

March 4, 2013

Ambassador Ron Kirk
United States Trade Representative
Office of the United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Kirk:

The undersigned food and agricultural groups applaud the decision to launch negotiations with the European Union (EU) on a transatlantic free trade agreement (FTA) and commend you for your insistence that the agreement be comprehensive and ambitious. Individual organizations will be providing comments in the coming weeks, but there are a number of general considerations on which we all agree.

First, we believe that this agreement must fit the excellent model established with the Trans-Pacific Partnership (TPP) for 21st century agreements. The next trade agreement to be undertaken by this Administration should not fall short of this high standard for free trade agreements. This means no less than a negotiation that covers all significant barriers in a single comprehensive agreement.

With this in mind, we are compelled to express some apprehension over language in the final report of the High Level Working Group (HLWG) suggesting that an agreement ...

“... should be designed to evolve over time – i.e., substantially eliminate existing barriers to trade and investment, while establishing mechanisms that enable a further deepening of economic integration, particularly with respect to the promotion of more compatible approaches to current and future regulation and standard-setting and other means of reducing non-tariff barriers to trade.”

Clearly, an agreement that is allowed to evolve to meet new demands is welcome, but the idea should not be used as a means of avoiding critical decisions in certain areas. Accordingly, we seek your assurances that this is not the intent of this language, or of the U.S. and EU negotiators.

We are encouraged by the fact that a significant portion of the HLWG Report is devoted to dealing with regulatory issues (and other non-tariff barriers), especially the recommendation to negotiate an ambitious “SPS-plus” chapter based on science and international standards. However, we are very concerned by recent statements by EU officials raising doubts about whether the EU has any real interest in dealing with sanitary and phytosanitary (SPS) issues as part of the negotiations. SPS issues must be specifically addressed as part of the negotiations, not simply left to some future consultative mechanism, and SPS provisions must be enforceable. Examples of these issues include unjustifiable restrictions on production methods that negatively affect exports of U.S. meat, poultry, and fresh fruits; costly and ever changing political and regulatory barriers to agricultural biotechnology that restrict U.S. corn, soy, and processed corn and soy product exports; and imposition of arbitrary sustainability requirements on the production of feedstocks in the U.S. and other countries for biofuels used in the EU. Such unscientific measures have become the most challenging barrier to U.S. food and agricultural exports to the EU.

While EU officials have expressed opposition to addressing these difficult measures in the negotiations, they are nonetheless eager to seek the inclusion of new barriers to trade benefiting EU products. For example, the EU has made no secret that it will seek restrictions on the use of names that are commonly used for many products. Geographical indications (GIs) are a legitimate form of intellectual property and deserving of protection; the United States already provides the same robust protection avenue for GIs that

is available to other trademark holders. However, the EU wishes to reserve names for products that have been in common use around the world for many years. The United States is not alone in the world in its opposition to these efforts, and the proposed U.S.-EU FTA should not become the platform for the EU to gain legitimacy for its objectives on this and other such protectionist measures.

The undersigned organizations welcome President Obama's decision to pursue an ambitious, high-standard Transatlantic Trade and Investment Partnership. We strongly believe that a comprehensive and ambitious U.S.-EU FTA will generate economic growth, reduce market volatility, and create thousands of new jobs on both sides of the Atlantic. But such a momentous free trade agreement must be built on the foundation established by the U.S. in the TPP and other U.S. free trade agreements, which build, as you have said, "the best trade policy for the future."

Sincerely,

American Beekeeping Federation
American Farm Bureau Federation
American Feed Industry Association
American Meat Institute
American Peanut Product Manufacturers, Inc.
American Seed Trade Association
American Sheep Industry Association
American Soybean Association
BIO
Blue Diamond Growers
California Cherry Export Association
California Dried Plum Board
California Farm Bureau Federation
California Fig Advisory Council
California Pear Growers
California Strawberry Commission
California Table Grape Commission
California Walnut Commission
Commodity Markets Council
Corn Refiners Association
Grocery Manufacturers Association
International Dairy Foods Association
National Association of State Departments of Agriculture (NASDA)
National Association of Wheat Growers
National Barley Growers Association
National Black Farmers Association
National Cattlemen's Beef Association
National Chicken Council
National Confectioners Association
National Corn Growers Association
National Council of Farmer Cooperatives
National Grain and Feed Association
National Milk Producers Federation
National Oilseed Processors Association
National Pork Producers Council
National Potato Council
National Renderers Association

National Turkey Federation
North American Blueberry Council
North American Equipment Dealers Association
North American Export Grain Association
North American Meat Association
Northwest Horticultural Council
Pet Food Institute
Produce Marketing Association
Smithfield Foods
Sunsweet Growers Inc.
Sweetener Users Association
Tyson Foods, Inc.
U.S. Apple Association
U.S. Canola Association
U.S. Dairy Export Council
U.S. Grains Council
U.S. Livestock Genetics Export, Inc.
U.S. Meat Export Federation
U.S. Wheat Associates
United Egg Association
United Egg Producers
US Dry Bean Council
USA Dry Pea & Lentil Council
USA Poultry & Egg Export Council
USA Rice Federation
Valley Fig Growers
Western Growers Association

cc: The Honorable Tom Vilsack, Secretary of Agriculture