May 20, 2015

Dear President Obama,

We write with deep disappointment that this week the World Trade Organization (WTO) Appellate Body issued a final ruling against the U.S. country-of-origin labeling (COOL) policy that allows American consumers to know where their meat is produced. COOL is a commonsense food safety protection supported by nine out of ten Americans. It applies equally to domestic and foreign producers.

Earlier this month, you defended your administration's efforts to obtain Fast Track authority for the controversial Trans-Pacific Partnership (TPP) by stating, "critics warn that parts of this deal would undermine American regulation – food safety, worker safety, even financial regulations. They're making this stuff up. This is just not true. No trade agreement is going to force us to change our laws."

However, last month, Secretary of Agriculture Tom Vilsack testified before the Senate Finance Committee that if the WTO ruled against COOL, Congress would "have to fix it by either repealing COOL or modifying COOL to create some kind of more generic label." On May 1, Secretary Vilsack formally informed Congress that if the WTO ruled against COOL, the U.S. response "could include statutory changes such as repeal of the COOL requirements or establishing a generic label." Either option would constitute an unacceptable rollback of this popular food safety protection. Either would also directly contradict your assurance that "no trade agreement is going to force us to change our laws."

The unfortunate reality is that the United States has already repeatedly weakened its consumer and environmental protection laws to conform to the terms of trade pacts and the decisions of WTO tribunals. For example, the Fast Tracked implementing bill for the agreement that established the WTO watered down the former requirement that only poultry and meat that actually met U.S. safety and inspection standards could be imported and sold here. The Fast Tracked bill – the Uruguay Round Agreements Act – explicitly amended the Federal Meat Inspection Act and the Poultry Products Inspection Act by replacing the requirement that only poultry and meat that met safety and inspection standards "equal to" U.S. law could gain entry to our market with a weaker standard permitting meat and poultry that met "equivalent" standards.

In other words, before the WTO, foreign meat inspection systems were required to produce meat destined for export to the United States utilizing the same sanitary and quality standards used in the United States. The U.S. Department of Agriculture (USDA) had to certify that the exporting country's food safety and inspection system was identical to ours. USDA even stationed inspection personnel abroad to ensure that our standards were being met in those plants exporting to the United States. After the Fast Tracked Uruguay Round Agreements Act *altered U.S. law to conform to the terms of the newly-created WTO*, the meat industry in foreign nations could maintain *differing* meat safety standards, certify their own plants for export, and still be eligible to send meat to the United States. A USDA official has explained, "since 1995 the United States, along with other members of the World Trade Organization, has shifted its emphasis from 'compliance' with importing country inspection requirements to 'equivalence' in conformance with our obligations under the [WTO Sanitary and Phytosanitary] SPS Agreement," which governs trade in food. Another USDA official has made clear that the result is a lower standard for food safety: "if you revert to 'the same as,' then there's even arguably a higher standard and a more difficult challenge to meet to gain entry [into U.S. markets]."

This week's WTO ruling against COOL provides the latest evidence that the status quo trade model that the TPP would expand places undue pressure on policymakers to eliminate or weaken consumer protections.

In light of your recent assurances that U.S. laws will not bow to such pressure, we ask you to instruct your administration, and to urge Congress, not to weaken or eliminate COOL.

We further reiterate our opposition to Fast Track and our call for a new form of trade authority that would help ensure that trade agreements do not jeopardize health and safety protections important to consumers. This week's WTO ruling, which spotlights that our trade agreements can in fact roll back important consumer safeguards, only underscores the gravity of that request.

Sincerely,

Center for Food Safety
Consumers Union
Food and Water Watch
Public Citizen
U.S. Public Interest Research Group (PIRG)

cc: Secretary Tom Vilsack, U.S. Department of Agriculture; Ambassador Michael Froman, U.S. Trade Representative