Trade deals like the TPP establish a yardstick to determine whether food safety standards are illegal trade barriers. The TPP has the most stringent food safety rules of any trade deal, making it easier to successfully challenge U.S. food safety oversight at foreign trade tribunals. The TPP only permits food safety standards that “facilitate and expand trade” — meaning that rules that interfere with the speedy shipment of suspicious or unsafe food could be called illegal trade barriers. These threats to U.S. food safety will come in several areas.

The TPP will overwhelm already overtaxed border inspectors: Two decades of free trade deals have increased the flow of imported food into the United States, swamping the capacity of government inspectors to ensure that these imports are safe. The volume of imported food has more than doubled from about 52 billion pounds every year in the early 1990s to 124 billion pounds in 2015. As imports rose, the Food and Drug Administration (FDA) inspection rate fell from 8 percent of imports in 1992 to only 2 percent in 2012. Since the late 1990s, the volume of imported meat doubled, but the number of U.S. Department of Agriculture (USDA) border inspectors declined 10 percent. The TPP will only increase food imports more, further overwhelming border inspectors.

The TPP will make it easier to attack U.S. food safety standards at foreign trade tribunals: The TPP limits the level of food safety protections that are acceptable under the trade agreement. Standards must meet tough burdens of scientific proof and be designed primarily to facilitate trade, not protect the safety of the food supply. Most U.S. health, safety and environmental laws do not require absolute scientific certainty to protect the public from known risks; they simply require sufficient scientific evidence to take action. Agencies can protect against these risks based on the preponderance of available evidence. The TPP includes so-called sound science requirements that limit the food safety protections — provisions pushed by the food and agribusiness industries.

The “sound science” red herring is used to attack the legitimacy of food safety standards and create the false impression of uncertainty. The “sound science” argument has already delayed or derailed regulations over well-understood public health threats including asbestos, tobacco, lead and dioxin. The TPP adopts this anti-regulatory approach for food safety, making it easier for foreign governments to challenge food safety standards as illegal trade barriers.

The TPP second-guesses border inspection: The TPP includes a so-called Rapid Response Mechanism that allows exporters to challenge border inspectors who stop suspicious food imports — including detaining suspect shipments pending laboratory test results. This gives exporters a new mechanism to challenge food safety oversight. The U.S. trade ambassador described the new TPP tool as a way for trade experts to “clear up the problem and allow the shipments to move forward.” It second-guesses U.S. border inspectors, and it subjects their independent decisions to trade tribunals that prioritize moving food shipments across borders no matter the potential safety risks.

The TPP will encourage acceptance of “close enough” foreign food safety standards and a race-to-the-bottom deregulation: The TPP requires the United States to accept other nations’ food safety systems as “equivalent,” or essentially “close enough,” to our standards to allow accelerated food imports. These equivalency directives are designed to maximize international food trade
by making everyone’s food safety standards converge in a global
race-to-the bottom in food safety standards.13

The equivalency process has become a one-way ratchet downward
for food safety oversight. The United States’ shift toward priva-
tized food safety inspection — where company employees replace
independent government inspectors — became a model for other
countries that were granted equivalency to export to the United
States, with dangerous results.14 An equivalent Canadian slaughter-
house with company inspectors shipped 2.5 million pounds of E. coli
tainted ground beef to the United States in 2012.15

Stop the TPP

Trade deals should not prevent countries from implementing food
safety standards, policies and procedures that maintain a level
of food safety protection demanded by their citizenry. The TPP
would allow the food and agribusiness industries to attack, weak-
en and eliminate food safety standards at foreign trade tribunals.

Congress is expected to vote on the TPP in 2016. Ask your Rep-
resentative and Senators to oppose the TPP. To take action, visit:
http://fwwat.ch/1YkwsKz.

Endnotes

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spices, milling products, meat/fish preparations, animal/vegetable
fats, sugars/confectionary, cocoa products, cereal/flower prepara-
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