



Animal Welfare Institute

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

Submitted electronically via www.regulations.gov

**Re: Request for Comments Concerning Proposed Transatlantic Trade and Investment Agreement
(Docket No. USTR—2013—0019)**

To Whom It May Concern:

I am submitting comments on the proposed Transatlantic Trade and Investment Partnership (TTIP) agreement on behalf of the Animal Welfare Institute (AWI). Founded in 1951, AWI is a non-profit charitable organization dedicated to alleviating suffering inflicted on animals by humans. AWI performs its work for animals both in the U.S. and abroad and is a member of the Transatlantic Animal Welfare Council (TAWC), a coalition of national and international organizations formed to address trade issues affecting animals.

1. Legislation to protect animals should not be breached by trade

Significant regulatory differences exist between the U.S. and EU related to the treatment of animals, particularly in the area of animals raised for food. For example, in the EU conventional barren battery cages are banned for the housing of egg-laying hens, while only four of the 50 U.S. states ban this system of production. The EU prohibits the use of tiny crates or “stalls” to house gestating sows; yet to date only nine U.S. states have ended this practice. Moreover, EU regulations not only prohibit particular farm animal production systems but also provide species-specific requirements for such things as space allowance and the provision of pain relief for surgical procedures, none of which is currently offered by any U.S. regulations—state or federal.

EU animal welfare legislation and regulation, which is in most instances higher than U.S. regulation, should not be breached by trade. Therefore, AWI believes that there should not be a reduction or elimination of tariffs—or non-trade tariffs—applied to EU animal products that do not respect EU regulations on animal welfare.

2. American consumers support greater regulation of farm animal treatment

In general U.S. food and drug regulations take into account potential impacts on human health and safety only. The EU regulatory process is far more likely to consider the potential impact of any proposed change on the health and welfare of the animals used to produce the food or drug in question.

While the EU recognizes animals—including those raised for food—to be sentient beings, deserving of respect and consideration, U.S. public policy generally treats animals as mere commodities. However, survey research suggests that the views of American consumers are more in line with the European than the U.S. approach to regulation.

For example, in a 2008 survey managed by the Humane Research Council, 73 percent of respondents said they would support a law requiring that farm animals, including pigs, cows and chickens, are provided with enough space to behave naturally. Agricultural economists at Oklahoma State University found 69 percent of survey respondents in support of banning eggs produced under inferior animal care standards, and in a poll conducted by Zogby International, 82 percent of those surveyed said they supported enacting laws to protect farm animals from cruelty. AWI urges USTR to consider the views of American consumers in negotiating the trade agreement with the EU.

3. Higher animal welfare standards can facilitate trade

Better farm animal welfare standards in the U.S. can improve EU market access. AWI urges USTR to negotiate the inclusion of a provision on animal welfare in the chapter dedicated to Sanitary and Phytosanitary (SPS) measures. This could resolve some of the regulatory differences and trade disputes between the partners related to how animals are raised for food, including genetically modified organisms, the use of growth hormones and beta-agonist feed additives, and package labeling of animal production methods (these issues to be addressed separately below). It also would help U.S. farmers reach animal welfare standards equivalent to the EU, particularly in the area of on-farm production methods, transport, and slaughter, and thereby increase access to EU markets for American farmers.

4. U.S. should require mandatory labeling of animal agriculture production systems

Since 2004 EU law has required the labeling of shell eggs according to the method of production (i.e., “eggs from caged hens,” “barn eggs,” and “free range eggs”). Such labeling is not required in the U.S., but is supported by a majority of American consumers. In a 2011 survey conducted by professors at Kansas State University, 62 percent of respondents said they supported mandatory labeling of eggs produced using cages for laying hens. Half of the respondents to another survey conducted by Oklahoma State University said the government should “force all food companies to indicate the level of animal care on their product labels.” To provide a level playing field for EU farmers, all eggs exported from the U.S. should be labeled as to production method.

5. U.S. should require mandatory labeling of genetically modified foods

In the EU, if a food contains or consists of genetically modified organisms (GMOs) or contains ingredients produced from GMOs, this must be indicated on the label. For GM products sold unpackaged or “loose,” information must be displayed immediately next to the food to indicate that it is genetically modified. No equivalent requirement exists in the U.S. American consumers support the EU approach to the marketing of these products, as demonstrated by several polls conducted over the past decade that have shown very strong consumer desire for mandatory labeling of GM foods. Greater than 90 percent of respondents said they want mandatory labeling of GM foods in polls conducted by

Consumers Union (2008), *Washington Post* (2010), ABC News (2011), and MSNBC (2011). AWI encourages USTR to work with the U.S. Food and Drug Administration (FDA) to ensure that consumers on both sides of the Atlantic get the food information they want and deserve.

6. U.S. should ban beta-agonist feed additives

Another area of disagreement between U.S. and EU animal agricultural practices is the use of beta-agonist feed additives, such as ractopamine, which are administered to farm animals to promote growth and leanness. Ractopamine has been banned or restricted by regulatory authorities in 160 countries, including the EU, but is approved for use in pigs, cattle, and turkeys in the U.S. A recent report by *Consumer Reports* investigating 240 U.S. pork products for ractopamine found that one in five products tested positive for the drug. While studies on the potential human health effects of ractopamine are limited, the European Food Safety Authority indicates that ractopamine can cause elevated heart rates. Ractopamine has also been shown to cause significant health impacts on animals. Ractopamine effects may include toxicity, behavioral changes, and cardiovascular, musculoskeletal, reproductive, and endocrine problems. It is also associated with demonstrations of high stress levels and hyperactivity in animals, loss of mobility, fractured limbs, and even death. USTR should urge FDA to reduce allowable levels of ractopamine in meat and undertake a study of the short and long term effects in both humans and animals.

7. Both U.S. and EU should do more to limit use of antibiotics in food animals

Both trading partners have experienced problems related to the misuse of antibiotics in animals raised for food. Both have demonstrated inadequate reporting of antibiotic use in farm animals. *Consumer Reports* recently tested 257 samples of U.S. ground turkey, representing 27 major brands sold in 21 states, and found 90 percent were contaminated with bacteria, many of which were resistant to commonly prescribed antibiotics. Government tests of raw supermarket meat, conducted in 2011 by FDA, found antibiotic-resistant bacteria contamination in 81 percent of ground turkey, 69 percent of pork chops, and 55 percent of ground beef sampled.

The EU has gone further to reduce its use in animals of certain antibiotics necessary to human medicine in order to reduce the prevalence of antibiotic-resistance bacteria. As of January 2006, the EU banned the use of antibiotics for use as growth promoters (but not for disease prevention) in farm animals. Research has subsequently shown the ban has substantially reduced some types of antibiotic resistance. To date the U.S. has taken a voluntary approach to the reduction of non-therapeutic antibiotic use in animals raised for food. One exception is enrofloxacin, a fluoroquinolone that FDA banned for use in poultry production but is allowed to be used in the EU. AWI encourages the U.S. and EU to harmonize their approach to antibiotic use by banning the use of classes of antibiotics important to human medicine for farm animal growth promotion and disease prevention, and banning the use of fluoroquinolones in poultry.

8. Trade in animals should not threaten the health of the species or permit the suffering of individual animals

International trade in live specimens, parts or derivatives of wildlife should not be detrimental to the status of wild populations or the health and welfare of individuals. Therefore, AWI requests the USTR to use TTIP negotiations to ensure both good cooperation and strenuous enforcement on unsustainable, inhumane or illegal international trade in threatened, endangered, and other native and non-native species subject to trade. In addition, TTIP negotiations should be used to improve conservation and welfare protections for captive wildlife.

TTIP negotiations should be used to ensure that the U.S. fulfills its commitment to the EU to reduce the suffering of trapped animals (Agreed Minute and Side Letter, Dec. 18, 1997). The EU has banned use of steel jaw leghold traps, devices which are recognized internationally for their cruelty. However, the U.S. has not complied with its agreement to phase out use of all jaw-type leghold restraining traps on ermine and muskrat, nor has it implemented so-called Best Management Practices (BMPs) for 23 species of North American furbearing animals within the 50 states. Perhaps most importantly, the U.S. has failed to phase out use of “conventional steel-jawed leghold restraining traps” for the 13 North American species listed in the trap standards. TTIP negotiations should ensure that the clear and appropriate objectives of EU Regulation 3254/91 are fulfilled.

Within these cooperation and enforcement objectives, AWI also asks USTR to use TTIP negotiations to establish mechanisms for greater transparency and opportunities for public involvement in evaluating and challenging the humaneness, sustainability, conservation, and management of wildlife subject to trade, captivity, and/or trapping.

9. AWI supports application of the precautionary principle

The precautionary principle states if an action or policy has a suspected risk of causing harm to the public or to the environment (or to non-human animals), in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is *not* harmful falls on those taking an act. This is particularly relevant to the development of new technologies, such as genetic engineering of crops and animals. In the law of the European Union, the application of the precautionary principle is a statutory requirement; however, that same level of prudence is not typically practiced in the U.S.

AWI urges USTR to work toward a trade agreement that facilitates greater harmony between U.S. and EU animal production systems, by raising U.S. animal welfare standards and by respecting the precautionary principle, especially in the utilization of new and unproven drugs and technologies.

Thank you for considering our comments.

Respectfully submitted,



Dena Jones
Farm Animal Program Manager