remove these non-trade limits on our basic health and safety that have been inserted into recent trade agreements. Specifically, our current trade agreements must be modified to remove provisions that:

- Limit countries' rights to inspect imports at a more intensive rate than similar domestic goods. We must be free to inspect imports at whatever rate government safety agencies determine is needed to ensure safety,
- Require the United States to allow imports of meat and poultry and non-food products from foreign countries that use "equivalent" and often lesser safety standards. We must be free to require that only goods that meet our U.S. safety and environmental standards can be imported.
- Limit the level of food or product safety protection countries choose to implement. We must be free to set our own level of desired safety and environmental protection.

TWO Reject four pending NAFTA expansion agreements that would worsen the problem.

Congress must reject the pending NAFTA expansion deals so that the Bush administration is forced to remedy the limits on safety standards and border inspection *in the current model* before any new deals are approved. The four pending NAFTA expansion agreements with Peru, Panama, Colombia and South Korea would make the situation worse by increasing the import of food and products while limiting U.S. safety standards and border inspection.

THREE Ensure products meet U.S. safety standards before they enter the U.S. market.

Require pre-shipment inspections and create a program of government-administered mandatory 3rd party testing of imported toys and consumer goods to ensure product safety.

FOUR Give the Food and Drug Administration (FDA) the authority to examine and approve other nation's regulatory systems as meeting U.S. safety standards *before* imports from a country can enter the U.S. market and tighten USDA rules.

The FDA needs new authority to examine and approve other nations' regulatory systems and food safety laws as the same as ours or better, before imports from a country can enter the U.S. market. Currently, 80 percent of food products we eat come under FDA jurisdiction. These imports currently are permitted to enter the U.S. market without FDA's pre-approval of the food safety systems of the exporting countries. In contrast, USDA, which regulates less than 20 percent of the foods we eat, has authority to inspect plants abroad and decide which countries will be allowed to import meat and poultry here. Unfortunately, USDA does not require that foreign food safety systems be the same as the U.S. safety system, but rather (as



required by WTO and NAFTA) allows imports from countries deemed to have “equivalent” systems.

USDA needs to tighten its foreign food production safety standards to only allow food that meets our standards to enter, not food produced under “equivalent” systems. There is no definition of equivalence in the trade pacts – and failure to find another country’s system equivalent can be challenged as a trade violation. Countries whose safety systems differ significantly from ours have been deemed equivalent, and their products often enter our market in violation of U.S. law.

FIVE Give U.S. agencies with enforcement authority the power to levy meaningful civil penalties for manufacturers, importers, distributors, and retailers who fail to meet safety standards, and criminal penalties for those who knowingly and repeatedly jeopardize public safety.

SIX Border inspection of imported food and products must be greatly increased.

Congress must require and fund greatly increased border inspection to prevent unsafe products from crossing our borders. It is unconscionable – and dangerous – that the U.S. inspection rates for produce and seafood is less than one percent and meat and poultry inspection is only 11 percent. In contrast, the European Union physically inspects many high risk imports, such as seafood, at a rate of 20-50 percent. Currently, the CPSC has a total of only 15 border inspectors to inspect all non-food imported products!

SEVEN Country-of-origin labeling of ALL imported products so consumers can make informed choices.

Congress should immediately implement the 2002 law that requires country-of-origin (COOL) labels on beef, pork, lamb, fruits and vegetables. Congress should extend COOL provisions to cover all food products, including poultry and food ingredients, as well as drugs, cosmetics, dietary supplements and vitamins. Currently only prepackaged retail-ready foods and certain non-processed seafood sold in the United States are required to have COOL labeling.

Develop a product traceability program for food and consumer products as well as for all components and ingredients.

EIGHT Hold foreign manufacturers and suppliers, and U.S. importers and distributors, accountable for bringing unsafe products to the market.

Create market incentives for overseas manufacturers to focus on safety by subjecting them to the possibility of lawsuits in U.S. courts by injured consumers. Currently, overseas manufacturers escape such liability, allowing those who cut corners on safety to profit without concern. By legislating jurisdiction of U.S. courts to the overseas manufacturers of any product entering U.S. markets, Congress would make attention to safety a good business decision for overseas producers.

Require importers to post a bond to ensure they have sufficient resources to recall their products should they prove dangerous or defective.

NINE Authorize mandatory recall authority for all government agencies charged with ensuring food, product or consumer safety. Although the CPSC has recall authority, the FDA and USDA lack such authority for most food products.

TEN Require all government agencies to publicly disclose information pertaining to safety investigations and reports of adverse events. Currently, FDA has such authority, but CPSC does not.

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