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STATE OF MAINE

Citizen Trade Policy Commission

October 17, 2014

The Honorable Michael Froman
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Re: Questions emanating from:

2014 TRADE POLICY ASSESSMENT

Prepared for the Maine Citizen Trade Policy Commission

Maine Agriculture and Food Systems in the
Transatlantic Trade and Investment Partnership

by Karen Hansen-Kuhn, Institute for Agriculture and Trade Policy and
John Piotti, Maine Farmland Trust

July 2014

<http://maine.gov/legis/opla/2014%20Final%20Assessment.pdf>.

Dear Ambassador Froman:

The Maine Citizen Trade Policy Commission (CTPC) is established in Maine State Law "...to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environment; to provide a mechanism for citizens and Legislators to voice their concerns and recommendations; and to make policy recommendations designed to protect Maine's jobs, business environment and laws from any negative impact of trade agreements." In seeking to fulfill its statutory mandate, the Commission voted unanimously during its meeting of October 7, 2014 to submit this letter to you requesting information about certain agricultural trade topics in the Transatlantic Trade and Investment Partnership (TTIP). These questions emanated from the 2014 Assessment that the CTPC commissioned earlier this year; this Assessment can be read in its entirety at the CTPC website which is referenced at the beginning of this letter. In making this request for specific information about the TTIP negotiations, we respectfully note your publicly stated commitment to transparency and public participation in these and other ongoing trade negotiations.

Our requests for information are based on several of the questions raised by the authors of the 2014 Assessment. These questions are conveniently summarized in the Executive Summary on pages 1 and 2 of that document. With regards to the treatment of Food Safety within the ongoing TTIP negotiations, we pose the following questions:

1. Are commitments on food safety issues such as the use of chlorine rinses of poultry, Ractopamine in meat production and diphenylamine (DPA) on fruit being discussed within the TTIP negotiations on Sanitary and Phytosanitary Standards (SPS) or Technical Barriers to Trade (TBT), and, if so, would TTIP SPS or TBT requirements limit states' abilities to raise food safety standards?

Citizen Trade Policy Commission
c/o Office of Policy & Legal Analysis
State House Station #13, Augusta, ME 04333-0013 Telephone: 207 287-1670
<http://www.maine.gov/legis/opla/citpol.htm>

2. If those issues are not being addressed within the chapters on SPS or TBT, would they be covered under a chapter on regulatory coherence? How would regulatory coherence subordinate U.S. and Maine laws to protect public and environmental health in agriculture and food?
3. Is GMO labeling being discussed in TTIP and, if so, how would any commitments made affect Maine's GMO labeling laws?

In a previous letter to you dated February 24, 2014 (see attached copy), we specifically indicated our concern regarding the extent to which EU officials may be seeking commitments from state governments to be bound by procurement provisions in the TTIP and we further requested information from you regarding the extent to which the current TTIP negotiations may bind state and local governments to any procurement provisions included in the TTIP. The response dated July 3, 2014 that we received from Jewel James, Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement did not specifically alleviate our concerns nor did it provide the substantive information that we were seeking about procurement provisions that are currently being negotiated in the TTIP talks. Therefore, we respectfully restate our concerns regarding procurement and request the following information:

4. To what extent are procurement commitments for Farm to School and other local foods programs being specifically protected in current TTIP negotiations?
5. What is the current USTR position on the EU's suggestion that federal grant funds used at the state level be opened up to European vendors?

With respect to the topic of Geographical Indications, we request the following:

6. Please provide a list of the specific Geographical Indications protections sought by the EU in the current TTIP negotiations, as well as the specific USTR position on these requested protections.

Finally, we also wish to draw your attention to Maine's unique Dairy Stabilization Program. Through this program, Maine supplements prices established by the Federal Milk Marketing Order system with direct payments to dairy farmers in the state. This current situation is described in appropriate detail in pages 22 through 26 of the 2014 Assessment. The CTPC is extremely concerned that this delicate pricing structure, which has worked well over many years to maintain a stable dairy industry as well as consumer choice in the marketplace, could be subject to challenges under potential provisions that may be included in the TTIP. The uniqueness of this state program is an excellent example of the type of state and local sovereignty which could easily be overlooked by USTR negotiators in the ongoing TTIP negotiations. We strongly urge you to consider adequate protections to ensure that this and other important state programs do not come within the scope of the TTIP and that TTIP provisions may not be used to challenge this program.

We look forward to hearing from you.

Sincerely,


Senator Troy Jackson, Chair


Representative Sharon Anglin Treat, Chair

cc:

Senator Susan Collins
Senator Angus King
Representative Michael Michaud
Representative Chellie Pingree
Senator Eloise Vitelli, Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
Representative James Dill, Chair, Joint Standing Committee on Agriculture, Conservation and Forestry