

April 15, 2013

Chairman Devin Nunes  
Subcommittee on Trade  
Committee on Ways and Means  
1102 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Nunes:

We write in response to your April 3<sup>rd</sup> request for comments from the U.S. agriculture community regarding trade negotiations and dispute resolution for agriculture. We thank you for seeking our input and applaud your long-standing focus on the importance of a high-quality and meaningful TPP SPS Chapter.

The organizations and companies listed below are strongly supportive of requiring that future trade agreements' sanitary and phytosanitary (SPS) provisions be subject to dispute settlement, particularly in areas that build upon or clarify existing World Trade Organization commitments. As you so rightly noted in your April 3<sup>rd</sup> memorandum to the U.S. agricultural community, not subjecting critically important SPS provisions to dispute resolution "subordinates farmers to a lower priority in trade dispute resolution". In addition to U.S. farmer concerns, many in the food processing industry are equally concerned about this discrepancy.

It is our understanding that the U.S. administration is exploring the possibility of a Consultative Technical Committee (CTC) to help further the resolution of SPS barriers to agricultural trade among TPP members. Available information on the CTC suggests that it would offer some improvements over the current type of trade consultations that take place on a regular basis but that it would fall short of providing any enforcement tools, nor would it provide much-needed recourse to the TPP dispute settlement process.

Our organizations believe that improvement in how the U.S. government resolves agricultural trade issues is needed, but it should not be a substitute for enforcing TPP SPS provisions through a legal process. In a similar vein, many U.S. food and agricultural organizations and companies support the inclusion in TPP of a Rapid Response Mechanism (RRM) to provide for greater trade facilitation, particularly with respect to shipment-specific SPS and TBT matters. Yet the RRM is not a substitute for enforcement of the TPP SPS chapter through dispute settlement.

This issue has taken on even greater significance now that the U.S. is poised to begin trade negotiations with the European Union. Many in the U.S. have had complex and difficult experiences with EU SPS requirements that have impeded trade. Given this, it is even more urgent that the U.S. insist – both in TPP and in the Transatlantic Trade and Investment Partnership – upon the ability to enforce SPS commitments in order to safeguard market access opportunities for American agriculture.

Thank you for your leadership on this matter. We remain committed to working with you and your staff, as well as with the U.S. administration, on this issue of such high importance to the U.S. food and agricultural community.

Sincerely,

American Farm Bureau Federation  
American Feed Industry Association  
American Meat Institute  
American Potato Trade Alliance

American Seed Trade Association  
American Soybean Association  
American Sugar Alliance  
Archer Daniels Midland Co.  
California Apple Commission  
California Association of Wheat Growers  
California Blueberry Commission  
California Date Commission  
California Dried Plum Board  
California Fig Advisory Board  
California Strawberry Commission  
California Walnut Commission  
Cape Cod Cranberry Growers Association  
Cargill Incorporated  
Corn Refiners Association  
CropLife America  
Dairy Farmers of America  
Florida Citrus Mutual  
Georgia Poultry Federation  
Glanbia Foods USA  
Hilmar Cheese Company, Inc.  
Idaho Potato Commission  
International Dairy Foods Association  
Kraft Foods Group, Inc.  
Land O'Lakes  
Leprino Foods  
National Associations of State Departments of Agriculture  
National Association of Wheat Growers  
National Chicken Council  
National Confectioners Association  
National Corn Growers Association  
National Council of Farmer Cooperatives  
National Farmers Union  
National Grain and Feed Association  
National Grange  
National Milk Producers Federation  
National Oilseed Processors Association  
National Pecan Growers Council  
National Potato Council  
National Renderers Association  
National Turkey Federation  
National Pork Producers Council  
North American Blueberry Council  
North American Export Grain Association  
Northwest Horticultural Council  
Pet Food Institute  
Sunsweet Growers Inc.  
Tyson Food, Inc  
U.S. Dairy Export Council  
U.S. Dry Bean Council  
U.S. Meat Export Federation

USA Poultry & Egg Export Council  
USA Rice Federation  
Valley Fig Growers  
Virginia Poultry Federation  
Western Growers Association  
Western United Dairymen  
Wine Institute

cc:

Ranking Member Charles Rangel, House Ways and Means Committee