

March 8, 2013

Tricia Van Orden
Executive Secretary
President's Export Council
Room 4043
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Document Posted: Meeting of the President's Export Council

Comments on a rapid response mechanism and enforcement for sanitary and phytosanitary issues in the Trans-Pacific Partnership Agreement (TPP).

A rapid response mechanism is an approach to resolving some trade-related issues, within the Sanitary and Phytosanitary (SPS) chapter of the Trans Pacific Partnership (TPP) negotiations, in a timely manner. The rapid response mechanism meets a need to facilitate trade and for the resolution of shipment specific disputes. This mechanism is needed in TPP to address immediate trade problems with perishable and time-sensitive shipments of agricultural products as result of the implementation of SPS measures.

However, SPS issues should not be excluded from the TPP dispute settlement process. While enforcement is available through the World Trade Organization, it would not apply to whatever SPS plus provisions remain in any final agreement. This lack of enforceability for SPS plus provisions would render them meaningless. The U.S. can defend our regulations from challenges based on sound science and reasonable risk analysis. This is the standard that we want the SPS rules to help the rest of the TPP nations obtain.

An exemption of SPS from dispute settlement in the TPP will set an unfortunate precedent for future trade negotiations. The promise of SPS improvements in the TPP is about improving science-based international trade rules. The U.S. government must include enforceable disciplines on SPS issues through dispute settlement within the Trans Pacific Partnership in order to truly benefit agricultural and food trade.

Sincerely,



Bob Stallman
President