



**HARMONIZATION ALERT, a publication of Public Citizen, seeks to promote open and accountable policy-making relating to public health, natural resources, consumer safety, and economic justice standards in the era of globalization.**

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**WORLD TRADE ORGANIZATION**

**Topic:** *U.S. & EU Consumer Groups Call for a Moratorium on New WTO Challenges to Environmental, Health, and Safety Measures*

**Contact:** Nadia Chelafa, Transatlantic Consumer Dialogue Secretariat, Phone: +44 171 226 66 63 (ext 210); Fax: +44 171 354 06 07; or visit [www.tacd.org](http://www.tacd.org).

Leading European and American consumer organizations charged this month that formal trade challenges in the World Trade Organization (WTO) “have been used as a tool against domestic food safety, health, and other consumer concerns.”<sup>1</sup> A Seattle WTO Ministerial position paper issued by the Transatlantic Consumer Dialogue (TACD) called for a moratorium on new WTO challenges of *prima facie* non-discriminatory, environmental, health, and safety measures, until a speedy and thorough review of the WTO’s five-year record is conducted. The groups also called for a review of the existing WTO rules’ actual performance *before* any future negotiations are begun.

“Trade rules should not become a tool for undermining important legitimate consumer protection

standards, like labeling requirements for genetically engineered foods,” said Jean Halloran of the U.S. Consumers’ Union Consumer Policy Institute.

The TACD, which includes representatives from all major consumer organizations in the United States and western Europe, issued its position paper on the WTO in preparation for the WTO’s imminent Third Ministerial meeting in Seattle, Washington. While acknowledging that aspects of trade liberalization can benefit consumers by providing increased choice and, in some cases, lower prices, the TACD statement notes that the WTO weakened consumer rights in many areas.

The paper represents a shift in the consumer movement’s position regarding the WTO, with the groups

once again united after a split that occurred when some groups supported the WTO's formation in 1994. "We supported the Uruguay Round because we believe that trade liberalization is an important contributor to global welfare," said Jim Murray, Director of BEUC (the European Consumers Organization) and EU chair of the TACD steering committee. "Now, we must look at some of the negative effects of that round and address consumer concerns about standards, consumer choice and other issues in the context of the liberalization process."

The new consumer document cites the damaging trend of WTO challenges to protective food and environmental standards, including: a ban on meat treated with artificial hormones and protections for endangered sea turtles.<sup>2</sup> Equally troubling to the consumer advocates is that threats of WTO challenges have resulted in the preemptive weakening of national laws, such as the public health law promoting breast feeding in Guatemala which was targeted by Gerber Corporation for impinging on its WTO-protected trademark rights, several Korean food safety laws, a Thai medicine-access policy, and the EU ban on fur caught with cruel, steel-jawed leghold traps targeted by U.S. furriers.

The 14 page document calls upon governments to launch an objective review that includes access to documents and meaningful input into the review by non-

governmental organizations (NGOs) and citizens at the national and international levels. Specifically the document calls for a review of the text, implementations, and results of the Agreements on Sanitary and Phytosanitary (SPS) Measures, Technical Barriers to Trade (TBT), Trade Related Aspects of Intellectual Property (TRIPs), Trade Related Investment Measures (TRIMs), Agriculture, Services, and Dispute Settlement Understanding.<sup>3</sup> The TACD calls for such a review to address the WTO's impact on the fundamental consumers' rights, which include access to essential goods and services; choice; product, food and workplace safety; and a healthy environment.

The TACD, which was established in September 1998, is a forum of United States and European Union consumer organizations to develop and advocate joint consumer policy recommendations that promote the consumer interest in EU and U.S. policy making. In the U.S., the TACD steering committee includes: Consumers Union, Consumer Federation of America, Public Citizen, and U.S. Public Interest Research Group (PIRG). The World Trade Organization was established in 1994 by the Uruguay Round of the General Agreement on Tariffs and Trade as a body to enforce expanded global regulatory and commercial rules. The WTO's Third Ministerial will be held in Seattle, Washington, from November 30 to December 3, 1999.

## **SEATTLE WTO CITIZEN SUMMIT HIGHLIGHTED EVENTS**

*This is a list of selected NGO events that will take place during the WTO Ministerial Conference in Seattle, Washington, November 29-December 3, 1999. The weekend prior to the Summit, the International Forum on Globalization is holding a Teach-In featuring scholars and activists from around the world at Benaroya Symphony Hall starting at 7:30 p.m. Friday night and continuing all day Saturday. Events, venues, and times are subject to change. For an updated and more comprehensive calendar of events, visit [www.seattle99.org](http://www.seattle99.org).*

### **Monday, November 29**

Event: Environment/Health Day Educational Programming  
 Time: 8:30 a.m.-5:00 p.m.  
 Place: 1<sup>st</sup> United Methodist Church, 811 5<sup>th</sup> Avenue  
 Contact: Kathleen Casey (Sierra Club) at (206) 378-0114, or [kathleen@sierraclub.org](mailto:kathleen@sierraclub.org) (environment); or Dion Casey at [dcasey@citizen.org](mailto:dcasey@citizen.org) (health)  
 In brief: A mix of panels, workshops, and public events on globalization and its effects on public health and the environment.

Event: International Interfaith Gathering  
 Time: 4:30 p.m.  
 Place: 1<sup>st</sup> United Methodist Church, 811 5<sup>th</sup> Avenue  
 Contact: Michael Ramos (WA Association of Churches) at (206) 625-9790  
 In brief: Following a service including Sweet Honey and The Rock, participants will march to the invitation-only black-tie opening gala of the WTO Ministerial.

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**Harmonization Alert** is a monthly publication of Public Citizen Foundation. It aims to inform a wide audience of interested parties about international standardization activities. Additional information and materials for many of this publication's listings are available through our harmonization clearing house. If you have any information on harmonization-related issues, please contact us so we can share your information with other readers. **Harmonization Alert** is available free of charge by mail, list serve, and on the Internet at [www.harmonizationalert.org](http://www.harmonizationalert.org). Please contact Dion Casey at [dcasey@citizen.org](mailto:dcasey@citizen.org) or Mary Bottari at [mbottari@citizen.org](mailto:mbottari@citizen.org) or call (202) 546-4996 to subscribe or for clearinghouse requests. Public Citizen's Harmonization Project is supported by grants from the Ford Foundation, the National Association for Public Interest Law, and the Cummings Foundation.

**Tuesday, November 30**

Event: Human and Labor Rights Educational Programming  
 Time: 8:30 a.m.-5 p.m.  
 Place: Gethsemane Lutheran Church, 911 Stewart St.  
 Contact: Malini Mehra (People's Decade for Human Rights Education) at malinimehra@aol.com, or Marianne Mollmann (Public Citizen) at (202) 546-4996  
 In brief: A mix of workshop and strategy sessions on globalization and its effects on human and labor rights.

Event: Citizen's Rally and March on the WTO  
 Time: 10:30 a.m.  
 Place: Memorial Stadium  
 Contact: King County Labor Council at (206) 441-8510  
 In brief: Labor, environmental, and consumer leaders will rally at Memorial Stadium and at 12:30 march to the WTO Ministerial meeting.

Event: Debate  
 Time: 7:00-8:30 p.m.  
 Place: Seattle Town Hall, 1119 8<sup>th</sup> Ave.  
 Contact: Debi Barker (International Forum on Globalization) at (415) 771-3394, or Lori Wallach (Public Citizen) at (202) 546-4996 or lwallach@citizen.org  
 In brief: Ralph Nader, Vandana Shiva, and Maude Barlow debate the WTO's record with business, WTO, and USTR officials.

**Wednesday, December 1**

Event: Democracy/Development/Women's Issues Educational Programming  
 Time: 8:30 a.m.-5:00 p.m.  
 Place: 1<sup>st</sup> United Methodist Church, 811 5<sup>th</sup> Ave.  
 Contact: Alexandra Spielloch (Center of Concern) at aspielloch@coc.org  
 In brief: A mix of panels, workshops, strategy sessions, and press events on globalization and its effects on democracy, development, and women.

Event: Access to Medicines/Agreement on Trade Related Aspects of Intellectual Property (TRIPs) Discussion  
 Time: 10:00 a.m.-12 noon  
 Place: Madison Hotel  
 Contact: James Love (Consumer Project on Technology) at (202) 387-8030  
 In brief: Consumer leaders will discuss the TRIPs Agreement and its effects on access to essential medicines.

Event: Global Farmers' Dialogue  
 Time: 6:30-9:00 p.m.  
 Place: Best Western Executive Inn  
 Contact: Niel Ritchie (Institute for Agriculture and Trade Policy) at (612) 870-3405  
 In brief: Farmers and farm groups from around the world will meet to discuss the WTO's effects on their lives and livelihoods.

**Thursday, December 2**

Event: Farmer's Press Breakfast  
 Time: 8:30-9:45 a.m.  
 Place: 1<sup>st</sup> United Methodist Church, 811 5<sup>th</sup> Ave.  
 Contact: Renske van Staveren (IATP) at (612) 870-3423  
 In brief: Notable international and U.S. farmers will speak on how trade liberalization has affected farming and food production in their countries.

Event: Food/Agriculture Day Educational Programming  
 Time: 10:00 a.m.-12 noon  
 Place: 1<sup>st</sup> United Methodist Church, 811 5<sup>th</sup> Ave.  
 Contact: Renske van Staveren (IATP) at (612) 870-3423  
 In brief: A mix of plenary, workshop, strategy, and public events on globalization and its effects on agriculture, family farms, and food security.

Event: Food and Agriculture Rally  
 Time: 12:30-1:30 p.m.  
 Place: Victor Steinbruck Park (near Pike Place Market)  
 Contact: Renske van Staveren (IATP) at (612) 870-3423  
 In brief: Invited speakers include Jim Hightower and Vandana Shiva.

Event: Workshop  
 Time: 1:30-4:30 p.m.  
 Place: The Meeting Place, Pike Place Market, 93 Pike St.,  
 Contact: Bruce Silverglade (Center for Science in the Public Interest) at (202) 332-9110  
 In brief: Consumer and agricultural experts will discuss the impacts of globalization on food safety.

**Friday, December 3**

Event: Plenary Session on Corporate Accountability

Time: 9:00 a.m.-1:00 p.m.

Place: Gethsemane Lutheran Church, 911 Stewart St.

Contact: Mike Dolan (Public Citizen) at (206) 770-9044

In brief: Consumer leaders will discuss the impacts of globalization on corporate accountability.

**NAFTA INVESTOR-TO-STATE LAWSUITS**

**Topic:** *Canadian Corporation Uses NAFTA to Attack U.S. Judicial System*

**Venue:** NAFTA Chapter 11 Tribunal

Use of a controversial North American Free Trade Agreement (NAFTA) provision by a Canadian corporation to sue the U.S. government for cash damages has come to light. On May 6, 1999, a Canadian real estate company filed a \$50 million claim against the U.S. under NAFTA's Chapter 11 "investor to state" lawsuit provisions after it failed to win a contract dispute with the City of Boston.

The new NAFTA suit has nothing to do with international trade, and the firm, Mondev International of Montreal, has lost every appeal during extensive action within the U.S. court system. Mondev has turned to NAFTA's regulatory takings provisions to end-run around a U.S. federal court decision. At the crux of Mondev's argument is the notion that new rights for foreign investors granted in NAFTA trump a state's sovereign immunity protections as regards foreign investors. If a NAFTA tribunal finds for Mondev, the U.S. government is liable for Mondev's claimed damages, despite rejection of Mondev's claim by U.S. courts.

NAFTA Chapter 11's provisions on Expropriation and Compensation allow private investors to sue NAFTA nations directly outside of domestic courts and before NAFTA tribunals for cash compensation for government actions that the tribunal decides undermine an investor's NAFTA rights and privileges. Specifically Chapter 11 guarantees foreign investors compensation from NAFTA nation governments for any government action "tantamount" to an "indirect expropriation."<sup>4</sup> These provisions have been criticized as creating a broad regulatory takings mechanism.

Mondev's claim has nothing to do with international trade. Its NAFTA suit is based solely on the Massachusetts state courts' rejection of Mondev's claim against the City of Boston and the Boston Redevelopment Authority (BRA) in a contract dispute.

In December 1978, Mondev entered into an agreement with the City of Boston regarding the building of several shopping complexes and a hotel in downtown Boston. The agreement – called the Tripartite Agreement – was signed by the City of Boston, the BRA, and Lafayette Place Associates (LPA), Mondev's U.S. actor.

The Tripartite Agreement was originally set up as a two-phased project. Phase I consisted of a straightforward real estate development deal whereby Mondev paid \$175,000,000 for a downtown location parcel upon which it was to build a mall, an underground garage, and a hotel. Phase II was set up as partially optional: subject to Boston's discontinuing a garage business on another parcel, this other parcel would be offered to Mondev for a formula price set out in the Agreement.<sup>5</sup>

The mall, the garage, and the hotel were built as planned, and opened in 1986. Phase II, however, was not completed. In 1983, the city discontinued the garage, and in 1986 Mondev announced that it would exercise its option to buy the second parcel. However, by this time, almost 10 years after the original Agreement was reached, the formula price set out in the Agreement was much lower than the actual market value of the parcel, and the City and the BRA were reluctant to sell the land. At the same time, a new road to run through the center of the parcel was envisaged as part of the City's planning.<sup>6</sup> This road would – according to Mondev – make the land economically unviable for the completion of Phase II of the original project, and Mondev consequently sold its right to purchase to another Canadian real estate company, Campeau, dubbed "the real estate tycoon turned corporate raider."<sup>7</sup> In 1989, the option to buy the second parcel expired.

One year later, after failed attempts to buy both Macy's and Federated<sup>8</sup> – two of the U.S. biggest department store chains – Campeau filed for bankruptcy, and its rights on the stalled Boston project reverted to Lafayette Place Associates and, through them, to Mondev.<sup>9</sup>

In 1992, Lafayette Place Associates sued the City of Boston and the Boston Redevelopment Authority in the Massachusetts Superior Court for breach of the Tripartite Agreement, as well as for "tortious interference" with the Campeau contract.<sup>10</sup> In 1994, a jury found for LPA, awarding them and their Canadian partner \$16 million in damages, an amount that was immediately lowered to \$9.6 million by the judge.<sup>11</sup> The judge also held that the BRA was a public employer and therefore as a matter of law immune from suit

for tort claims. Both LPA and the City of Boston appealed.

In May 1998, the Massachusetts Supreme Judicial Court reversed and annulled the \$9.6 million breach of contract judgment, holding that LPA had failed to demonstrate that it was willing and able to perform its own contractual obligations<sup>12</sup> – perhaps in light of the Campeau bankruptcy and history of failed real estate adventures. The Supreme Judicial Court also upheld the trial court's ruling that the BRA was statutorily immune from civil liability.<sup>13</sup> In March 1999, the U.S. Supreme Court denied a re-hearing of the case, effectively reinforcing the Massachusetts Supreme Court's judgment on state sovereign immunity.<sup>14</sup>

Mondev is now seeking relief under NAFTA's Chapter 11, claiming that its failure to obtain damages through the U.S. judicial system amounts to discriminatory

expropriation without compensation, and that its cost has been at least \$50 million in non-realized profits. Mondev claims that it was not treated fairly and equitably, and that the second parcel covered in the proposed Phase II of the Tripartite Agreement would have been sold to it for the below-market-value contract price, had it been a U.S. company.<sup>15</sup> In other words, Mondev expects U.S. tax-payers to pay for profits it has not, and perhaps never would have, realized, for the simple reason that as a Canadian company the U.S. government owes it special protections under NAFTA.

-- *This report was written by Marianne Mollman of Public Citizen's Global Trade Watch.*

## FOOD SAFETY

- Topic:** *Melbourne Conference on International Food Trade Beyond the Year 2000*  
**Venue:** The conference was sponsored by the World Trade Organization (WTO), World Health Organization (WHO), and United Nations Food and Agriculture Organization (FAO)  
**Contact:** For more information, visit [www.fao.org/es/esn/austral/alicom99/alicom-e.htm](http://www.fao.org/es/esn/austral/alicom99/alicom-e.htm).

Representatives of 72 nations met in Melbourne, Australia, October 11-15 for the "International Conference on International Food Trade Beyond 2000: Science-Based Decisions, Equivalence, and Mutual Recognition." The purpose of this meeting was to make recommendations on the FAO, WHO, WTO, and Codex Alimentarius Commission for review at the WTO Ministerial Conference in Seattle, Washington, November 29-December 3, 1999. Although these recommendations are not binding, they will carry some weight at the Ministerial, according to the FAO.

Following are some of the 15 recommendations agreed to at the meeting by government officials. As the final report has not been released, there may be minor changes to the following recommendations. The conference:

- < Reaffirmed its commitment to the Statement of Principles concerning the role of science in Codex Decision-Making Process;
- < Called upon governments to recognize that "precaution" should remain an essential element of risk analysis in the formulation of national and international standards;
- < Asked governments, FAO and WHO to adopt policies consistent with the need for an independent risk assessment process in relation to the selection of scientific experts, the working procedures and the tightening of the conflict of interest requirements;
- < Tabled specific recommendations on equivalence and harmonization;
- < Recommended WHO enhance its technical and financial contribution to the FAO/WHO Food Standards Programme;
- < Recommended countries adhere to the Codex Code of Ethics for international trade;
- < Asked governments to acknowledge the role of consumers and producers in the development of standards in order to "improve transparency and engender commitment". Efforts should be made to establish national consultative structures that include all interested parties;
- < Called upon FAO, WHO, and Codex to give priority consideration to the special needs of developing countries, including infrastructure, resources technical and legal capabilities;
- < Called upon FOA and WHO to establish an expert advisory body to provide microbial risk assessment support to member governments.<sup>16</sup>

The hottest topic at the conference was the behind-the-scenes debate surrounding the precautionary principle. The precautionary principle is well-established in U.S. environmental and health regulatory policy. It acknowledges that science does not always provide information necessary to avert environmental or public health threats in a timely manner, so regulators often must act on the side of precautionary when dealing with new threats. As a practical matter, this has resulted in producers being required to prove a product's safety before it can enter the market rather than the government having to prove the product dangerous.

According to U.S. NGOs on the scene, the U.S. government refused to recognize the role of the precautionary principle in international law, and argued that the WTO Agreement on Sanitary and Phytosanitary (SPS) Measures allows for a precautionary "approach" and that no further clarification of the WTO agreement is necessary.

The EU and Japan, who have seen legitimate SPS measures struck down by the WTO (i.e. EU beef hormone case, Japan codling moth quarantine case), wanted to further clarify in the SPS Agreement the right of nations to use the precautionary principle. The conference agreed that the Codex Committee on General Principles is the appropriate forum for further discussion of this issue. The next meeting of this committee is scheduled for April 10-14, 2000 in Paris, France.

Bruce Silverglade, Director of Legal Affairs for the Center for Science in the Public Interest (CSPI) and President of the International Association of Consumer Food Organizations (IACFO), created a minor controversy when he asked the conference chairman to include the following statement in the conference report: "The development of

Codex standards, recommendations and guidelines should be based on the principle of upward harmonization."

Codex has granted the IACFO official NGO observer status, meaning it can submit proposals but has no right to vote. The IACFO proposal was based in part on U.S. President William Clinton's June 1998 speech at the 50<sup>th</sup> anniversary of the WTO, in which he said in regard to environmental, consumer and labor standards, "We should level up, not level down."<sup>17</sup> The Chairman refused to include the IACFO's statement in the conference report, solicited opposition from the Conference, then refused to note the exchange in the record.<sup>18</sup>

Although the conference maintains a web page (at the address noted above), as of the date of the *Alert's* publication, the conference report and the final recommendations have not been made public.

-- Steve Suppan of the Institute for Agricultural and Trade Policy, Ned Growth of Consumers Union, and Bruce Silverglade of the Center for Science in the Public Interest contributed to this report.

## **FEDERAL REGISTER ALERTS**

For more timely notice of these alerts, please visit our website at [www.harmonizationalert.org](http://www.harmonizationalert.org) and sign up for one of our four listserves.

**Topic:** *International Sanitary and Phytosanitary Standard-Setting Activities*  
**Action:** Notice and request for comments  
**Venue:** Animal and Plant Health Inspection Service  
**FR Cite:** 64 *Federal Register* 53657 (October 4, 1999)  
**Deadline:** Submit written comments at any time  
**Contact:** John Greifer, Director, Trade Support Team, International Services, APHIS, room 1132, South Building, 1400 Independence Avenue, SW, Washington, DC 20250; Phone: (202) 720-7677; E-mail: [John.K.Greifer@usda.gov](mailto:John.K.Greifer@usda.gov). Submit an original and three copies of comments to Docket No. 99-046-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

The U.S. law implementing the Uruguay Round of GATT, the Animal and Plant Health Inspection Service (APHIS) requires public notification of the international standard-setting activities of the Office International des Epizooties (OIE), the Secretariat of the International Plant Protection Convention (IPPC), and the North American Plant Protection Organization (NAPPO). Thus, APHIS is soliciting public comment on the standards under consideration.

The law requires APHIS to provide the following information: (1) the sanitary and phytosanitary (SPS) standards under consideration or planned for consideration

by each international standard-setting organization; and (2) for each SPS standard listed, whether the standard is currently under consideration or planned for consideration, whether the U.S. is participating or plans to participate in the consideration of the standard, the agenda for U.S. participation, and the name of the agency responsible for representing the U.S. An "international standard" is defined as any standard, guideline, or recommendation adopted by the Codex Alimentarius Commission (food safety), the OIE (animal health), or the IPPC in cooperation with NAPPO (plant health). Following are descriptions of the standard-

setting activities of the OIE, IPPC, and NAPPO.

**OIE:** The OIE develops international standards for diagnostic tests, vaccines, and the international trade of disease-free animals and animal products. It publishes annual reports on the global distribution of animal diseases, recognizes disease-free status of member nations, and provides animal disease control guidelines to member nations.

Currently the OIE is considering standards for scrapie disease (an infectious, usually fatal brain disease of sheep) and various bee diseases. It also is working on issues concerning international trade in animals, organs, tissues, and cells intended for xenotransplantation (transplantation from one species to another); equivalence; classical swine fever; and Newcastle disease (a viral disease of birds marked by respiratory problems and reduced egg production). More information on OIE standards is available at [www.oie.int](http://www.oie.int), or by contacting Dr. Gary Colgrove, VS, APHIS, 4700 River Road, Unit 38, Riverdale, MD 20737-1231; Tel: (301) 734-8364; E-mail: [Gary.S.Colgrove@usda.gov](mailto:Gary.S.Colgrove@usda.gov).

**IPPC:** The IPPC is a multilateral convention adopted in 1952 for ensuring common action by member nations to prevent the spread of plant pests and promoting appropriate measures for their control. It addresses the development of

international plant health standards, harmonization of phytosanitary activities, facilitation of the exchange of scientific information, and provision of technical assistance to developing nations.

Currently the IPPC is working on requirements for the establishment of pest-free production sites and a revised glossary of phytosanitary terms. More information on IPPC standards is available at [www.ippc.int](http://www.ippc.int), or by contacting Dr. Richard Dunkle, Deputy Administrator, PPQ, APHIS, USDA, room 302-E, Whitten Building, 14<sup>th</sup> Street and Independence Avenue, SW, Washington, DC 20250.

**NAPPO:** The NAPPO, created in 1976, coordinates the efforts of Canada, Mexico, and the U.S. to protect their plant resources from the entry, establishment, and spread of plant pests, while facilitating intra- and inter-regional trade. Currently the NAPPO is working on harmonizing procedures for distinguishing Karnal and Ryegrass Bunt (diseases that replace wheat kernels with a fungus), developing standards for the review of biotechnological products, and formulating guidelines for the release of non-native entomophagous (insect-eating) agents for the biological control of weeds.

More information on NAPPO standards is available at [www.nappo.org](http://www.nappo.org), or by contacting Dr. Richard Dunkle.

**Topic:** *VICH Final Guidances*  
**Action:** Notice of public availability  
**Venue:** Food and Drug Administration  
**FR Cite:** 64 *Federal Register* 55293 (October 12, 1999)  
**Deadline:** Submit written comments at any time  
**Contact:** For more information on VICH, Sharon Thompson, Center for Veterinary Medicine (HFV-3), FDA, 7500 Standish Pl., Rockville, MD 20855; Phone: (301) 594-1798; E-mail: [sthompso@cvm.fda.gov](mailto:sthompso@cvm.fda.gov); on the guidances, William G. Marnane, CVM (HFV-140), FDA, 7500 Standish Pl., Rockville, MD 20855; Phone: (301) 827-6966; E-mail: [wmarnane@cvm.fda.gov](mailto:wmarnane@cvm.fda.gov). Copies of the guidances are available on the Internet at [www.fda.gov/cvm/fda/mappgs/vich.html](http://www.fda.gov/cvm/fda/mappgs/vich.html), or by writing to Communications Staff (HFV-12), CVM, FDA, 7500 Standish Pl., Rockville, MD 20855. Submit comments to Policy and Regulations Team (HFV-6), CVM, FDA, 7500 Standish Pl., Rockville, MD 20855.

The International Cooperation on Harmonization of Technical Requirement for Approval of Veterinary Medicinal Products (VICH) is composed solely of representatives from government agencies and industry groups, including the European Medicines Evaluation Agency, Federation of Animal Health, and Committee on Veterinary Medicinal Products; the U.S. FDA, Department of Agriculture, and Animal Health Institute; and the Japanese Veterinary Pharmaceutical Association, Ministry of Agriculture, Forestry and Fisheries, and Association of Veterinary Biologics. The VICH develops harmonized technical

requirements for the approval of veterinary pharmaceutical products in the EU, U.S., and Japan.

The Food and Drug Administration (FDA) is releasing three guidances for industry use: (1) "Stability Testing of New Veterinary Drug Substances and Medicinal Products" (VICH GL3), (2) "Stability Testing of New Veterinary Dosage Forms" (VICH GL4), and (3) "Stability Testing: Photostability Testing of New Veterinary Drug Substances and Medicinal Products" (VICH GL5). The VICH has adopted these guidances to provide information on stability testing of new animal drugs and new dosage forms

of new animal drugs included as part of new animal drug applications submitted to Japan, the EU, and the U.S.

According to the FDA, a "guidance" provides "non-binding" guidelines concerning FDA's policies and procedures. Thus, FDA guidances demonstrate how the FDA will proceed in most situations, but give the FDA the

flexibility to proceed in a different manner if circumstances change. However, VICH guidances are significant because the WTO grants international standard-setting bodies, like the VICH, the power to set international standards that are presumed to be WTO-legal.

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**Topic:** *VICH Draft Guidance on Testing of Biotechnological/Biological Products*  
**Action:** Notice and request for comments  
**Venue:** Food and Drug Administration  
**FR Cite:** 64 *Federal Register* 55294 (October 12, 1999)  
**Deadline:** November 12, 1999  
**Contact:** For more information on VICH, Sharon R. Thompson (address above); on the guidance, William G. Marnane (address above). Copies of the guidance are available on the Internet at [www.fda.gov/cvm/fda/TOCs/guideline.html](http://www.fda.gov/cvm/fda/TOCs/guideline.html), or by writing to the Communications Staff (address above). Submit comments - identified with Docket No. 99D-4070 and the full title of the draft guidance - to Dockets Management Branch (HFA-305), FDA, 5630 Fishers Lane, room 1061, Rockville, MD 20852.

The Food and Drug Administration (FDA) is releasing for public comment a draft guidance for industry use entitled "Quality of Biotechnological Products in the Veterinary Field: Stability Testing of Biotechnological/Biological Products" (VICH GL17). The guidance has been adopted for veterinary use by the International Cooperation on Harmonization of Technical

Requirements for Registration of Veterinary Medicinal Products (VICH). It is intended to provide guidance to applicants regarding the stability studies that should be conducted and the stability data that should be provided in support of new animal drug applications for veterinary biotechnological/biological products that are regulated by the FDA.

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**Topic:** *VICH Draft Guidance on Residual Solvents*  
**Action:** Notice and request for comments  
**Venue:** Food and Drug Administration  
**FR Cite:** 64 *Federal Register* 55296 (October 12, 1999)  
**Deadline:** November 12, 1999  
**Contact:** For more information on VICH, Sharon R. Thompson (address above); on the guidance, Kevin J. Greenlees, Center for Veterinary Medicine (HFV-150), FDA, 7500 Standish Pl., Rockville, MD 20855; Phone: (301) 827-6977; E-mail: [kgreenle@cvm.fda.gov](mailto:kgreenle@cvm.fda.gov). Copies of the guidance are available at [www.fda.gov/cvm/fda/TOCs/guideline.html](http://www.fda.gov/cvm/fda/TOCs/guideline.html), or by writing to the Communications Staff (address above). Submit comments - identified with Docket No. 99D-4071 and the full title of the draft guidance - to Dockets Management Branch (HFA-305), FDA, 5630 Fishers Lane, room 1061, Rockville, MD 20852.

The Food and Drug Administration (FDA) is releasing for public comment a draft guidance for industry use entitled "Impurities: Residual Solvents" (VICH GL18). The guidance has been adopted by the International Cooperation on Harmonization of Technical Requirements for

Registration of Veterinary Medicinal Products (VICH) to recommend acceptable amounts of residual solvents in new animal drugs for the safety of the target animal as well as for the safety of humans who consume products derived from treated food-producing animals.

**Topic:** *Annual National Trade Estimate Report on Foreign Trade Barriers*  
**Action:** Request for public comment  
**Venue:** U.S. Trade Representative  
**FR Cite:** 64 *Federal Register* 59223 (November 2, 1999)  
**Deadline:** December 3, 1999  
**Contact:** Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the U.S. Trade Representative, 600 17<sup>th</sup> Street, NW, Room 122, Washington, DC 20508; (202) 395-3475

Under Section 303 of the Trade and Tariff Act of 1984, the U.S. Trade Representative (USTR) must publish the National Trade Estimate Report on Foreign Trade Barriers (NTE) each year. The NTE identifies significant barriers to U.S. exports of goods, services, and overseas direct investment. The USTR seeks assistance in identifying such barriers. Last year's NTE may be found at [www.ustr.gov](http://www.ustr.gov) under the "Reports" section.

Comments should relate to the following ten categories of foreign trade barriers: (1) import policies (e.g. tariffs, quantitative restrictions, import licensing, and customs barriers); (2) standards, testing, labeling, and certification (including *unnecessarily restrictive application of phytosanitary standards, refusal to accept U.S. manufacturers' self-certification of conformance to foreign product standards, and environmental restrictions*); (3) government procurement (e.g. "buy national" policies); (4) export subsidies; (5) lack of intellectual property protection; (6) services barriers (e.g. regulation of international data

flows and limits on the range of financial services offered by foreign institutions); (7) investment barriers; (8) anti-competitive practices; (9) trade restrictions affecting electronic commerce); and (10) other barriers.<sup>19</sup>

*Harmonization Alert* emphasizes the above text because it demonstrates that the USTR is encouraging industry to identify other nations' labeling requirements, environmental restrictions, and phytosanitary (food safety) standards as trade barriers. This list of alleged trade barriers has served as a system to gather information for potential formal trade challenges in the World Trade Organization (WTO). Any nation's standards can be challenged in the WTO. For example, the WTO has struck down popular U.S. laws prohibiting imports of shrimp and tuna from nations lacking protections for endangered sea turtles and dolphins.<sup>20</sup> In addition, the USTR's solicitation seems to contradict the spirit of President Clinton's recent speech in which he vowed to level up international labor and environmental standards.<sup>21</sup>

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**Topic:** *Nomination to the WTO Dispute Settlement Roster of Panel Candidates*  
**Action:** Notice of opportunity to apply  
**Venue:** U.S. Trade Representative  
**FR Cite:** 64 *Federal Register* 61173 (November 9, 1999)  
**Deadline:** December 9, 1999  
**Contact:** Sandy McKinzy, Litigation Assistant, USTR Office of Monitoring and Enforcement, at (202) 395-3582. More information on the WTO and its dispute settlement rules is available at [www.ustr.gov/reports/tpa/1999/iv-a.pdf](http://www.ustr.gov/reports/tpa/1999/iv-a.pdf).

The U.S. Trade Representative (USTR) is allowing qualified U.S. citizens to apply for nomination by the U.S. to the list of non-governmental panelist candidates provided for in Article 8 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) of the World Trade Organization (WTO). According to the USTR, a "qualified" candidate is one who possesses expertise in international trade, services, intellectual property rights, or other matters covered by the WTO agreements.<sup>22</sup> However, the USTR notes that "panel members are to be selected with a view to ensuring a sufficiently diverse background and a wide spectrum of experience."<sup>23</sup> The list of current potential panelists is available at [www.ustr.gov/reports/tpa/1999/iv-b.pdf](http://www.ustr.gov/reports/tpa/1999/iv-b.pdf).

The DSU provides a mechanism for the settlement of disputes between WTO Member Nations. A three-person panel hears each dispute settlement proceeding; makes an objective assessment of the facts of the case, the applicability of the relevant WTO agreements, and the conformity of the measure under consideration with those agreements; and issues a report for consideration by the Dispute Settlement Body (DSB), which is a standing body composed of seven persons. The DSB then makes final "recommendations," which in reality are binding on the parties to the dispute.<sup>24</sup>

Health and environmental experts have often criticized the WTO for empowering uninformed "judges" to decide health, safety, and environmental issues. Many WTO

analysts have questioned whether those with broader expertise are explicitly excluded from the WTO roster of panelists.

To apply, send three typewritten applications to Sandy McKinzy, Room 122, Office of the U.S. Trade Representative, 600 17<sup>th</sup> Street, NW, Washington, DC 20508. Applications must provide the following information: (1) name; (2) business address, telephone and fax numbers, and e-mail address; (3) citizenship; (4) foreign language fluency; (5) current employer; (6) relevant education and professional training; (7) post-education employment history; (8) relevant professional affiliations and certifications; (9) list of publications, speeches, and teaching experience in trade; (10) list of international trade proceedings in which the applicant

has participated; (11) names and nationalities of all foreign principals for whom the applicant is or was registered pursuant to the Foreign Agents Registration Act; (12) names, addresses, and telephone numbers of three references; and (13) a short statement of qualifications.

Persons selected by the USTR will be nominated for inclusion on the WTO panelists roster, subject to approval by the DSB. Inclusion of a person on the roster, however, does not mean that the person will be selected to serve on a panel. The DSU prohibits citizens of WTO Member Nations whose governments are involved in a dispute from serving on the panel hearing that dispute, unless the parties otherwise agree.<sup>25</sup>

## **MEETINGS/EVENTS**

**Event:** *Public Meeting on U.S. Participation in the International Consultative Group on Food Irradiation*

**Date:** October 7, 1999, 9-11 a.m.

**Location:** USDA, Room 5066, South Building, 1400 Independence Avenue, SW, Washington, DC

**FR Cite:** 64 *Federal Register* 53308 (October 1, 1999)

**Deadline:** For written comments, October 5, 1999

**Contact:** Foreign Agricultural Service, International Trade Policy, Food Safety and Technical Services Division, Room 5545, South Building, 1400 Independence Avenue, SW, Washington, DC 20250; Phone: (202) 720-1301; E-mail: ofsts@fas.usda.gov. Submit five copies of comments to the FAS at the address above.

The U.S. Department of Agriculture's Foreign Agricultural Service (FAS) held a public hearing to solicit public comment on U.S. participation in the 16<sup>th</sup> annual meeting of the International Consultative Group on Food Irradiation (ICGFI). The ICGFI meeting will take place October 25-27, 1999, in Antalya, Turkey.

The ICGFI was established in 1982 by the Food and Agriculture Organization of the United Nations (FAO), the International Atomic Energy Agency (IAEA), and the World Health Organization (WHO). It is composed of government-designated experts on food irradiation. Its primary functions

include: evaluating global developments in food irradiation; providing advice on the application of food irradiation to member nations; and furnishing information to the Codex Alimentarius Commission (Codex) and the Joint Expert Committee on the Wholesomeness of Irradiated Food.

Topics of discussion at the FAS public hearing included: (1) whether the U.S. should continue to participate in ICGFI; (2) the costs and benefits to U.S. taxpayers, industry, and government of continued participation; and (3) whether the U.S. should continue to support ICGFI financially.

**Event:** *32<sup>nd</sup> Session of the Codex Committee on Food Hygiene*

**Dates:** November 29-December 4, 1999

**Location:** Washington, DC

**FR Cite:** 64 *Federal Register* 54608 (October 7, 1999)

**Contact:** Patrick J. Clerkin, Associate U.S. Manager for Codex, U.S. Codex Office, FSIS, Room 4861, South Agriculture Building, 1400 Independence Avenue, SW, Washington, DC 20250-3700; Phone: (202) 690-4042; Fax: (202) 720-3157. Submit an original and two copies of comments - referenced with Docket No. 99-047N - to the FSIS Docket Clerk, USDA, FSIS, Room 102, Cotton Annex, 300 12<sup>th</sup> Street, SW, Washington, DC 20250-3700. All relevant documents will be available at

[www.fao.org/waicent/faoinfo/economic/esn/codex/ccfh32/FH99\\_01e.htm](http://www.fao.org/waicent/faoinfo/economic/esn/codex/ccfh32/FH99_01e.htm).

The 32<sup>nd</sup> Session of the Codex Committee on Food Hygiene will take place in Washington, DC, November 29-December 4, 1999. The CCFH drafts basic standards on food hygiene for all foods.

The U.S. Food Safety and Inspection Service (FSIS), Food and Drug Administration (FDA), and Office of the Undersecretary for Food Safety held two public meetings on October 12-13 and November 9, 1999, to provide information and receive public comment on issues that will be covered at the CCFH Session.

At the meeting, the CCFH will cover such topics as: (1) draft codes and proposed draft codes of hygienic practice for bottled waters, milk, pre-cut fruits and vegetables, microbiological risk management, and transport of foodstuffs in bulk; and (2) discussion papers on HACCP in less-developed businesses, viruses and antibiotic resistance in food, and the control of listeria monocytogenes.

The draft codes and discussions papers are available on the Internet at the address listed above.

**Event:** *NTSB Public Hearing on Highway Transportation Safety Aspects of NAFTA*  
**Dates:** October 20-22, 1999  
**Location:** Hilton Los Angeles Airport, 5711 West Century Boulevard, Los Angeles, CA 90045  
**FR Cite:** 64 *Federal Register* 77776 (October 14, 1999)  
**Contact:** Jeanmarie Poole, NTSB Office of Highway Safety, at (202) 314-6448 or Lauren Peduzzi, NTSB Office of Public Affairs, at (202) 314-6100.

The National Transportation Safety Board (NTSB) is holding a public hearing to receive comments from interested individuals and organizations on highway transportation safety aspects of the North American Free Trade Agreement (NAFTA). Under NAFTA, the U.S. is scheduled to open its border to commercial trucks from Mexico on January 1, 2000. Currently Mexican trucks are allowed to operate in the U.S. only in "commercial zones,"

which extend from 3 to 20 miles inside the U.S. border.

However, U.S. Department of Transportation (DOT) officials and President Clinton have indicated that they do not intend to implement the trucking provision because of safety concerns.<sup>26</sup> For example, U.S. law mandates truck maintenance schedules, roadside inspections, and a limit of 10 hours per day for drivers, while Mexican law has no such requirements.<sup>27</sup>

**Event:** *Meeting of the U.S. Delegate to the Codex Committee on Food Labeling*  
**Date:** October 21, 1999, 1-4 p.m.  
**Location:** Food and Drug Administration, room 1409, 200 C Street, SW, Washington, DC  
**Contact:** Izetta Smith, Phone: (202) 205-4461; Fax (202) 401-7739.

The Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) are holding a public meeting to receive comment on the Proposed Draft Recommendations for the Labeling of Foods Obtained Through Biotechnology. Currently there are two proposed alternatives for labeling genetically-modified (GM) foods.

The first proposal, which the U.S. supports, would require GM foods to be labeled only if there is a "significant change" in the composition, nutritional value, or intended use of the food as a result of the genetic modification. The U.S. argues that there is no significant change unless a new

allergen is introduced or the food's nutrition levels or intended use change. The second proposal, supported by the EU and many developing countries, would require all foods derived from or containing GM material to be labeled.

The Codex Committee on Food Labeling (CCFL) formed a drafting group, consisting of representatives from the governments of the U.S., EU, Canada, Australia, Japan, and Brazil, to more fully develop and explain each alternative and draft a more specific definition of GM foods. The drafting group will meet in Rio de Janeiro, Brazil, November 3-5, 1999, for those purposes.

**Event:** *FAA Public Meetings on International Harmonization Initiatives*  
**Dates:** October 26, 27, and 29, 1999, starting at 10:30 a.m. each day  
**Location:** Boeing Aircraft Corporation, 1200 Wilson Blvd., Arlington, VA  
**FR Cite:** 64 *Federal Register* 55806 (October 14, 1999)  
**Deadline:** For written comments, October 20, 1999  
**Contact:** For more information, and to submit comments (in triplicate) Brenda Courtney, FAA, Office of Rulemaking, ARM-200, 800 Independence Avenue, SW, Washington, DC; Phone: (202) 267-3327; Fax (202) 267-5075.

The Federal Aviation Administration (FAA) and the Joint Aviation Authorities (JAA) are holding public meetings to receive public comment on the Harmonization Work Program. This program is the means by which the FAA and JAA harmonize the rules regarding the operation and maintenance of civil aircraft, and the standards, practices,

and procedures governing the design materials, workmanship, and construction of civil aircraft, aircraft engines, and other components. The agenda for the meetings will include: simulator initiatives, items from the 1999 Annual Harmonization Conference, and responses to industry issues and concerns.

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**Event:** *Public Meetings on Biotechnology in the Year 2000 and Beyond*  
**Dates:** Chicago, IL - November 18, 1999, 9 a.m. - 6 p.m.; Washington, DC - November 30, 1999, 10 a.m. - 7 p.m.; Oakland, CA - December 13, 1999, 9 a.m. - 6 p.m.  
**Locations:** Chicago - One Prudential Plaza, Plaza Club, 40<sup>th</sup> Floor, 130 East Randolph St., Chicago, IL 60601; Washington - Grand Hyatt Washington, 1000 H St., NW, Washington, DC 20001; Oakland - Elihu Harris State Office Building, 1515 Clay St., Oakland, CA 94612  
**FR Cite:** 64 *Federal Register* 57470 (October 25, 1999)  
**Deadline:** Submit written comments by January 13, 2000  
**Contact:** For general information, Nega Beru, CFSAN (HFS-206), FDA, 200 C St., SW, Washington, DC 20204; Phone: (202) 418-3090; Fax: (202) 418-3131; E-mail: nberu@bangate.fda.gov. To register for the public meeting in: Chicago - Darlene Bailey, Chicago District (HFR-CE 645), FDA, 300 S. Riverside Plaza, Suite 550-South, Chicago, IL 60606; Phone: (312) 353-7126; Fax: (312) 886-3280; E-mail: dbailey@ora.fda.gov; Washington - Patricia Alexander, Office of Consumer Affairs (HFE-40), FDA, Rockville, MD 20857; Phone: (301) 827-5006; Fax: (301) 827-3052; E-mail: palexand@oc.fda.gov; Oakland - Janet McDonald, San Francisco District (HFR-PA100), FDA, 1431 Harbor Bay Pkwy., Alameda, CA 94502-7070; Phone: (510) 337-6845; Fax: (510) 337-6708; E-mail: jmcdonal@ora.fda.gov. Submit two copies of written comments - with Docket No. 99N-4282 - to the Dockets Management Branch (HFA-305), FDA, 5630 Fishers Lane, room 1061, Rockville, MD 20852, or by e-mail to [www.fda.gov/ohrms/dockets](http://www.fda.gov/ohrms/dockets).

The Food and Drug Administration (FDA) is holding three public meetings on issues within the FDA's jurisdiction related to foods (both human and animal) derived from genetically-modified (GM) plants. The purpose of these meetings is for the FDA to share its current approach and experience over the past five years regarding safety evaluation and labeling of food products derived from GM plants, to solicit opinions on whether the FDA's policies or procedures should be modified, and to gather information to be used to assess the most appropriate means of informing the public about GM foods. The FDA will use the information it receives to evaluate and refine its existing policies and procedures.

Currently, the FDA requires a food derived from GM plants to be labeled only if the food's composition (nutrition content, presence of allergens) differs significantly from its conventional counterpart.<sup>28</sup> The FDA claims it "is not aware of information that would distinguish genetically engineered foods as a class from foods developed through other methods of plant breeding and, thus, the agency does not require that such foods be specially labeled to disclose the method of development."<sup>29</sup>

At these meetings, the FDA will allow oral presentations by pre-registered members of the public. To attend the meetings, you must register with the appropriate contact person (listed above) 15 days prior to the date of the

meeting you wish to attend by providing your name, title, business affiliation, address, and telephone and fax numbers. If you wish to make an oral presentation, you must inform the contact person and submit: (1) a brief written statement of the general nature of the views of the views you wish to present;

(2) the names and addresses of all persons who will participate in the presentation; and (3) an indication of the approximate time that you wish to make your presentation. Depending on the number of registrants, the FDA may have to limit the time allotted for each presentation.

- Event:** *Public Meeting: U.S./EU Mutual Recognition Agreement on Pharmaceutical Good Manufacturing Practices*
- Date:** December 8, 1999, 9 a.m.-1 p.m.
- Location:** Center for Drug Evaluation and Research Advisory Committee Conference Room, 5630 Fishers Lane, Rockville, MD 20857
- FR Cite:** 64 *Federal Register* 57776 (October 27, 1999)
- Deadline:** Registration and requests to make oral presentations must be received by November 22
- Contact:** Charles A. Gaylord, Office of International and Constituent Relations (HFG-1), FDA, 5600 Fishers Lane, Rockville, MD 20857; Phone: (301) 827-0909; Fax: (301) 443-0235; or visit the FDA's web site at [www.fda.gov/oia/homepage.htm](http://www.fda.gov/oia/homepage.htm), under the International section.

The Food and Drug Administration (FDA) is holding a public meeting to discuss the FDA's progress on implementing the Mutual Recognition Agreement (MRA) on Pharmaceutical Good Manufacturing Practices (GMPs) between the U.S. and the European Union (EU).<sup>30</sup> The MRA covers human and animal drug and human biological products. At the meeting the FDA will solicit comments from interested members of the public.

The meeting agenda will include: (1) FDA presentations with a summary of the progress made in the implementation of the Pharmaceutical GMPs MRA, public

access to information, the process used to determine the equivalence of the regulatory systems for pharmaceutical GMPs, and the FDA's work plan; (2) outside presentations; and (3) a panel discussion and question and answer session.

If you request time to make an oral presentation at the meeting, you must indicate your topic, provide a presentation outline, and identify any presentation needs (e.g. an overhead projector). Time allotments will depend on the number of presentation requests. When registering, you must provide your name, title, firm name, address, and telephone and fax numbers.

- Event:** *NHTSA Meeting on International Regulatory Harmonization*
- Date:** November 18-19, 1999, 9 a.m.-5 p.m.
- Location:** November 18 meeting - Room 4438 of the Nassif Building, 400 Seventh Street, SW, Washington, DC 20590; November 19 meeting - Room 3328 of the Nassif Building
- FR Cite:** 64 *Federal Register* 60466 (November 5, 1999)
- Deadline:** Organizations and individuals wishing to attend should contact George Soodoo (address below) by November 15, 1999
- Contact:** George Soodoo, Group Leader, Vehicle Dynamics Division, Office of Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; Tel: (202) 366-2720; Fax: (202) 366-4329; E-mail: [gsoodoo@nhtsa.dot.gov](mailto:gsoodoo@nhtsa.dot.gov)

The National Highway Traffic Safety Administration (NHTSA) is holding the second in a series of informal technical meetings relating to global tire harmonization issues before the Working Party on Brakes and Running Gear (GRRF). The GRRF is a subsidiary body formed by the United Nations/Economic Commission for Europe Working Party on the Construction of Motor Vehicles (WP.29) to develop international safety regulations for tires, brakes,

wheels, and chassis components for motor vehicles. The meeting will focus on two issues: (1) globally harmonizing tire regulations, and (2) establishing minimum performance requirements for tire grip (traction).

At the 45<sup>th</sup> Session of the GRRF in Geneva, Switzerland, in February, 1999, the European Tyre and Rim Technical Organisation (ETRTO) submitted a proposal for a global standard for passenger car tires. The proposed new

standard, known as the Global Tire Standard 2000 for New Pneumatic Passenger Car Tires (GTS-2000), seeks to harmonize the tire standards of the U.S., Europe, and Japan. It was developed in the context of the TransAtlantic Business Dialogue (TABD)<sup>31</sup> with the input of the Rubber Manufacturers Association from the U.S., the Liaison Office of the Rubber Industry from the EU, and the Japan Automobile Tire Manufacturers Association.

The tire industry is recommending its proposed standard be adopted by the U.S. and other interested governments, WP.29, and the International Organization for Standardization (ISO). On January 25, 1999, domestic and foreign industry associations petitioned NHTSA to revise Federal Motor Vehicle Safety Standard No. 109 (New Pneumatic Tires) to conform to the proposed standard. On June 8, 1999, NHTSA granted the petition.

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**Event:** *DOT Hearings on International Standards for the Transport of Dangerous Goods*  
**Dates:** November 30, 1999, 10:00 a.m.-1:00 p.m.; and January 6, 2000, 10:00 a.m.-1:00 p.m.  
**Locations:** November 30 - Room 6202-6204 of the Nassif Building, 400 Seventh Street, SW, Washington, DC 20590; January 6 - Room 3328 of the Nassif Building  
**FR Cite:** 64 *Federal Register* 60875 (November 8, 1999)  
**Contact:** Frits Wybenga, International Standards Coordinator, or Bob Richard, Assistant International Standards Coordinator, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590; Tel: (202) 366-0656.

The Department of Transportation's (DOT) Research and Special Programs Administration (RSPA) is holding two public meetings in preparation for and to report the results of the 17<sup>th</sup> Session of the United Nation's Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE) to be held December 6-15, 1999, in Geneva, Switzerland. Interested individuals and organizations are invited to attend without prior notification.

The purpose of the first meeting will be to receive public comment on U.S. positions on UNSCOE proposals. Topics of discussion will include: (1) global harmonization of classification criteria; (2) reformatting the UN Recommendations into a model rule; (3) criteria for

environmentally hazardous substances; (4) classification of individual substances; (5) harmonized requirements for compressed gas cylinders; (6) requirements for packaging used to transport hazardous materials; (7) standards for Toxic by Inhalation (TIH) substances; and (8) hazard communication requirements. The purpose of the second meeting will be to provide information on the outcome of the 17<sup>th</sup> Session and prepare for the 18<sup>th</sup> Session, which is scheduled for July 3-14, 2000, in Geneva.

Copies of documents for the UNSCOE meeting and other information regarding UNSCOE are available at the RSPA's web site at <http://hazmat.dot.gov/intstandards.htm>.

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**Event:** *National Advisory Committee for the North American Agreement on Labor Cooperation Public Meeting*  
**Date:** December 7, 1999, 9:00 a.m.-4:30 p.m.  
**Location:** U.S. Department of Labor, 200 Constitution Avenue, NW, Conference Room C-5515-C, Washington, DC 20210  
**FR Cite:** 64 *Federal Register* 61131 (November 9, 1999)  
**Contact:** Irasema Garza, U.S. NAO, U.S. Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW, Room C-4327, Washington, DC 20210; Tel: (202) 501-6653.

The National Advisory Committee for the North American Agreement on Labor Cooperation (NAALC), the labor side agreement to the North American Free Trade Agreement (NAFTA), is holding a public meeting to receive

comment on matters pertaining to the implementation of the NAALC. The Committee consists of twelve independent representatives drawn from labor organizations, business and industry, educational institutions, and the general public.

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NOTES

1. Transatlantic Consumer Dialogue, "On the Proposal to Launch a New Round of Trade Negotiations at the Seattle Ministerial," Oct. 1999, at 7, on file with Public Citizen and at [www.tacd.org](http://www.tacd.org).
2. *Id.* at 4.
3. *Id.* at 6.
4. North American Free Trade Agreement, Part Five - Investment, Services and Related Matter, Chapter Eleven, Article 1110: Expropriation and Compensation, *available at* [www.sice.oas.org/trade/nafta/chap-111.stm](http://www.sice.oas.org/trade/nafta/chap-111.stm).
5. Notice of Intent to Submit a Claim to Arbitration under Section B of Chapter 11 of the NAFTA, *Mondev International Ltd. v. The Government of the USA*, May 6, 1999 [hereinafter "Mondev Notice of Intent"].
6. *Id.*
7. R. Powell & M. Gendron, "Pros See Euro-Knight," *Boston Business Journal*, Feb. 1, 1988.
8. Lawrence Solomon, "What It Takes To Become Filthy Rich," *The Ottawa Citizen*, Aug. 5, 1999.
9. R. Kindleberger, "US Supreme Court Move Ends Boston Development Dispute," *Boston Globe*, Mar. 3, 1999.
10. Mondev Notice of Intent.
11. *Lafayette Place Associates v. Boston Redevelopment Authority*, 427 Mass. 509 (1998).
12. *Id.*
13. Anthony Flint, "SJC Boosts City on Development Expected to Give Boston Freer Hand in Planning," *Boston Globe*, May 22, 1998.
14. Kindleberger, *supra* note 9.
15. Mondev Notice of Intent.
16. *See* FAO Conference on International Food Trade Beyond 2000, *General Recommendations of the Conference*, ALICOM 99/25, Appendix II, on file with Public Citizen.
17. President William Jefferson Clinton, 50<sup>th</sup> Anniversary Speech to the World Trade Organization, June 1998.
18. *See* Bruce Silverglade, Letter to Catherine Woteki, Undersecretary for Food Safety, U.S. Department of Agriculture, Oct. 27, 1999, on file with Public Citizen.
19. Emphasis added.
20. *See* WTO, United States - Import Prohibition of Certain Shrimp and Shrimp Products (WT/DS58/AB/R), Report of the Appellate Body, Oct. 12, 1998; GATT, United States - Restrictions on Imports of Tuna (DS29/R), Report of the Panel, Jun. 1994.
21. *See* President William Jefferson Clinton, 50<sup>th</sup> Anniversary Speech to the WTO, June 1998: "We must build a trading system for the 21<sup>st</sup> century that honors our values as it expands opportunity. We must do more to make sure that this new economy lifts living standards around the world, and that spirited economic competition among nations never becomes a race to the bottom in environmental protections, consumer protections, and labor standards. We should level up, not level down."

22. The USTR lists, as examples of persons who are well-qualified candidates, “persons who have served on or presented a case to a panel, taught or published on international trade law or policy, or served as a senior trade policy official of a WTO member country.” 64 *Fed. Reg.* 61173, at 61173, Nov. 9, 1999.
23. 64 *Fed. Reg.* 61173, at 61173-74, Nov. 9, 1999.
24. The text of the DSU is available at [www.wto.org/wto/dispute/dsu.htm](http://www.wto.org/wto/dispute/dsu.htm).
25. WTO, DSU Article 8.2.
26. See Bill Mongelluzzo, “Safety Still Obstacle to Open Border,” *Journal of Commerce*, Oct. 22, 1999.
27. See Robert Kuttner, “To Use U.S. Highways, Abide by U.S. Rules,” *Los Angeles Times*, Oct. 25, 1999, A17.
28. “Statement of Policy: Foods Derived from New Plant Varieties,” 57 *Fed. Reg.* 22984, May 29, 1992.
29. 64 *Fed. Reg.* 57471.
30. Signed on May 7, 1998. For more information on the MRA, see *Harmonization Alert* vol. 1 no. 1, Sep. 1998.
31. The TABD is a coalition of U.S. and European business interests created by the U.S. and European governments in 1995. It provides high-level contacts with U.S. and EU government officials for industry representatives combined with a commitment to considering each item the industry coalition presents. In the U.S., an interagency process has been developed to respond to TABD demands. The government team issues its own scorecard documenting how many of the industry demands it has satisfied. The TABD has been criticized as a circumvention of the normal policy-making process which requires openness and public input.