April 30, 2009

The Honorable Barack Obama
President, United States of America
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We are writing to urge you to oppose any provisions in the annual appropriations bills that may be inconsistent with our trade obligations under the provisions of World Trade Organization (WTO) agreements. In particular, we urge your Administration to actively oppose a provision that would bar implementation of a U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) regulation governing the importation of cooked poultry products from China. We respectfully request that your Administration work with Congress to amend the Omnibus Appropriations Act of 2009 to eliminate the current application of this provision and to help prevent its inclusion in future Appropriations measures.

We agree that the U.S. Government must effectively regulate the safety and quality of food products sold in this country. However, to maintain the effectiveness and integrity of the food safety system, such regulations must be based on sound science and an appropriate risk assessment. Laws and regulations must also be crafted such that the U.S. does not ignore its international trade obligations -- obligations that the U.S. Government has helped to develop and in particular, to prevent other countries from adopting protectionist, non-science based measures against U.S. food and agriculture exports under the guise of food safety. At a time when U.S. producers are seeking to sell their goods and services abroad during a difficult global economic crisis, it is vital that we uphold our trade obligations, lest we find access to vital overseas markets cut off to American products.

Section 727 of the Omnibus Appropriations Act of 2009 forbids funds from being used to "establish or implement a rule allowing poultry products to be imported into the U.S. from the People's Republic of China." Similar provisions have been included in annual appropriations since FSIS issued a final rule on cooked chicken imports from China in 2006 and another prohibition is to be proposed for the bill for Fiscal Year 2010.

Section 727 and its predecessors effectively bar FSIS from conducting a necessary and appropriate risk assessment on whether imports of cooked chicken from China pose any risk to American consumers. Because the provision specifically targets imports from only one country, it conflicts with the U.S. obligation to treat trading partners equally. Indeed, the People's Republic of China has already filed a dispute settlement case against the U.S. at the WTO on this matter.

If there are concerns about the safety of cooked chicken imports from China -- and we should note that this includes poultry that originates in the U.S. -- they should be addressed through sound science in the regulatory channels, not through *ad hoc* legislation or appropriations bills. Section 727, however, precludes scientific analysis from being conducted, therefore adversely affecting U.S. credibility and potentially hindering U.S. market access overseas.

If the U.S. cannot uphold the basic rules of international trade, our trading partners may take similar actions against U.S. exports, which will ultimately harm American workers, farmers, businesses and the U.S. economy as a whole.

Respectfully,

Advanced Medical Technology Association
Agri Beef Company
AJC International, Incorporated
American Farm Bureau Federation
American Meat Institute
Animal Health Institute
Butterball, LLC
Cargill, Incorporated
DGM Commodities, Corporation
Edwards Lifesciences
Elanco
Emergency Committee for American Trade
Fieldale Farms Corporation
Grocery Manufacturers Association
Grove Services, Incorporated
Hormel Foods Corporation
Interra International, Incorporated
JBS S.A.
Keystone Foods, LLC
Kraft Foods, Incorporated
Maritime Products International
Mar-Jac Poultry, Incorporated
MetaFoods, LLC
Michigan Corn Growers Association
Monsanto Company
National Cattlemen's Beef Association
National Chicken Council
National Fisheries Institute
National Foreign Trade Council
National Meat Association
National Pork Producers Council
National Retail Federation

National Turkey Federation
New Orleans Cold Storage and Warehouse Company, Limited
O.K. Foods, Incorporated
Pilgrim's Pride Corporation
Sanderson Farms, Incorporated
Seaboard Corporation
Sellari Enterprises, Incorporated
Shelf-Stable Food Processors Association
Simmons Prepared Foods, Incorporated
Smithfield Foods, Incorporated
The American Chamber of Commerce in Hong Kong
The American Chamber of Commerce in Shanghai
The American Chamber of Commerce in South China
The American Chamber of Commerce People's Republic of China
Tyson Foods, Incorporated
United Egg Association
United Egg Producers
USA Poultry & Egg Export Council
U.S. Chamber of Commerce
U.S.-China Business Council
U.S. Dairy Export Council
U.S. Hide, Skin and Leather Association
U.S. Meat Export Federation
U.S. Premium Beef, LLC

Cc:

The Honorable Ronald Kirk
The Honorable Hilary Rodham Clinton
The Honorable Thomas J. Vilsak
The Honorable Timothy F. Geithner
The Honorable Gary F. Locke
The Honorable Lawrence H. Summers
Gen. James L. Jones, Jr., USMC (Ret.)
The Honorable Daniel K. Inouye
The Honorable Thad Cochran
The Honorable Herbert H. Kohl
The Honorable Sam Brownback
The Honorable Max Baucus
The Honorable Charles E. Grassley
The Honorable Ron Wyden
The Honorable Mike Crapo
The Honorable David R. Obey
The Honorable Jerry Lewis
The Honorable Jack Kingston
The Honorable Charles B. Rangel
The Honorable Dave Camp