

SAFE FOOD COALITION

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September 26, 2017

The Honorable Sonny Perdue
Secretary
United States Department of Agriculture
1400 Independence Ave SW
Washington, D.C.

VIA EMAIL

Dear Secretary Perdue:

The undersigned members of the Safe Food Coalition write to express our opposition to the recent proposal to transfer the U.S. Codex Office from under the authority of the Under Secretary for Food Safety to the new Under Secretary for Trade and Foreign Agricultural Affairs.¹ Such a reorganization would compromise the independence of health and safety regulatory and scientific agencies, politicize technical policy, muddle the mission of the newly formed foreign trade Under Secretary, and fly in the face of a 2015 recommendation from a congressionally commissioned expert panel.

According to USDA's announcement of the U.S. Codex Office transfer, "the focus of the Codex Office aligns better with the mission of" the trade Under Secretary. We disagree. The mission of the U.S. Codex Office is "the development and advancement of science-based food standards for the benefit of the United States and the worldwide community."² Likewise, the international Codex Alimentarius Commission is first and foremost "a food safety standards-setting body."³ By contrast, "the USDA undersecretary for trade will ensure that American producers are well equipped to sell their products and feed the world."⁴

The fundamental inconsistency between promoting trade and the U.S. Codex Office's food safety mission has been well articulated. In 2015, Congress funded the National Academy of Public Administration to assess USDA's reorganization options, including transfer of the U.S. Codex office to a new trade Under Secretary, and the Academy's expert panel interviewed various "industry proponents" in favor of the move. These proponents argued that moving the Codex office to a trade

¹ USDA. "Secretary Perdue Announces USDA Improvements for Customer Service & Efficiency," Press Release Release No. 0104.17, Sept. 7, 2017, <https://www.usda.gov/media/press-releases/2017/09/07/secretary-perdue-announces-usda-improvements-customer-service>

² USDA. "U.S. Codex & Codex Alimentarius," <https://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius> (last visited Sept. 25, 2017).

³ National Academy of Public Administration. "Advancing U.S. Agricultural Trade: Reorganizing the U.S. Department of Agriculture," Oct. 2015, http://napawash.org/images/reports/2015/USDA_Report_2015.pdf

⁴ USDA. "Secretary Perdue Announces Creation of Undersecretary for Trade," Press Release Release No. 0038.17, May 11, 2017, <https://www.usda.gov/media/press-releases/2017/05/11/secretary-perdue-announces-creation-undersecretary-trade>

Under Secretariat would help to “enhance . . . coordination” among “agencies and components with key trade-related activities.” The expert panel, however, “strongly and unanimously” recommended against that option, citing the increased “likelihood that health and safety regulatory decisions would be unduly influenced by trade promotion priorities.” The panel even went so far as to conclude that the move would “undermine USDA’s trade positions” because “conflating science and trade by putting them in the same mission area will, at a minimum, affect perceptions of scientific integrity.”

More recently, top food safety officials from both the Bush and Obama Administrations have publicly expressed their opposition to this proposed move. In an op-ed column, the former Under Secretary for food safety under President Bush, Dr. Richard Raymond, wrote that the move shows USDA “emphasizing trade goals over food safety,” and will ultimately result in “U.S. leadership on controversial issues reduced.”⁵ Another op-ed column, from the former deputy Under Secretary for Food Safety under President Obama, Brian Ronholm, similarly concludes that the move “will undermine the United States’ credibility in the international food policy arena.”⁶ Finally, a letter from former FSIS Administrator and acting Under Secretary for Food Safety under President Clinton, Michael Taylor, has been reported as urging you to “withdraw and reconsider” the decision to move the Codex office, in part because “the U.S. would lose the high ground it now occupies in debates over whether the Codex standard-setting process should be driven by science or by trade policy and politics.”⁷

Taylor’s objections deserve particular emphasis because he has both presided over the U.S. Codex Office at FSIS and, more recently, served on the Codex Policy Committee in his capacity as FDA’s top food regulator between 2010 and 2016. As Taylor points out, the Codex Office includes scientists from FDA and other agencies in addition to USDA, who engage in “an enormously complex scientific and technical task.” Nevertheless, “there has been no dialogue on this proposal with the broad food safety community and no explanation from USDA of the problem the proposed reorganization solves.” We agree with Mr. Taylor that “the stakes and the unknowns surrounding USDA’s proposal are too high to act hastily and in isolation from the food safety community.”⁸ The extent to which the reorganization would set the U.S. apart from virtually all of our trading partners—whose Codex delegates come overwhelmingly from public health and agriculture rather than trade agencies—further militates in favor of an adequate deliberation.⁹

Like USDA, industry groups in favor of this proposal have not explained why the move is necessary or how it will advance the mission of the U.S. Codex Office. A recent letter from a group of industry trade associations refers to the Office’s “dual mandate,” and suggests that “guard[ing] against unscientific barriers that impede U.S. food and agriculture trade” somehow parallels the

⁵ Dr. Richard Raymond, “Moving Codex out of FSIS will boost trade, not food safety” *Food Safety News*, Sept. 21, 2017, <http://www.foodsafetynews.com/2017/09/moving-codex-out-of-fsis-will-boost-trade-not-food-safety/#.WckbZsiGOUI>

⁶ Brian Ronholm, “Moving the U.S. Codex Office to USDA Trade is a big mistake,” *Food Safety News*, Sept. 11, 2017, <http://www.foodsafetynews.com/2017/09/moving-the-u-s-codex-office-to-usda-trade-is-a-big-mistake/#.Wckch8h96Uk>

⁷ Margarita Raycheva, “Former FDA-er Mike Taylor urges Perdue to ‘withdraw and reconsider’ damaging Codex move,” *Food Chemical News*, Sept. 22, 2017, <https://iegpolicy.agribusinessintelligence.informa.com/PL050835/Former-FDAer-Mike-Taylor-urges-Perdue-to-withdraw-and-reconsider-damaging-Codex-move>

⁸ *Id.*

⁹ See Codex Alimentarius Commission. “List of Codex members,” http://www.fao.org/fao-who-codexalimentarius/members-observers/members/en/?no_cache=1

Office's standard-setting mission. We strongly disagree. As noted, the mission of the U.S. Codex Office is "the development and advancement of science-based food standards for the benefit of the United States and the worldwide community." The U.S. Trade Representative can adequately respond to non-science-based food standards meant to serve as illegitimate barriers to U.S. exports.

Consumers in the United States have come to expect that the food they buy, whatever its origin, meets the highest food safety standards. The Codex Alimentarius, also known as the United Nations food code, serves as a critical global reference point, in no small part because of the rigor and expertise that food safety regulators in the U.S. Codex Office have contributed. The U.S. Codex Office should continue to focus on using science to bolster and maintain scientifically grounded food safety standards. Decisions on how to protect consumers from carcinogenic food additives, pathogenic contamination, pesticide and drug residues, misleading labels, and the various other hazards covered by the Codex Alimentarius should proceed on the basis of what's good for consumers, not what's good for U.S. or multinational companies seeking to broaden their export markets.

For the foregoing reasons, we urge you to withdraw your decision to remove the U.S. Codex Office from under the supervision of USDA's Food Safety and Inspection Service.

Thank you for your consideration of these comments.

Sincerely,

Center for Foodborne Illness Research and Prevention

Center for Science in the Public Interest

Consumer Federation of America

Food & Water Watch

National Consumers League

STOP Foodborne Illness