

# The Trans-Pacific Partnership

## Threatening Food Safety, Health and Affordable Access to Life Saving Drugs

**T**he Trans-Pacific Partnership Free Trade Agreement (TPP) is currently being negotiated by 12 countries including the U.S., Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam. Negotiators have refused to release the text of the TPP to the public but have given access to members of special advisory committees which are dominated by hundreds of corporate officials, lawyers and lobbyists. However, based on leaked text, previous trade agreements, news reports and public statements, we can safely conclude that the TPP would pose a special threat to food safety, health policy and affordable access to life saving drugs

The TPP would erode our food, safety and health standards by expanding the rights of foreign corporations to initiate proceedings against the U.S. government – or any of the other sovereign governments signing the TPP – that would contravene the expansive investor rights and protections contained in the agreement. These challenges would be heard before World Bank and UN tribunals that are staffed by private lawyers. These tri-

bunals could require governments to compensate corporations for any alleged loss of expected profits. There are over \$38 billion in pending claims filed by corporations against sovereign governments using the ISDS provisions of U.S. trade agreements that are similar to the TPP. All of these challenges related to public health, environmental, energy, financial, land use and transportation policies – not traditional trade issues. The TPP would also enable other TPP governments to challenge our standards if they were higher than international standards or could otherwise be considered as a technical barrier to trade.

For example, utilizing similar language from other trade agreements, tribunals have ruled against U.S. laws that required the certification of “dolphin safe” tuna, a ban against clove cigarettes, and labels that identify the country of origin of meat and other products. It is bad enough that these cases were brought by other countries. The TPP would be much worse because it grants private corporations the right to challenge sovereign nations before international tribunals.

The TPP would enable corporations to challenge many standards and laws that currently protect millions of people including the following:

■ **Tobacco.** The U.S. is proposing language that would allow tobacco companies to challenge product labeling and other public health policies that save millions of lives. The American Cancer Society, the American Heart Association, the American Lung Association and the Campaign for Tobacco Free Kids have all denounced this development.

■ **Dairy.** Dairy standards that protect consumers could be challenged. New Zealand-based Fonterra, the world’s largest dairy exporter, has been banned from a number of countries due to products tainted by botulism.

■ **Seafood.** 84% of the seafood we eat is imported – much of it from TPP countries. Yet, the FDA only inspects about 2% of our imported seafood, vegetables, spices and fruit.<sup>1</sup> A 2011 report by the Government Accountability Office on seafood safety found that the FDA only tested 0.1% (1/10th of 1 percent) of imported seafood for

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drugs that may be present in imported seafood but are illegal in the U.S. because they can cause cancer, allergic reactions and antibiotic resistance.<sup>2</sup>

Yet, even with this inadequate system, the FDA has detained hundreds of seafood imports from TPP countries because they were contaminated. For example, in Fiscal Year 2012, the FDA detained 206 imported seafood products from Vietnam alone because of the presence of salmonella, e-coli, methyl mercury, filth and other drug residues. In 2014, the Japanese government found that shrimp imported from Vietnam had chloramphenicol, an antibiotic which causes a lethal blood disorder and is banned in the U.S.<sup>3</sup> The TPP, by greatly expanding our seafood imports, would result in even more uninspected, untested and tainted seafood imports entering into the U.S.

■ **Outsourcing food inspections.** Four of the key participants in TPP – the U.S., Canada, Australia, and New Zealand – have agreed to privatize meat and poultry in-

spections by removing government inspectors from the slaughter lines and replacing them with company-paid employees. They have already deemed these privatized inspection schemes to be “equivalent” and are already accepting imports from one another using this new inspection model. These countries are setting the stage for other countries to deregulate meat and poultry inspection.

■ **Prescription Drugs.** The AARP, Consumers Union and other groups have warned that the TPP could lock in higher prices for popular drugs and place a number of Medicare and Medicaid programs at risk. For example, AARP warned that the TPP could prevent \$3.8 billion in savings because it would prohibit a reduction in the period during which the big drug companies have exclusive rights to biologic test data. But the impact of the TPP would extend far beyond the U.S. Doctors without Borders stated that “Unless damaging provisions are removed before negotiations are finalized; the TPP agreement is on track to become the most harmful trade

pact ever for access to medicines in developing countries.”

■ **Back-Door Entry by Food and Pharmaceuticals from Non-TPP Countries like China.** Various parts of the agreement will allow TPP countries to ship products with inputs from non-TPP countries – thus escaping even the reduced TPP standards. This could include fish raised in China and processed in TPP countries like Vietnam and Malaysia, which already have problems meeting U.S. food safety standards.

■ **Country of Origin Labeling for Meat, Seafood, Vegetables.** Our country of origin labeling law was passed in 2002 and expanded in 2008. It requires labels to inform consumers where various products were raised or grown including beef, pork, fresh vegetable, seafood and peanuts. In 2012, the WTO issued a final ruling against the law based on a suit filed by Canada and Mexico. The TPP would expand the number and scope of these challenges by allowing corporations – and not just countries – to challenge such laws.



**WHAT YOU CAN DO TO PROTECT YOUR HEALTH AND FOOD**

**[www.stopthetpp.org](http://www.stopthetpp.org)**

**CWA**

**Communications Workers of America**



1 FDA, 2013 Annual Report on Food Facilities, Food Imports and FDA Foreign Offices, November 2013.

2 Government Accountability Office, Seafood Safety, FDA Needs to Improve Oversight of Imported Seafood and Better Leverage Limited Resources, GAO-11-286, April 2011

3 Shrimp News International, Japan finds antibiotics in Vietnamese shrimp, again, March 25, 2014, <http://www.shrimpnews.com/FreeReportsFolder/NewsReportsFolder/VienamJapanFindsAntibiotics.html>