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THE US-CHINA BUSINESS COUNCIL

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December 2, 2013

The Honorable Michael Froman  
United States Trade Representative  
600 Seventeenth Street NW  
Washington, DC 20510

Dear Ambassador Froman:

I would like to call your attention to concerns that US-China Business Council members have about the proposed US Department of Agriculture (USDA) catfish inspection program, which is under discussion as part of the current Farm Bill. Specifically, there is an effort to now repeal this program through a mechanism in the Farm Bill currently undergoing House and Senate reconciliation and we support the repeal.

As you may know, the program was established by Congress in the 2008 Farm Bill, but has not yet been implemented. Under the program, food safety oversight of catfish would shift from the Food and Drug Administration (FDA) to USDA and in the process would subject imported catfish to the USDA equivalency process. There is no viable food safety justification for this program. Available information does not demonstrate the need for new regulation. In its 2011 draft rule, USDA itself stated that there is "substantial uncertainty" that the new program would improve on existing FDA oversight. Numerous others continue to weigh with objections to the program's existence, including the Office of Management and Budget and several of our trading partners.

As with any sector, the United States should be reluctant to impose regulations that have questionable scientific basis. Doing so opens the door to our trading partners imposing similar regulations on US exports. In addition, the World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures has specific criteria for food safety measures, which must be supported by an adequate risk assessment and be proportionate to the identified food safety risk. Because those requirements have not been met in assessments by relevant US entities, we should assume that a successful WTO challenge to the catfish inspection program would be likely.

As a consequence, we urge you to weigh in with Congress on the Administration's objections to the implementation of the catfish inspection program and support its repeal as part of the Farm Bill.

Sincerely,

Erin Ennis  
Vice President

cc: The Honorable Tom Vilsack  
The Honorable Penny Pritzker