



July 2, 2012

Mr. Bradford L. Ward  
Assistant United States Trade Representative  
For Monitoring and Enforcement  
Office of the United States Trade Representative  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

RE: Docket Number USTR-2012-0004 [www.regulations.gov](http://www.regulations.gov)

Dear Mr. Ward:

The National Chicken Council, USA Poultry & Egg Export Council, and the National Turkey Federation are pleased to jointly submit these comments in response to the Office of the United States Trade Representative's (USTR) *Federal Register* notice of *Federation Register* Volume 77, Number 107, Monday, June 4, 2012, Pages 33015-33016 "Dispute Number WTO/DS430 WTO Dispute Settlement Proceeding Regarding India-Measures Concerning the Importation of Certain Agricultural Products." We appreciate USTR's on-going action and continued willingness to pursue a successful outcome of this WTO case. We are especially pleased that the WTO has agreed to establish a dispute settlement panel to determine the case.

The National Chicken Council (NCC) represents companies that produce and process over 95 percent of the young meat chickens and mature fowl marketed in the United States and for U.S. export into international markets.

USA Poultry and Egg Export Council (USAPEEC) represents the export interests of U.S. chicken, turkey and egg companies. Its members account for more than 90 percent of U.S. poultry and egg exports.

The National Turkey Federation (NTF) is the advocate for all segments of the U.S. turkey industry, providing services and conducting activities, which increase demand for its members' products and protect and enhance the ability to effectively and profitably provide wholesome, high quality, nutritious turkey products.

With reference to the cited notice, the organizations strongly support USTR's undertaking of this critically important issue with the World Trade Organization (WTO). For much too long the Government of India has arbitrarily and blatantly prohibited the importation of poultry from the United States. Bilateral consultations with India failed to resolve the issues and, therefore, U.S. poultry trade with India will not be possible at this time. With the establishment of a dispute settlement panel we look forward to a final report of favorable recommendations within nine months from the time the panel was established. We recognize USTR's diligence to reach this point in the effort to establish U.S. poultry trade with India and urge continued diligence and resolve to achieve a successful outcome.

India's ongoing excuse regarding U.S. poultry possibly transmitting avian influenza to India's poultry flocks is a clearly and obviously a bogus non-tariff trade barrier. Any objective scientific analysis of the disease risk posed by U.S. poultry to India poultry will find such risk to be essentially negligible if not, in fact, zero. The United States has not experienced a highly-pathogenic avian influenza outbreak in commercial poultry since the early 1980s, whereas India continually experiences such outbreaks.

With India's rapidly expanding middle class of consumers who increasingly desire to devote more of their discretionary income for animal protein products, it is time for the U.S. poultry to be able to participate in this rapidly developing market. The National Chicken Council estimates that more than \$300 million of U.S. poultry could be annually exported to India if market access permitted the free and fair trade of such products. In addition to the great concern of the three poultry organizations, similar important concerns have been stated by 47 members of the U.S. House of Representatives and 19 members of the U.S. Senate. Letters from the elected officials are submitted as a part of these comments.

In addition, the letter of December 2, 2011 from the National Chicken Council and USA Poultry and Egg Export Council to U.S. Trade Representative Ron Kirk and U.S. Secretary of Agriculture Tom Vilsack is submitted as a part of these comments. As the letter notes, India was one of the 23 original signatories to the General Agreement on Tariffs and Trade (GATT) that has evolved into the WTO. As a founding member of GATT, India has increased responsibility to work diligently and cooperatively to build international trade, not stymie it with unacceptable and inappropriate barriers to trade. As the letter further notes, India's disregard for its international obligations has been tolerated long enough. Although India may view its WTO obligations as a burden, it will discover that in the long run meeting its obligations is not a heavy burden to bear, but rather the opportunity to advance its economy, including its poultry sector.

The National Chicken Council, USA Poultry & Egg Export Council, and the National Turkey Federation look forward to a very successful outcome of the WTO proceedings for this case. Please know that we continue to stand ready to strongly support this most important initiative and effort.

Respectfully submitted,



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