

# **U.S. Food Safety and the U.S. Peru- Free Trade Agreement: Myth vs. Fact**

Dear Colleague:

In the debate leading up to floor consideration of the U.S.-Peru Free Trade Agreement there has been significant confusion about the impact the agreement would have on U.S. food safety. To help clarify, we wanted to debunk the following myths about food safety and the U.S. Peru-FTA.

**Myth #1:** The U.S. Peru Free Trade Agreement requires U.S. authorities to permit foods that do not meet U.S. safety standards to enter the United States.

**Fact:** The U.S.-Peru Free Trade Agreement allows the United States to unilaterally determine the appropriate level of protection for food products. No exporting country can make the United States accept unsafe products or lower our food safety standards. Under the agreement, Peru has the obligation to demonstrate objectively the equivalence of their protective measures in terms of the results they achieve. In the case of meat and poultry imports, inspectors from USDA's Food Safety and Inspection Service verify this equivalency by routinely conducting overseas evaluations to determine that meat and poultry imports from foreign countries are processed under equivalent inspection systems.

**Myth #2:** The U.S. food supply is "unsafe" because not all food imports are inspected.

**Fact:** All imported food products, including meat and poultry products, seafood, dairy products and fresh and processed fruits and vegetables must meet the same safety standards applied to foods produced in the United States. In addition, U.S. food imports are required to undergo inspection. For example, a foreign meat processing plant cannot ship products to the United States unless USDA's Food Safety and Inspection Service (FSIS) certifies that its home country has a food safety system that provides a level of protection that is at least equivalent to the U.S. system.

A second layer of protection is added by the FSIS re-inspection program at U.S. border entry points. Agency inspectors review all import records, assisted by a computerized statistical sampling program that aids targeted inspections. For foods other than meat and poultry, the U.S. Food and Drug Administration, in conjunction with U.S. Customs and Border Protection, undertakes port-of-entry review of all imported food, including sampling and analysis of specific shipments where necessary to ensure that imported food complies with U.S. food safety requirements.

Myth #3: Trade rules in the proposed U.S. Peru-FTA limit food safety standards and border inspection.

Fact: No provision in the U.S.-Peru FTA limits the ability of the United States to protect our food supply. To the contrary, the FTA allows us, on the basis of a science-based assessment of specific risk, to apply appropriate measures to safeguard life and health. All food in the United States, whether imported or domestically produced, must meet all U.S. food safety requirements. There is nothing in the U.S. Peru-FTA that restricts food regulators in the United States from taking appropriate surveillance and enforcement measures when necessary for food safety. The U.S. Peru-FTA provides that these requirements be based on scientific principles, not discriminate against imports without justification, and be no more trade restrictive than necessary to achieve their safety objective.

Myth #4: Free Trade Agreements create an uneven playing field for U.S. food producers, because they are held to a much higher standard regarding pesticides and acceptable farming practices than foreign producers.

Fact: The U.S.-Peru FTA does not create an uneven playing field. All foods in U.S. commerce must meet the same standards, whether the foods are domestically produced or imported. The U.S.-Peru FTA does require that, for food safety, both the United States and Panama base their food safety measures on the standards of the Codex Alimentarius, an international standards-setting organization with 172 member countries, unless countries can scientifically justify a more stringent standard. The United States is actively engaged in the Codex committees that establish food safety standards. Codex standards are almost always similar to those adopted in the United States.

Sincerely,

Ron Kind  
Member of Congress

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