



April 19, 2012

Mr. Bradford L. Ward
Assistant United States Trade Representative
For Monitoring and Enforcement
Office of the United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Re: Docket Number USTR-2012-0004 www.regulations.gov

Dear Mr. Ward:

The National Chicken Council, USA Poultry & Egg Export Council, and the National Turkey Federation are pleased to jointly submit these comments in response to the Office of the United States Trade Representative's (USTR) *Federal Register* notice of Tuesday, March 27, 2012, Volume 27/Number 59, Pages 18296-18297 "WTO Dispute Settlement Proceeding Regarding India – Measures Concerning the Importation of Certain Agricultural Products"/Dispute Number WTO/DS430. We appreciate USTR's action and willingness to pursue a successful outcome of this WTO case.

The National Chicken Council (NCC) represents companies that produce and process over 95 percent of the young meat chickens and mature fowl marketed in the United States and for U.S. export into international markets.

USA Poultry and Egg Export Council (USAPEEC) represents the export interests of U.S. chicken, turkey and egg companies. Its members account for more than 90 percent of U.S. poultry and egg exports.

The National Turkey Federation (NTF) is the advocate for all segments of the U.S. turkey industry, providing services and conducting activities, which increase demand for its members' products and protect and enhance the ability to effectively and profitably provide wholesome, high quality, nutritious turkey products.

With reference to the cited notice, the organizations strongly support USTR's undertaking of this critically important issue with the World Trade Organization (WTO). For much too long the Government of India has arbitrarily and blatantly prohibited the importation of poultry from the United States. If bilateral consultations with India fail to resolve the issues and, therefore, do not permit U.S. poultry trade with India, USTR is strongly urged to have the WTO promptly initiate the next step in the dispute settlement process. Establishing a dispute settlement panel should be

done expeditiously and with a timetable for the final report of recommendations within nine months from the time the panel is established.

India's ongoing excuse regarding U.S. poultry possibly transmitting avian influenza to India's poultry flocks is a clearly and obviously a bogus non-tariff trade barrier. Any objective scientific analysis of the disease risk posed by U.S. poultry to India poultry will find such risk to be essentially negligible if not, in fact, zero. The United States has not experienced a highly-pathogenic avian influenza outbreak in commercial poultry since the early 1980s, whereas India continually experiences such outbreaks.

With India's rapidly expanding middle class of consumers who increasingly desire to devote more of their discretionary income for animal protein products, it is time for the U.S. poultry to be able to participate in this rapidly developing market. The National Chicken Council estimates that more than \$300 million of U.S. poultry could be annually exported to India if market access permitted the free and fair trade of such products. In addition to the great concern of the three poultry organizations, similar important concerns have been stated by 47 members of the U.S. House of Representatives and 19 members of the U.S. Senate. Letters from the elected officials are submitted as a part of these comments.

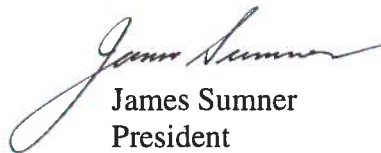
In addition, the letter of December 2, 1011 from the National Chicken Council and USA Poultry & Egg Export Council to U.S. Trade Representative Ron Kirk and U.S. Secretary of Agriculture Tom Vilsack is submitted as a part of these comments. As the letter notes, India was one of the 23 original signatories to the General Agreement on Tariffs and Trade (GATT) that has evolved into the WTO. As a founding member of GATT, India has increased responsibility to work diligently and cooperatively to build international trade, not stymie it with unacceptable and inappropriate barriers to trade. As the letter further notes, India's disregard for its international obligations has been tolerated long enough. Although India may view its WTO obligations as a burden, it will discover that in the long run meeting its obligations is not a heavy burden to bear, but rather the opportunity to advance its economy, including its poultry sector.

The National Chicken Council, USA Poultry & Egg Export Council, and the National Turkey Federation look forward to a very successful outcome of the WTO proceedings for this case. Please know that we continue to stand ready to strongly support this most important initiative and effort.

Respectfully submitted,



Michael Brown
President
National Chicken Council
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mbrown@chickenusa.org



James Sumner
President
USA Poultry & Egg Export Council
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Stone Mountain, GA 30087
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A handwritten signature in black ink that reads "Joel Brandenberger". The signature is written in a cursive style with a large, stylized initial "J".

Joel Brandenberger

President

National Turkey Federation

1225 New York Avenue, NW, #400

Washington, DC 20005

202-898-0100

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djn

Congress of the United States
Washington, DC 20515
January 20, 2012

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

Dear Ambassador Kirk:

We are writing today regarding India's position to deny access to U.S. poultry into the Indian market. Our constituent poultry processors inform us that they are being prevented from realizing significant opportunities in a market with great potential. Accordingly, we respectfully request that you take immediate action to resolve this longstanding issue.

We have been advised that, although India uses a variety of measures to prohibit the importation of U.S. poultry, the primary issue involves India's position on the viral disease avian influenza (AI). Evidently, India makes no distinction between low-pathogenic AI and the highly-pathogenic AI, making India's ban on U.S. poultry inconsistent with World Health Organization for Animal Health (OIE) guidelines and the World Trade Organization (WTO) Agreement on Sanitary and Phytosanitary Measures (SPS). The United States is one of the few countries in the world that has in place comprehensive and rigorous programs to prevent, control, and eradicate AI in poultry and prevent the spread to the human population.

In fact, our poultry production sector asserts that the United States' track-record on AI is unsurpassed. Despite the very effective U.S. measures in place for AI, India continues to prohibit access to their market.

Industry analysts estimate that U.S. poultry exports to India could exceed \$300 million annually, if appropriate market access was provided in accordance with India's obligations as a member of the WTO. With two of the United States' top poultry markets having been severely disrupted in the past three years, it is especially important that efforts be undertaken to regain market share and India is a good place to start.

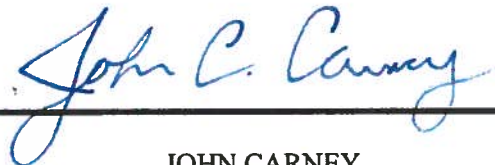
We respectfully request that, during your upcoming discussions with the government of India, you convey that the uses of such measures to prevent trade are WTO-inconsistent and that the U.S. Government will seek to enforce its rights.

We look forward to working with you on this very important matter.

Sincerely,



DEVIN NUNES
MEMBER OF CONGRESS



JOHN CARNEY
MEMBER OF CONGRESS



FRANK D. LUCAS
MEMBER OF CONGRESS



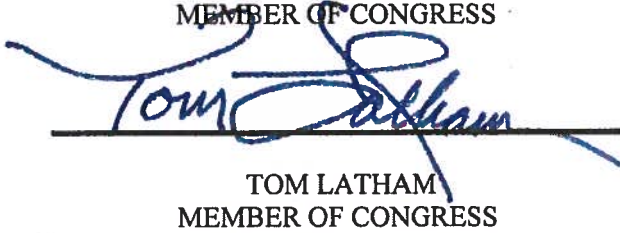
COLLIN C. PETERSON
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ROBERT W. GOODLATTE
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TIMOTHY V. JOHNSON
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TOM LATHAM
MEMBER OF CONGRESS



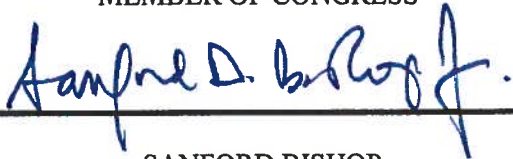
ED WHITFIELD
MEMBER OF CONGRESS



JOHN. BARROW
MEMBER OF CONGRESS



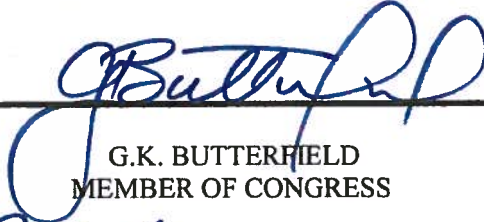
ROB BISHOP
MEMBER OF CONGRESS



SANFORD BISHOP
MEMBER OF CONGRESS



PAUL C. BROUN
MEMBER OF CONGRESS



G.K. BUTTERFIELD
MEMBER OF CONGRESS



JOHN R. CARTER
MEMBER OF CONGRESS



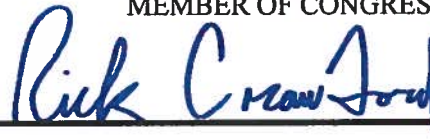
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JASON CHAFFETZ
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RENEE ELLMERS
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Jo Ann Emerson

JO ANN EMERSON
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Phil Gingrey

PHIL GINGREY
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Bob Goodlatte

ROBERT W. GOODLATTE
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Sam Graves

SAM GRAVES
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Tom Graves

TOM GRAVES
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H. Morgan Griffith

H. MORGAN GRIFFITH
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Gregg Harper

GREGG HARPER
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Andy Harris

ANDY HARRIS
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Vicky Hartzler

VICKY HARTZLER
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Hank Johnson

HENRY "HANK" JOHNSON
MEMBER OF CONGRESS

Walter B. Jones

WALTER B. JONES
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Robert Hurt

ROBERT HURT
MEMBER OF CONGRESS

Steve King

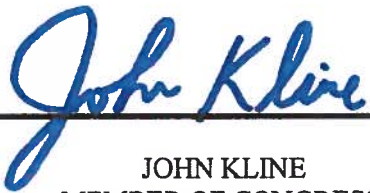
STEVE KING
MEMBER OF CONGRESS

Jack Kingston

JACK KINGSTON
MEMBER OF CONGRESS

Larry Kissell

LARRY KISSELL
MEMBER OF CONGRESS



JOHN KLINE
MEMBER OF CONGRESS



BILLY LONG
MEMBER OF CONGRESS



MIKE MCINTYRE
MEMBER OF CONGRESS



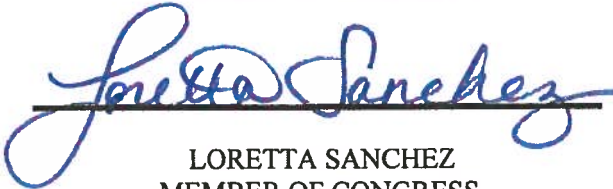
MICK MULVANEY
MEMBER OF CONGRESS



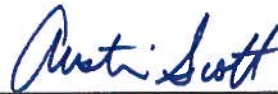
ALAN NUNNELEE
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MIKE ROSS
MEMBER OF CONGRESS



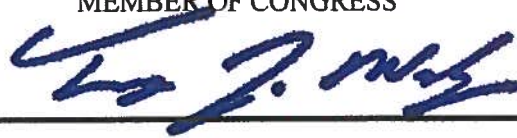
LORETTA SANCHEZ
MEMBER OF CONGRESS



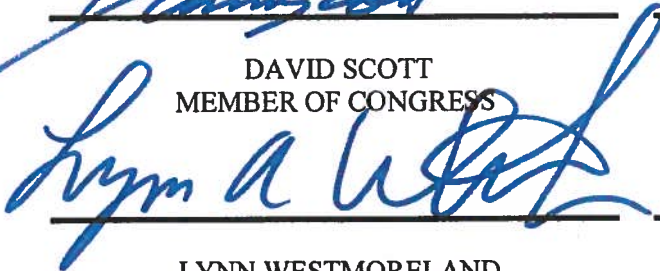
AUSTIN SCOTT
MEMBER OF CONGRESS



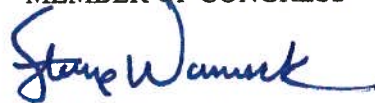
DAVID SCOTT
MEMBER OF CONGRESS



TIM WALZ
MEMBER OF CONGRESS



LYNN WESTMORELAND
MEMBER OF CONGRESS



STEVE WOMACK
MEMBER OF CONGRESS



TIM GRIFFIN
MEMBER OF CONGRESS

United States Senate

WASHINGTON, DC 20510

December 21, 2011

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

Dear Ambassador Kirk:

We write to express our concern about India's longstanding restrictive trade policies with respect to poultry and the variety of poultry products from the United States. These non-scientifically based policies are denying our poultry producers and processors access to a market with great economic potential. We are thankful that the U.S. has for years raised concerns over India's trade policies. Given that India's trade barriers remain in place, we respectfully request that you continue to work to resolve this longstanding issue during your upcoming meeting in mid-January with the senior government leadership of India.


As you know, India uses a variety of trade barriers to prohibit the importation of U.S. poultry. One issue involves India's position on the viral disease avian influenza (AI). India's trade policies do not conform to World Organization for Animal Health (OIE) standards and are not scientifically justified. India makes no distinction between low-pathogenic AI and the highly-pathogenic AI. India's recently released risk assessment is not consistent with international standards for conducting a risk analysis and does not contain sufficient scientific evidence to support India's AI restrictions.

The U.S., in cooperation with the major poultry-producing states, has one of the most comprehensive and rigorous programs in the world to prevent, control, and eradicate AI. Few, if any, countries have in place the stringent biosecurity measures and controls to prevent AI from becoming a problem to poultry and, more importantly, to the human population. The U.S. has set the gold standard on this issue and has a track record on AI that is unsurpassed around the world. Despite the United States' track record on AI and the very effective measures in place for AI, India continues to use this non-scientifically based position to prohibit U.S. poultry to access the Indian market.

With two of the United States' top poultry markets having been severely disrupted in the past three years, it is especially important that efforts be undertaken to replace them. The National Chicken Council estimates that U.S. poultry exports to India could exceed \$300 million annually if appropriate, fair market access was provided in accordance with India's obligations as a member of the World Trade Organization (WTO).

Accordingly, we respectfully request that during your upcoming discussions with the government of India, you strongly explain the important biosecurity measures that have been implemented in the U.S. and that the continued use of non-scientifically based measures to prevent trade is unacceptable. We look forward to working with you on this very important issue and thank you for your full and careful attention to this important matter.

Sincerely,



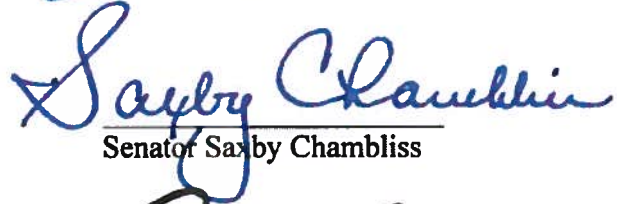
Senator Christopher Coons



Senator Johnny Isakson



Senator Thomas Carper



Senator Saxby Chambliss



Senator Barbara Mikulski



Senator Thad Cochran



Senator Benjamin Cardin



Senator Daniel Coats



Senator Joe Manchin



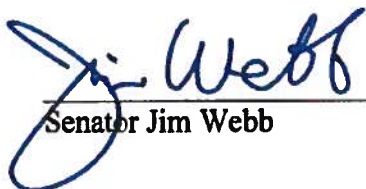
Senator Richard Lugar



Senator Tom Harkin



Senator Robert Portman



Senator Jim Webb




Senator John Boozman




Senator Kay Hagan



Senator Jeff Sessions


Senator John D. Rockefeller IV


Senator James Inhofe


Senator Mark Warner



December 2, 2011

The Honorable Ron Kirk
United States Trade Representative
Office of the United States Trade Representative
600 17th St. NW
Washington, DC 20508

Honorable Tom Vilsack
United States Secretary of Agriculture
U.S. Department of Agriculture
14th Street and Independence Ave. SE
Washington, DC 20515

Dear Ambassador Kirk and Secretary Vilsack:

When the current multilateral trading system was first formed in 1947 with the adoption of the General Agreement on Tariffs and Trade (GATT), India was one of GATT's original 23 signatories. This is ironic because the purpose of the GATT system, which has evolved into the World Trade Organization (WTO), has been to liberalize trade through increased market access and the use of fair and predictable trade rules. Despite being one of the founding countries of the GATT, India has done as little as any nation to open its border to trade or to abide by multilateral trade rules.

No case could make these points clearer than India's actions over many decades to deny access to U.S. poultry producers. While India has used a variety of excuses and trade barriers to prohibit the importation of U.S. poultry, the primary barrier that it has employed since 2006 has been its ban on imports from any country that has reported any incidents of avian influenza (AI). While international standards such as those adopted by the World Organization for Animal Health (OIE), as well as the health rules of most countries engaged in international trade, clearly distinguish between low-pathogenic AI and highly pathogenic AI, India makes no such distinction. India bans imports from any country that has reported *any* incident of AI, a protectionist action that is inconsistent with international standards that has no health or safety justification. It is trade protectionism, pure and simple.

The United States has one of the world's most comprehensive and rigorous programs to prevent, control, and eradicate AI. Few, if any, countries have employed more effective measures to prevent AI from affecting poultry flocks or, more importantly, human

populations. The U.S. performance in this regard, from both an industry and regulatory standpoint, is unmatched. The U.S. poultry industry safely supplies poultry meat and products to 300 million Americans daily, and safely exports these products to more than 130 countries. Despite this impressive and unparalleled track record on AI that the U.S. has achieved, India continues to prohibit access of U.S. poultry to its market.

While there are important principles at issue here, there are also important trade possibilities. We believe that if India were to open its market and to apply international rules fairly, the United States could compete effectively and successfully. The current Indian market for poultry is approximately 2.6 million metric tons annually, and is growing at 8 percent to 10 percent annually. Quick-serve restaurants and modern supermarkets are rapidly expanding in India, and imported U.S. poultry is an attractive option for many of these new food outlets. The National Chicken Council estimates that U.S. poultry exports to India could exceed \$300 million annually if fair rules of market access were to be applied.

In our view, India's disregard for its international obligations has been tolerated long enough. We believe that India's current ban on imports of poultry from countries that have reported incidents of low pathogenic AI is not justified by sound science and violates a number of important trade rules including, but not limited to, those found in Articles 2 and 3 of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures. We respectfully request that the United States engage in consultations at the World Trade Organization with the government of India under Article XXIII of the GATT with a view toward initiating dispute settlement procedures if India does not bring its import regime for poultry into compliance with international rules and standards. The United States should insist that the use of unjustified measures to block trade is unacceptable and will no longer be countenanced.

We look forward to working with you on this very important issue and thank you for your attention to this matter.

Regards,



Jim Sumner
President
USA Poultry & Egg Export Council



Mike Brown
President
National Chicken Council