

Good Evening, my name is Betsy Garrold, I homestead in Knox and I serve as President of the Board of Directors of Food for Maine's Future and as a member of the Board of Directors of the Belfast Co-op. I am here tonite to speak on behalf of Food for Maine's Future.

Back in 2003, in the face of NAFTA, CAFTA, Plan Puebla Panamá, etc etc I participated in the meetings that drafted the legislation which eventually lead to the formation of this commission. I wanted the wording of the legislation to be stronger and the commission to have more enforcement teeth but these hearings were a good place to start. It is heartening to see that these public hearings are still happening. So thank you to Senator Jackson and Representative Treat for keeping this public platform alive and well.

When I was asked to come here today and talk about the impact TPP will have on food security, food sovereignty and food safety, I had to think long and hard about exactly what to say. If I say food will be less safe because the TPP will negate food safety regulations then that directly contradicts what Senator Jackson heard me testify again and again this past spring in the legislature. I believe that more regulation does not make safer food. Rather, knowing where your food comes from and who is producing it, so that you can make informed decisions about where to spend your food dollars, is the key to a safer food system. Notice I did not say safe. Nothing is 100%. Whether your organic carrots come from next door or from China there is always the chance they may be contaminated in some way. What I propose is that the farmer next door is not going to deliberately contaminate the produce they sell you in order to make a buck.

Unlike food manufacturers in China who could, and did, contaminate infant formula, pet food, eggs and other food products with melamine in what the World Health Organization calls one of the largest food safety events in recent years.

I am going to read you something written by a young woman affiliated with a group I had the honor of addressing this past summer; Real Food Challenge. This group works with university students to encourage college cafeterias to buy more locally sourced food.

This initiative is one of the newer attempts to help small, local farmers sell more product locally. Farm to institution sales. Just one more income stream that will help family farms keep their heads above water financially.

Natalie Yoon, United Students for Fair Trade, wrote concerning four key points about the TPP and our food system. This is what she had to say (with some interjections and asides from me).

1. Small producers will be wiped out. As the TPP removes tariffs and basic protections from international markets, it will be very difficult for small farmers to stay afloat in the face of international competition. In countries like Japan (and I might add states like Maine) where 80% of the agriculture sector is made up of small farmers, the TPP will wipe out entire communities and replace small farms with large agribusinesses.

2. The TPP will drastically bring down food safety standards at home and abroad. Governments will be forced to "harmonize" their food safety standards to the lowest common denominator. That means soon we could all be eating imported seafood, beef, and chicken that doesn't meet even the basic U.S. standards. The FDA would be powerless to shut down these imports of unsafe food or food ingredients. (Now this may be a good thing, it may encourage more and more folks to buy local, buy food where they know the farmers face, but it also could be an unmitigated disaster,)

3. We won't be allowed to know where our food comes from or what's in it (like melamine). Food labels will also come under fire under the TPP. Transnational corporations like Monsanto are using the TPP to make it illegal to label products as containing GMOs, since it discriminates against them. Corporations have even argued that "locally grown" labels give unfair advantage to small domestic producers over international businesses. (There goes our recently minted GMO labeling bill that we all fought so hard to get enacted and even the Department of Agriculture, Conservation and Forestry's own "Get Real, Get Maine" label and campaign.)

4. Governments won't be allowed to support local food. Under the TPP, government food procurement policies that prioritize supporting their local economies will be illegal. That means that your public university (and I add public schools, public hospitals, etc.) might not be allowed to intentionally source food from local farms, since it violates "free trade" terms by discriminating against foreign farms.

Free trade agreements have for years undermined our national economy and caused the shipping of manufacturing jobs overseas. Those of us who farm had a false sense of security that at least our jobs could not be uprooted and sold to the lowest bidder.

Please help us continue to believe that by doing all you can to make the TPP, if not a bad notion abandoned, at least a document strong enough to protect small local producers whether they are farmers, fishers, or foresters.

Betsy Garrold

The Populist Farmer

<http://thepopulistfarmer.wordpress.com/>

## Pax Christi Maine Testimony on the Trans-Pacific Partnership Citizen Trade Policy Commission Hearing, Belfast, December 12, 2013

I am Charlotte Herbold of Belfast, speaking for Pax Christi Maine, the Catholic and ecumenical peace and social justice movement.

More than twenty years ago, Pax Christi Maine's coordinator spoke for the Maine Fair Trade Coalition in objection to the North Atlantic Free Trade Agreement—NAFTA. It is "misnamed", he said.

"It is less about free trade than about granting large multinational corporations an exploitation license to pit worker against worker and community against community, all to see who will work the cheapest under the worst conditions with the fewest environmental regulations.

"As Ross Perot has pointed out, it is chiefly an instrument of naked greed. NAFTA will largely dissolve the safety, labor, environmental, food and drug standards many Americans toiled for years and even gave their lives to establish. Local, state and even national authority to set such standards will be superseded by the agreement."

He goes on to note that the public was not consulted in developing NAFTA. Conflict resolution provisions are weak. Unlike the European Community, which took 24 years to develop, it was not designed to serve the welfare of all and was fast-tracked to limit concerted opposition. Supporting arguments stood firmly on the sand of assumptions which proved false. Serving the common good was nowhere in its calculations. NAFTA agribusiness would erase a million Mexican farms, it was calculated; it erased two million and those two millions largely explain the 12 million desperate undocumented immigrants now subsisting here in limbo.

With the Trans-Pacific Partnership, it would appear that nothing has changed nor anything been learned from NAFTA ruin of manufacturing here, unsafe sweat shops in Bangladesh, enslaved workers in Africa and Asia, increased environmental degradation, falling worker wages, and widening misery.

Under the TPP national and state authority regarding our environment, working conditions, and health will yield to corporate profit. What else? Hundreds of corporations and trade representatives are writing the agreement to secure their license. Congress, responsible for regulating commerce, is excluded. Obscenely rich pharmaceuticals' greed is secured by evergreening patents that will sustain high prices, preventing substitution of generics the poor might afford. Millions will die, forfeit to greed.

We live in perilous times, facing existential threats: our only environment is in danger of becoming uninhabitable. Nuclear disaster is one crumbling Fukushima rod, one rabid ideologue' trigger finger away. Corporate power is no longer checked by church, academe, government, the media, or unions, with slave wages, mass unemployment, misery, chaos, and civil violence just down the road—to be met by world's greatest military power "evah"-- turned on its own people. Corporate brainwashing has exploited the New World individualism characteristic of colonial exploitation to generate hatred of government in order to sunder and be rid of the responsibility for the general welfare enshrined in our founding documents--to reject a societal concern for the common good.

Pope Francis has embraced the lame and poor, criticized our narcissistic and throwaway culture, condemned the present rampant greed and lust for power, reminding us that our humanity lies not in wealth, power, or pleasure but in loving our neighbor. The favor he has met indicates that at heart Americans, people everywhere, want a social order that assures the human dignity of all. The TPP agreement being thrust upon us will not contribute anything to that.

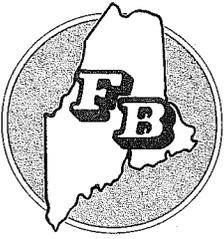
# FDA warning:" The TPP is a threat to your health and safety

June 20, 2013

Ronnie Cummins, U.S. Food and Drug Administration Commissioner

The role of the U.S. Food and Drug Administration is to protect and promote public health by strengthening programs and policies governing both the safety of the U.S. food supply and accessibility to safe and effective medical products, including pharmaceutical drugs. The Trans-Pacific Partnership (TPP) threatens to undermine the FDA's ability to carry out that mission, in a number of important ways, as described here.

**Undermine FDA food safety regulations.** Draft text of the TPP chapters on Sanitary and Phytosanitary Standards (SPS) and Technical Barriers to Trade are not available. However, it is assumed that the rules being considered under the TPP are consistent with the rules laid out in other free trade agreements (FTAs) that incorporate the World Trade Organization's (WTO) rules. This would mean lowering food safety standards in participating countries, including the U.S., to the lowest common denominator in order to increase export opportunities for agribusiness. To facilitate and speed up increased trade volumes, the TPP will likely require the U.S. to allow imports of meat, poultry and seafood products that don't meet U.S. Food safety standards.



# Maine Farm Bureau Association

*"The Voice Of Organized Agriculture"*

December 12, 2013

Chairman Jackson, Chairwoman Treat and Members of the Citizen Trade Policy Commission:

My name is Jon Olson. I am the Executive Secretary of the Maine Farm Bureau, the state's largest farm organization. I wish to make the following comments in general on free trade agreements and then specifically discuss the TransPacific Partnership Agreement (TPP).

We support fair trade rather than free trade. The current North American Free Trade Agreement (NAFTA) is not a fair trade for Maine farmers. In the negotiations for NAFTA, Canada was able to exempt agricultural imports because they were already exempt in the US-Canadian Free Trade Agreement. This meant and continues to mean that American farmers cannot export milk and potatoes to Canada, unless there is a shortage, while Canadian farmers can export any or all of their agricultural products to us.

Even now Canada is trying to be exempted from the USDA rule on Country of Origin Labeling (COOL). The law was enacted as a food safety protection measure allowing consumers to know where their food comes from. Many other countries, as you know, have less stringent plant chemical protection and animal growth hormone regulations. This summer several Canadian meat industry groups have filed a lawsuit to block the implementation of the COOL rule. This has come about because Tyson, the largest U.S. meat processor, announced it would not accept Canadian cattle for slaughter due to the high costs of the COOL regulations. The Canadians also intent to shift the regulation from mandatory to voluntary and to change the labeling as "Product of North America." COOL is a food safety issue that Canada wants to undermine.

In 2011, the leaders of TPP nations agreed they would "serve to define this historic agreement and set a new standard for trade agreements in the future." Those objectives include comprehensiveness and the elimination of tariffs and other non-tariff barriers to trade. Canada and Japan, even at this late date, have yet to convey their acceptance of these key market access objectives. This troubles us especially with our experience with Canada under NAFTA. If TPP is to go forward, we insist that Canada and Japan fully adopt these objectives and make concessions.

One of the major concerns we have with TPP is the issue pesticides in producing food. You may be familiar with the concept of "The Circle of Poison." U.S. chemical companies continue to manufacture and ship to foreign countries pesticides banned in the United States. These same chemicals are used to grow fruit, meat and produce that are imported from such countries as Thailand, Indonesia, Japan and other TPP countries. Not only are U.S. farmers economically penalized for obeying the law while producers of other nations face no restrictions, consumers are not sure how this foreign food was grown. If a pesticide is too unsafe to be used on American-grown food, then it is too unsafe to be used on foreign-grown food. This needs to be part of TPP. It will give consumers confidence in the U.S. food supply.

Thank you for your attention to the above. I'll be pleased to answer any questions you may have.

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## Testimony

My name is Bonnie Preston, and I am on the National Council of Alliance for Democracy, an organization that works to replace corporate rule with a government of the people, by the people and for the people. We have campaigned against the so-called "free" trade agreements since our founding in 1996. All of these trade agreements have been intent on expanding the wealth and power of multi-national corporations, even going so far as to allow foreign corporations to use international trade courts to challenge our domestic laws on health and the environment. It is clear to us from the TPP provisions which have been leaked that the TPP would be harmful to Maine's people and our local farmers.

The Alliance for Democracy supports the movement in Maine to protect local farmers by passing Local Food and Community Self-Governance Ordinances. We have grave concerns about the TPP regarding food, going beyond food safety. Previous trade agreements have consolidated the power of the largest agribusinesses, helping to destroy small-scale agriculture in both developing countries and the US. They have refocused farms on food grown for export, increasing food insecurity here and abroad.

Agribusiness with its gigantic equipment, longer and longer supply chains, and miles of monoculture are contributing to global climate change and weakening local economies and traditional community cultures. The TPP will accelerate this path to the destruction of communities and the environment.

Most Americans see the food safety issue in trade as the problem of unsafe food coming into the US, but before the advent of trade liberalization promoted by these trade agreements, plants located in foreign countries were required to have inspections by USDA inspectors. Now the corporate food model is infecting our domestic regulations creating a food system that is less safe. The USDA, for example, now allows chicken processors to speed up their lines, and to use company-paid inspectors, as they do in China. Corporate challenges to our regulations threaten to further weaken domestic regulations. Whether foreign or domestic, food safety is undermined by trade rules. The TPP would extend these rules to 40% of the global economy.

In the TPP negotiations, the US position is to force other countries to accept unsafe agricultural practices allowed in the US. For example:

- Most countries ban the use of ractopamine, an asthma drug, to accelerate growth in meat production, which is allowed in the US.
- Many countries have banned GMOS. The US wants these bans lifted and to outlaw the efforts to label GMOs.
- Nano-particles, used in US food and food packaging, can pass through cell walls, including the placenta and the blood/brain barrier. Research in China has

indicated they may cause mutagenic changes at the molecular level. Do you really care that they make the creme fillings in doughnuts whiter and brighter?

- Most countries refuse to import meat from the US because of the over-use of antibiotics in industrial meat production. The medical profession has been asking the FDA to ban this for about 20 years now, to no avail.
- Feeding grain to cattle instead of grass, as is done in CAFOs, changes the composition of the fat in the meat (and milk) from healthy omega 3s to unhealthy omega 6s.
- Poultry is washed with bleach to try to kill bacteria; studies have still found that most packaged meats in the supermarket have dangerous bacteria on them.

Many countries want to use procurement policies to allow regulation of their food supply for reasons of public health and safety, and to support local economies. The US believes this distorts markets and should not be allowed. However, monopoly power also distorts markets, and the US has no problem with that. Just four companies control almost 85% of the meat industry in the US, for example.

Agroecology has become recognized as having the greatest potential to feed the growing world population. Small, diversified farms using closed systems and natural inputs are much more productive than huge monocultures using petrochemicals and fertilizers. They also can adapt to specific environments in ways that industrial agriculture cannot, and they are more resilient in the face of climate change. Maine is situated to lead the country in agroecology, as was pointed out in the recent Maine Food Summit meeting.

Instead, the TPP is designed to strengthen agribusiness, as all of our trade agreements are designed to do. This is an extraordinarily short-sighted policy and would make Maine's food strategy based on agroecology TPP-illegal. The new trade provision in the TPP requiring countries to create a bureaucracy to ensure compliance with the TPP rules increases this threat significantly.

Cheap imported foods are no substitute for healthful and delicious locally grown food. Local foods strengthen local economies, food security, and local food traditions. The growing food sovereignty movement here in Maine and around the world is a direct challenge to the power of Monsanto, Cargill, Tyson and all of the other huge multinational corporations that want to control us all.

Henry Kissinger famously said "If you control oil, you control countries; if you control food, you control the people." And Francis Moore Lappé equally famously said "...hunger is not caused by lack of food but by lack of democracy." These quotes embody two different visions of our future. Will we be controlled by the money-hungry corporations, or will we control our own food supply and thus our own destiny?

We urge the Maine Citizens Trade Policy Commission to take a position in opposition to the TPP and in favor of Maine's farmers, local economy, and healthy families. Our future is in your hands.

Bonnie Preston  
Blue Hill

Alliance for Democracy  
Maine Fair Trade Campaign  
Local Food RULES

Testimony

The stakes at the Trans Pacific Partnership negotiations couldn't be higher. You'll hear talk about how it will cover 25% of global trade and 40% of global GDP [1]. But those numbers mask higher stakes. The TPP is actually about democracy - about who can write the rules under which people exchange goods, can plant crops, can heal and care for one another. Of course, when it comes to food and farming, we don't know precisely what the TPP has in store - it is being negotiated in secret. Yet, given what we've already seen from the leaked intellectual property chapter of the agreement, I'm quite happy to assert this: it represents a power-grab by large corporations for the land, intellectual property, surplus, protections and environment in which small sustainable farming and eating happens. This shouldn't come as a surprise. At the table, representing the citizens of Maine, is the United States Trade Representative. The USTR has always been far more beholden to the interests of multinationals than to the interests of citizens. Evidence? The leaked intellectual property regulation shows how the USTR negotiated in the interests of cellphone companies, against consumers, even though the White House has endorsed the consumer side of the debate. [2]) If an agreement that covers so much human exchange has been negotiated in secret, it has no business being part of a democratic process. We should call it what it is - corporate authoritarianism.

[1]<https://www.dfat.gov.au/fta/tpp/>

[2][http://www.slate.com/blogs/future\\_tense/2013/11/18/tpp\\_wikileaks\\_white\\_house\\_claims\\_to\\_support\\_cellphone\\_unlocking\\_but\\_treaty.html](http://www.slate.com/blogs/future_tense/2013/11/18/tpp_wikileaks_white_house_claims_to_support_cellphone_unlocking_but_treaty.html)

Raj Patel

Raj Patel has degrees from Oxford, the London School of Economics, and Cornell. He has worked for the World Bank and the WTO, and has protested against them around the world. His first book was *Stuffed and Starved: The Hidden Battle for the World Food System*. He writes both scholarly papers and popular books and essays.

## The Trans-Pacific Partnership Agreement (TPPA): When Foreign Investors Sue the State

I am most concerned about the strengthening of the right of corporations to sue governments in an international tribunal, if changes in government policies or regulations reduce the corporations' future profits. [Under the clauses on fair and equitable treatment and indirect appropriations]

*an investor-state*  
If the ~~suit~~ succeeds, the tribunal can award the investor financial compensation for the claimed losses. If the payment is not made, the award can <sup>be</sup> enforced through the seizure of assets of the government, or through tariffs raised on the country's exports. Decisions are made by 3 arbitrators. Decisions are sometimes quite contradictory from one case to another, and yet no appeal is possible.

The application of this that worries me the most concerns the fossil fuel industry, which has already used the existing investor-state dispute system to sue countries that have interfered with their profit making. After studying climate science a good deal, I believe that over the next 10-20 years, climate change will become harmful enough that world governments will pass laws and regulations to mitigate climate change, and this will mean cutting deeply into the profits that the fossil fuel industry is currently making. If this industry is empowered by the TPPA to successfully sue government for their losses, this could slow down mankind's efforts to stop climate change, and our grandchildren would pay a terrible price for this. *in terms of a degraded planet on which to live.*

And this is just one example of how further empowering corporations to sue governments can lead to harm to the public. ~~Another~~ recent example involves the American company Renco which sued Peru for \$800 million because its contract was not extended after the company's operations caused massive environmental and health damage. Another was a \$2 billion claim against Indonesia by a UK-based oil company after its contract was cancelled because it was not in compliance with Indonesian law.

~~Further~~, the threat of law suits would make it difficult for government to make new policies, as it is hard to anticipate which policy changes would provoke law suits from some corporation. Another danger is that TPP will be used to force states to lower standards e.g., environmental and workers protection, or be sued for damages.

]The bottom line is that governments are designed ideally to try to balance the public welfare with the ability of business to operate successfully, whereas corporations are designed strictly to make profits. Corporations are not designed to consider the public good, and consequently, I feel that corporations should not be empowered to control governments through law suits.

- The question I would like to leave you with is this, : Will the Trans-Pacific Partnership FTA include so-called "investor-state" provisions that allow individual corporations to challenge environmental policies as barriers to trade?

*Richard Thomas*     *rthomas@mainegeneral.org*

# STANDING FOR PEACE AND JUSTICE SINCE 2001

WE ARE THE PEACE AND JUSTICE  
GROUP OF WALDO COUNTY  
(MAINE)

We meet the first Tuesday of each month, 6:30 PM, at the Unitarian-Universalist Church, 37 Miller St., Belfast, Maine, to plan upcoming events.

We sponsor monthly free educational films and forums on issues essential to our democracy, each third Wednesday (except summer months), 6 PM, Belfast Library.

We sponsor peace vigils every Sunday from noon to 1 PM at the corner of Main & High Streets, Belfast; your signs are welcome.

For more information about our group:  
Call (207) 338-4920 or email  
[rosc@psouth.net](mailto:rosc@psouth.net).

## JOIN US — CREATE PEACE

Our vigil is a public educational project elevating those issues which need citizen attention. Our perspective is a socially progressive point of view and incorporates the following positions:

Ω War is not the answer to disagreements.

Ω The age of empire is *not* really over *until* all people, their lands, resources, and social and political practices are

being respected as a matter of human right.

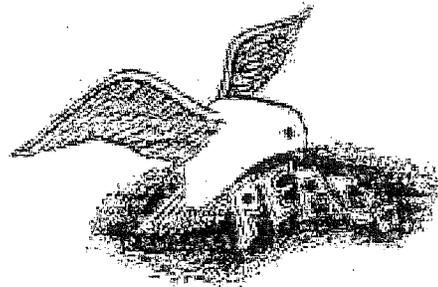
Ω When our government is guilty of violating human rights, environmental regulations, and/or international and domestic law, we believe it is the duty of each citizen to demand that the government discontinue such policies and practices because the government acts in our name.

Ω We want to see *only* public funding of elections nationwide.

Ω We believe in freedom of speech and assembly and encourage public discussion in a nonviolent and respectful manner.

- DEMAND TRUTH FROM GOVERNMENT
- PROMOTE EQUALITY, PEACE, AND JUSTICE
- WORK FOR A CLEAN ENVIRONMENT
- ACT LOCALLY TO CREATE A SUSTAINABLE WORLD

Together, we CAN make a difference!!



**Written Testimony of the Honorable Rosa L. DeLauro**  
**Maine Citizen Trade Policy Commission**  
**Public Hearing: TPP Seafood and Food Safety Issues**  
**Thursday, December 12, 2013**

I want to thank Senator Troy Jackson and Chair Representative Sharon Anglin Treat for the opportunity to provide testimony for the record for this public hearing of the Maine Citizen Trade Policy Commission on seafood and food safety issues associated with the proposed Trans-Pacific Partnership free trade agreement.

I commend you for recognizing the important impact this deal will have on the state of Maine, which has a lobster industry that already faces severe challenges as a direct result of past trade agreements. It is worth noting that, according to federal data from 2011, roughly three out of every four lobsters imported into the United States came from a TPP nation. That year, the United States imported 104.1 million pounds of lobster from TPP nations, compared to less than half of that, 48.7 million pounds, 16 years prior.

I have serious concerns about the proposed Trans-Pacific Partnership, or TPP, trade agreement – an unprecedented agreement currently being negotiated by officials from the United States and eleven other countries. This potential TPP agreement will be one that reaches well beyond traditional tariff measures, setting rules on non-trade matters that affect our daily lives, including food safety.

According to the Food and Drug Administration (FDA), the increasing globalization of America's food supply is posing difficult challenges to both our regulatory system and public health. When Congress voted for United States membership in the World Trade Organization (WTO) in 1994, half of the seafood consumed by Americans was imported. Today that figure is roughly 84 percent. Although most seafood is already duty-free under the WTO's Most Favored Nation tariff bindings, free trade agreements (FTAs) have led to further increases in U.S. seafood imports, even as the FDA inspects less than 1% of all seafood imports.

It is within that context that the United States is negotiating with TPP countries that have major seafood export industries and with whom significant food safety issues have already arisen. Accordingly, a TPP FTA has the potential to undermine the broadly supported public health goal that the food Americans consume must be safe.

For example, seafood imports from Vietnam are plagued by unusually high levels of antibiotic residues, microbial contamination, and other serious food safety concerns, all of which have been confirmed by FDA laboratory testing. In Fiscal Year 2012, imported seafood products from Vietnam, the fifth largest exporter of shrimp to the United States, were refused entry 206 times because of concerns such as filth, decomposition, drug residues, unapproved food additives and *Salmonella*.

As another example, U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) officials have determined that some exporters in Malaysia have acted as conduits to transship Chinese shrimp to the United States, in order to circumvent both FDA

Import Alerts and antidumping duties. CBP has tested shipments of suspected Chinese shrimp illegally transshipped through Malaysia and found contamination.

Unfortunately, the Malaysian government is not allowing CBP and ICE officials to freely investigate the facilities of suspected exporting firms. According to a May 2012 Government Accountability Office (GAO) report on antidumping and countervailing duties, GAO investigators were given approval by the Malaysian government to visit honey and shrimp producers in that country, but that approval was then rescinded without explanation. This makes it very difficult to identify the sources of illegal shrimp and to track possible contaminations.

These troubling problems could soon become even worse for the United States should a TPP FTA that does not properly address food safety concerns go into effect. We know this as food-safety related provisions of past FTAs have imposed constraints on signatory countries' domestic food safety standards and import protocols when they overlap with problematic principles from WTO agreements.

First, past FTAs incorporate the WTO's sanitary and phytosanitary (SPS) and technical barriers to trade rules. These rules set ceilings on signatory countries' domestic food safety standards. As a result, WTO panels have ruled against U.S. meat country-of-origin labeling requirements and voluntary dolphin-safe tuna labels in challenges brought by other WTO countries.

In addition, the FDA has also engaged in extensive harmonization of food safety standards between countries, as required by the WTO SPS rules and our past FTAs. Yet, harmonization does not always involve raising standards to U.S. levels.

Finally, past FTA models include the establishment of SPS committees to speed up implementation of mechanisms to facilitate increased trade volumes, including "equivalence" determinations. The equivalence rule, like harmonization, requires the United States to permit imports of meat, poultry and now possibly seafood products that do not necessarily meet U.S. food safety standards, but are deemed to meet "equivalent" standards of other countries.

The recent TPP negotiations represented an opportunity to remedy the food safety-related shortcomings of previous free-trade agreements – to learn from the record of WTO implementation in the past, and to modify the food safety-related rules of U.S. trade pacts to best protect the public health. These negotiations should be setting floors, rather than ceilings, for food safety standards, and help to see that other countries are meeting U.S. food safety standards when exporting their products to the United States. They should ensure that all food sold to American consumers meets U.S. safety standards without equivalence rules, which effectively outsource domestic food inspection to other countries, as the basis for our nation accepting food imports.

I have long urged the U.S. Trade Representative (USTR) to take these issues into account and make food safety a top priority in the negotiations. I also joined with my colleagues Senator Mary Landrieu and Representative Walter Jones in sending a bipartisan letter to USTR encouraging our negotiators to pursue bilateral food safety agreements with Vietnam and Malaysia.

Vietnam has bilateral SPS agreements with a number of countries, including Canada, and a similar U.S.-Vietnam agreement that puts in place a strict inspection and certification regime would be in the best interest of American consumers. Similarly, we could enact a cooperative agreement with Malaysia that ensures CBP and ICE officials access to exporter facilities, in order to end Malaysia's circumvention of U.S. law.

Unfortunately, USTR has not pursued bilateral agreements with these countries. Nor have they pursued talks that would clearly raise food safety standards in problematic nations like Vietnam and Malaysia to U.S. standards.

USTR has suggested that by including improved science-based risk assessments in partner countries in any TPP FTA with the aim of increase U.S. exports to those markets, the risk associated with imported seafood will decrease. Yet, in the case of Vietnam, we have in fact seen a number of legally enforceable regulations – including a Ministry of Fisheries Decision that required all consignments of shrimp and other seafood products to be tested before shipment to the United States –either not extended or completely revoked.

Moreover, USTR is also pursuing a consultative dispute resolution process for resolving food safety disputes with TPP partner nations. The process would involve technical consultations with regulatory agencies in charge, along with trade agencies, to talk about and resolve concerns another country may have about a particular food-related issue. Through this consultation process, countries would sit down and try to come up with a resolution that they mutually agree to within a given time frame.

This process will, I believe, jeopardize our already overburdened food safety system by draining resources that would otherwise be used to protect American consumers as FDA plays its role in resolving these disputes. I am even more concerned about a suggested “binding dispute resolution” process that would obligate countries to resolve disputes through this process, which could clearly undermine public health.

Any TPP FTA might also give partner nations a further opportunity to undermine U.S. law, including the landmark Food Safety Modernization Act that I and my colleagues recently passed to help revamp our antiquate food safety system. Under the TPP, a foreign food corporation operating within the United States may be able to directly challenge our policies if they felt they were undermining their expected future profits. This is not acceptable.

Finally, and especially at this time of federal budget cuts, I am deeply concerned that the FDA will not be provided the funding it needs to inspect more of the influx in seafood expected from TPP countries. We already know about the contamination that is often associated with seafood from these nations. Allowing more food while resources for inspection are limited could well result in further challenges ensure public health.

For all of these and a host of other reasons, I believe any Trans-Pacific Partnership free trade agreement should be carefully reviewed by Congress, which has constitutional authority over trade agreements that must be asserted particularly when today's trade deals are setting binding

policies on the Congress. Accordingly, I am working with my colleagues in both parties to prevent a deal from being fast-tracked without far greater input from Congress.

I thank the Commission for the opportunity to express my views and for its work in this critical area.