

# Transatlantic Trade and Investment Partnership

Hearing of The United States  
Senate Committee on Finance

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Wednesday, October 30, 2013  
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Good morning, Chairman Baucus, Ranking Member Hatch, and Members of the Committee. Thank you, Chairman Baucus, for the opportunity to participate in this critically important and most timely hearing on the Trans-Atlantic Trade and Investment Partnership (T-TIP).

I am William “Bill” P. Roenigk, Senior Vice President of the National Chicken Council. The Council represents the vertically-integrated companies that this year will produce and process over 95 percent of the more than 9 billion young meat chickens (broilers) in the United States. Member companies are proud to market on a very consistent basis the most wholesome, highest quality, affordable chicken in the world. Despite very tough competition from certain other countries, about 20 percent of the U.S chicken supply this year will be exported to 100-plus countries. Permit me to note that none of the 28 member nations of the European Union (EU) can be counted in the 100-plus countries.

Although I speak today about the EU prohibiting U.S. poultry from its market, I can assure the Committee that virtually every commodity and product exported by U.S. agriculture has their particular issues and challenges when they market, or try to market, to the EU. Difficulties range from tariffs, import quotas, sanitary/phytosanitary provisions, and other technical barriers to trade.

### **EU Has Prohibited U.S. Poultry Since 1997**

Prior to 1997, the U.S. poultry industry was able to participate in the European market and had great, but, perhaps, naive hopes that the trade liberalization promised by the WTO Uruguay Round negotiations would further improve market access. Annual U.S. poultry exports in 1996 to the EU were \$55 million, making the EU’s 15 member countries at that time the ninth largest export market for U.S. poultry. If the current 28 countries were in the EU in 1996, the export market for these countries would have been \$210 million, making that combination of countries the third largest poultry export market for the United States, behind Russia and Hong Kong.

Today, if U.S. poultry could be exported to the EU, sales would be in excess of \$600 million on an annual basis, making it one of the top export markets. This revenue would generate significant economic activity in many parts of rural America; stimulate employment in more than 30 important poultry states, directly and indirectly; and provide for a more stable flow of income to hundreds of family farms who grow chickens.

From before World War I when canned U.S. poultry meat was exported to essentially all the countries in Europe, trade continued uninterrupted for the most part until 1997. In 1997, the EU erected a number of non-scientific and unjustifiable non-tariff barriers that have prohibited U.S. poultry from the European market for the past 17 years.

The United States and the European Union at the time were engaged in the so-called “Equivalency Negotiations” attempting to implement many of the provisions of the WTO Agreement on Sanitary and Phytosanitary Measures with respect to trade in meat and poultry products. The most difficult issue to resolve – indeed, the last issue to be resolved – in those negotiations was the issue to the terms and conditions for access for U.S. poultry. Despite

United States insistence that the USDA system guarantees a safe, wholesome product and the EU's failure to provide any evidence showing that the use of hyper-chlorinated water in poultry processing had any negative health effects or harm to the environment, the EU, nonetheless, very arbitrarily imposed its ban on U.S. poultry.

At the end of the negotiations, it was agreed that the United States would propose four alternative pathogen reduction treatments (PRTs) (that is, in lieu of hyper-chlorinated water) for use in poultry processing. Further, the European Union would present these proposals to its Scientific Advisory Committee for an opinion as to safety and efficacy. The EU promised to complete this review within a year's time. After many years this promise was eventually kept. Although the Committee determined the four PRTs posed no measurably food safety issue, the protectionist sentiment within the EU prevented the question of the alternative PRTs from coming before the European Food Safety Authority (EFSA) for more than ten years. The EU Scientific Advisory Committee's findings implied that the EU's precautionary principle had been met. When the question was finally submitted to EFSA, it took nearly two more years to study the question and render an opinion. Ultimately, EFSA did advise the EU that the use of each of the four proposed alternative rinses was, in fact, safe and efficacious. Further, it recommended that their uses be approved by the EU. When that advisory opinion was then presented to the Member States in support of an implementing proposal of the European Commission, the proposal was voted down 27-0. The EU Member States ignored the scientific facts and voted politically to continue to block imports.

Subsequently, the Office of the United States Trade Representative (USTR) announced that it was initiating consultations at the World Trade Organization with the European Union on this matter. When those consultations yielded no results, the U.S. government initiated dispute settlement process with the WTO. Both the United States and the European Union proposed panel members to hear the dispute, but were never able to agree on the composition of the panel. Under WTO rules, the United States was then entitled to request that the WTO Secretariat appoint panel members so that the dispute could be litigated. At that point, all progress on the case stopped without any explanation. The case has now lingered in the legal doldrums for five years without progress.

It should be noted, however, that despite the lack of progress via the WTO dispute settlement process, the Administration is working on the antimicrobial issue with the EU. Lactic acid for use on beef is now acceptable to the EU, according to an EU Commission Regulation published earlier this year. Following that favorable step, the Administration is now focusing on having the EU approve a PRT for poultry.

A recent application by USDA to DG SANCO, the EU's Directorate-General for Health and Consumer Affairs, was reportedly supportive of putting on the agenda the approval for the use of peroxyacetic acid as an anti-microbial treatment in the post-slaughter rinse water in U.S. poultry plants. DG SANCO, in turn, has forwarded the application to EFSA. Peroxyacetic acid is one of the four treatments previously approved by EFSA, but rejected by unanimously by a vote of the EU Commissioners. The others are chlorine dioxide, acidified sodium chlorite and trisodium phosphate.

Not using a pathogen reduction treatment is not an option for U.S. poultry plants operating under federal inspection. PRTs are used to reduce bacteria, enhance food-safety, and meet USDA's requirements for pathogen reduction which is an integral component of each processing plant's Hazard Analysis Critical Control Points (HACCP) program.

USDA's Food Safety and Inspection Service, Health and Human Service's Food and Drug Administration, and other government agencies deem the use of hyper-chlorinated water to be both safe and efficacious. About 45 billion pounds of U.S. poultry this year will be processed using hyper-chlorinated water or similar antimicrobials. U.S. poultry processed with the use of hyper-chlorinated water is consumed every day by millions of American citizens and by millions-more consumers in 100-plus countries where the United States exports its product. For more than four decades such treatments have been used in the United States.

### **U.S. Poultry Industry Strong Supporter of International Trade**

The U.S. poultry industry has been and continues to be one of the strongest voices in U.S. agriculture for trade liberalization and international market opening. It has unquestioningly supported the efforts of the United States to achieve greater multilateral trade liberalization through the General Agreement on Trade and the World Trade Organization during the Tokyo and Uruguay Rounds, and supported further efforts to initiate the Doha Round talks. It supported U.S. efforts in the free trade agreement for the U.S./Canada, NAFTA, CAFTA, Morocco, Bahrain, Chile, Colombia, and Panama. Our industry is on record as supporting the Trans-Pacific Partnership negotiations, especially with the inclusion of Canada, Mexico, and Japan in those negotiations. In short, the U.S. poultry industry has been a constant and adamant supporter of trade liberalization efforts by the United States over the past four decades.

In the case of the T-TIP, however, the U.S. poultry industry is, very frankly, much less enthusiastic. We have serious concerns – even serious doubts – that any new trade agreement with the European Union will result in real and meaningful access for U.S. poultry exports to the European market. Our experience with the European Union's actions to block U.S. poultry imports – even in contradiction of the advice of its own scientists – tells us that Europe is unwilling to allow imports that would compete with European product, and that Europe will not live by the commitments that it makes in this respect. We are also concerned, based on lack of progress in the WTO case initiated several years ago, that the U.S. government will not insist on implementation of the terms of market access negotiated. We have been assured on a number of occasions by our trade negotiators that our industry's issues will not be traded-off for some other issue on the EU side. We trust our negotiators will secure the most favorable outcome possible, but at the risk of being redundant, we will want to be doubly-assured that the end product is worthy of our support.

Attached to my comments are two letters. One letter is dated May 4, 2013 addressed to then U.S. Trade Representative Ron Kirk. In this letter 64 agricultural organizations and agribusiness firms congratulated the Administration for its decision to launch the T-TIP negotiations. The letter also urged an ambitious and comprehensive commitment to achieving a successful final trade agreement. The other letter dated May 20, 2013 and was addressed to Michael Froman who at

the time was headed-toward becoming the new U.S. Trade Representative. In that letter signed by 47 agricultural organizations, Mr. Froman was urged to prepare to counter the EU's demonstrated "inability to lift unjustifiable measures because of domestic political pressures" in the EU. The letter also noted "precaution" in the EU has become a pretext for import protection. Importantly, the letter states that "if selected sectors or measures are excluded from the T-TIP, or placed into a 'future negotiation' category, the T-TIP will fall short of achieving the Administration's goal for it to be a high-class 21<sup>st</sup> century agreement, and it will likely fail to win the overall support of the food and agricultural sector that will be needed to ensure final passage of this agreement."

### **Trade Promotion Authority Should Be Approved Soon**

If and when there is a final agreement for T-TIP or the Trans Pacific Partnership, Congress, of course, will be asked to consider the agreement. Such consideration to be most meaningful should be done under the Trade Promotion Authority. The National Chicken Council and essentially all other major agricultural organizations have urged Congress to act on renewing the Trade Promotion Authority. This Administration and future Administrations need this authority. Having Congress act before the next agreement is finalized will strengthen the hand of U.S. trade negotiators and demonstrate more strongly to the international trade community that the United States is most serious in continuing to be the world leader to building trade, increasing economic activity, and providing for more workers to benefit from the hard-fought agreements.

### **Conclusion**

The U.S. poultry industry has always been a strong advocate of liberalized trade and a strong supporter of U.S. trade initiatives. However, after more than 17 years of being unfairly shut out of the European market by unjustifiable non-tariff trade barriers, especially SPS and technical barriers to trade and after seeing that our rights to access to the European market would not be aggressively pursued and vindicated, the U.S poultry industry has serious concerns regarding T-TIP. We hope that we will, at some point, be able to strongly support this initiative. However, until there is a clear indication of how this agreement will result in real and meaningful market access with the elimination of all non-tariff trade barriers to our products, it will be difficult to see how the T-TIP is in the interests of our industry, our member companies, our workers, or the tens of thousands of family farmers who grow chicken. Having stated that serious concern, we are also aware of what a famous ice hockey player said about scoring and putting the puck in the net. He said "You miss 100% of the shots you don't take."

The National Chicken Council looks forward to working with the Committee and others in Congress to secure the most favorable outcome for the T-TIP.

I look forward to your comments and questions.

Attachments