

## **Evidence from Sustain: the alliance for better food and farming and the Institute for Agriculture and Trade Policy**

**Lords International Agreements Sub-Committee Inquiry into UK-US trade negotiations**

September 2020

### **Introduction**

1. Sustain is the UK alliance for better food and farming and a registered charity. We represent around 100 not-for-profit national organisations and work with hundreds more at the local level.
2. The Institute for Agriculture and Trade Policy (IATP) is an independent not-for-profit advocacy organization based in the United States. It works locally and globally with farmers, consumers and policymakers to ensure fair and sustainable food, farm and trade systems.
3. This document sets out Sustain and IATP's written evidence to the House of Lords International Agreements Sub-Committee Inquiry on UK/US trade negotiations. Our response focuses on questions 1, 2, 6, 7, 8, 13, 18 and 20 with particular reference to food and farming. We have co-authored this submission to show that civil society in both the UK and the United States have shared interests in ensuring that any trade deal struck by both countries is in the interests of people and the planet.
4. The UK's negotiating objectives for the US trade deal state that the Government will not compromise "on our high environmental protection, animal welfare and food standards" and acknowledge "UK product sensitivities, in particular for UK agriculture". However, to date the Government has refused to enshrine food standards in legislation, effectively enabling food standards to remain a bargaining chip.
5. The specificity of the US negotiating objectives and repeated statements by US Trade Representative Robert Lighthizer, Trump administration officials and members of Congress from both parties make plain that the US will act against any food standards that US commodity exports cannot meet.
6. The inclusion of 'public health' under the Sanitary and Phytosanitary section suggests the UK Government's focus is limited to the control of pathogens, and ignores wider and equally critical issues including noncommunicable disease such as diet-related conditions, pesticide use and residues and the overuse of antibiotics in farming that contributes to dangerous 'superbugs' that are resistant to anti-microbials.

7. There are several studies that show that obesity, diabetes and heart disease rates rose in both Mexico<sup>1</sup> and Canada<sup>2</sup> after the adoption of the North American Free Trade Agreement (NAFTA) in 1993. The researchers associated the unhealthy outcomes with increased availability and promotion of cheap processed meat and ultra-processed products of low nutritional quality, high in fats, sugars and other refined carbohydrates. In the recent negotiations to update NAFTA, US trade negotiators targeted mandatory nutritional front-of-pack labelling policies under consideration by Canada and Mexico.<sup>3</sup> The UK's trade objectives should explicitly include public health in order to protect UK domestic health policies, particularly those tackling childhood obesity.
8. The UK Government's trade objectives<sup>4</sup> seek "world class" transparency between the US and UK negotiating teams, but this goal does not extend to civil society or the public. The UK Government continues to negotiate largely in secret; it has rejected requests for information from the authors of this submission, releasing heavily redacted material instead.

### *Non tariff barriers*

9. The US objectives seek increased market access for its agricultural products, particularly foods that currently cannot be imported into the UK because they do not meet UK food safety, animal welfare, pesticide residue and other standards. Such access would require agreement to reduce both tariffs and so-called "non tariff barriers" (e.g. UK food and environmental standards).
10. The DIT's document concedes that concerns "have been raised about the impact of increased competition from cheaper US exports on the UK market" but responds only by saying it will take a "balanced approach to tariff negotiations".
11. The UK and US governments have announced a shared ambition to negotiate a broad, comprehensive agreement. The updated NAFTA (known as the US-Mexico-Canada agreement, or USMCA), which the US is using as a template for its free trade agreement (FTA) with the UK, consists of 34 chapters with dozens of annexes and side letters, most of which are unrelated to tariff-setting.
12. DIT needs to broaden its view well beyond tariffs and factor in how a comprehensive FTA with the US could affect public health, the environment, labour, animal welfare, and use of antibiotics and pesticides.

### *Pesticides*

13. Sustain and IATP share concerns that a UK/US trade deal could lower standards in the UK while further facilitating and encouraging pesticide use in US farming. The US allows use of over 70 pesticides that are banned in the UK, and permits higher levels of pesticide residues on food.
14. The top US trade official Robert Lighthizer has stated he considers a maximum residue level (MRL) of zero for a pesticide, as the EU and UK have for some banned pesticides, a *per se* violation of WTO rules and an unlawful non-tariff barrier.

---

<sup>1</sup> <https://www.nytimes.com/2017/12/11/health/obesity-mexico-nafta.html>

<sup>2</sup> <http://www.cmaj.ca/content/189/26/E881>

<sup>3</sup> <https://www.iatp.org/blog/201908/new-nafta-limits-labeling-food-and-workplace-chemicals>

<sup>4</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/869592/UK\\_US\\_FTA\\_negotiations.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/869592/UK_US_FTA_negotiations.pdf)

15. A UK/US trade deal could lead the UK to re-authorise active substances that have been banned due to concern over their negative impact on human health or the natural environment. Furthermore, a UK/US trade deal could institute measures that restrict the UK from introducing future regulations designed to protect human health or the environment from hazardous pesticides. We draw the Committee's attention to "*Toxic Trade*"<sup>5</sup>, a report co-authored by Sustain and PAN UK, and trade expert Emily Lydgate from Sussex University, which documents these concerns in full.

### *Antibiotics*

16. Vast quantities of medically-critical antibiotics are still used in farming. This can underpin poor conditions for animals, fuel dangerous anti-microbial resistance and reduce the effectiveness of life-saving antibiotics.
17. Recent research from the Alliance to Save our Antibiotics<sup>6</sup> (of which Sustain is a co-founder) shows that US livestock received on average 5.4 times more antibiotics per animal in 2018 than their UK counterparts. These levels increase to 8 or 9 times more in US cattle and include the routine preventative use of an antibiotic (virginiamycin) formerly classified as a growth promoter, all uses of which are prohibited in the UK.
18. The UK Government refuses to confirm it will follow the EU's lead on a ban on group preventative treatment by 2022 and a 50% reduction by 2030. If it continues on this track, the UK will have the weakest rules on antibiotics in Europe, and risks locking in this low standard through FTAs.
19. Overuse of antibiotics, feeding livestock growth promotion drugs such as ractopamine and carbadox, hormones in livestock feed and rBST to promote milk production are standard in US agribusiness and further normalized via trade agreements.
20. An agreement with the US will seek to roll back existing UK rules<sup>7</sup> under the guise of reducing non-tariff barriers that "discriminate" against US products, and incorporate provisions to "harmonize" standards with less stringent US rules in order to ease trade. These all have profound implications for human and animal health and environmental protection.

### *Economic implications*

21. UK farmers will be forced to lower their standards to stay competitive, posing a significant economic threat to the future of UK agriculture. Allowing higher pesticide residue levels, for example, would mean British farmers do not meet EU standards and would lose their primary export destination (currently 60% of UK agricultural exports). British farmers could also be undercut by imported crops grown more cheaply on a larger scale and to lower standards.
22. From a US perspective, expanding the UK market for the products of industrial agriculture threatens to undercut US domestic efforts to improve standards or support high quality and organic US farming.

---

<sup>5</sup> <https://www.pan-uk.org/toxic-trade/>

<sup>6</sup> <http://www.saveourantibiotics.org/publications/>

<sup>7</sup> <https://www.iatp.org/blog/202003/standards-stake-us-uk-trade-deal-risks-lower-food-standards>

23. Regarding food and UK farming, UK consumers have repeatedly expressed their views. A recent public petition run by the National Farmers Union (NFU)<sup>8</sup> calling for food standards to be written into domestic legislation garnered over 1 million signatures and a Which? campaign<sup>9</sup> on food standards received over 210,000 supporters. A Which?<sup>10</sup> survey found 71% of UK consumers, regardless of socioeconomic group, would not buy food items produced to lower quality standards even if they were cheaper.
24. Consumer protections and the exercise of consumer choice are premised on high standards and effective labelling; a US trade deal threatens both. US trade negotiators have taken a hard line against mandatory consumer labelling both before the WTO<sup>11</sup> and in recent negotiations with Mexico and Canada.<sup>12</sup> Leaked memoranda from the UK/US talks show US officials objecting to “warning labels as harmful rather than as a step to public health” and being “concerned that labelling food with high sugar content... is not particularly useful in changing consumer behaviour”.<sup>13</sup>
25. The USMCA includes text limiting information on food additives<sup>14</sup> and restricting food labelling. Regulatory harmonization provisions in an FTA could weaken existing UK rules to be consistent with US practices; for example on-package labelling of GM ingredients is not required by the US.<sup>15</sup> Consumer groups are also concerned about UK traffic light labelling, a government-backed scheme that helps consumers to identify foods high in fat, salt and sugar.<sup>16</sup>

### *Worker safety*

26. The UK slaughtering industry could face pressures to meet the “efficiency” of the US meatpacking industry. Meatpacking is one of the most dangerous jobs in the US<sup>17</sup>. The Trump administration has turned over inspections to the industry,<sup>18</sup> excessive line speeds have led to high injury rates and multiple environmental and safety violations go unchecked due to weak enforcement.<sup>19</sup> Faster processing lines also directly cause contamination as plastic and metal parts break off and fall into food in processing plants, leading to a major increase in recalls.<sup>20</sup>
27. Spraying poultry carcasses with peracetic acid has been linked to workers’ respiratory problems<sup>21</sup>, complicating the response to Covid-19, which has hit the US meatpacking industry hard.<sup>22</sup>

### *Congress*

---

<sup>8</sup> <https://www.nfuonline.com/news/latest-news/food-standards-petition/>

<sup>9</sup> [https://campaigns.which.co.uk/save-food-standards/#\\_petition](https://campaigns.which.co.uk/save-food-standards/#_petition)

<sup>10</sup> <https://www.which.co.uk/policy/eu-exit/3466/dit-consultations-uktradewithus>

<sup>11</sup> <https://www.reuters.com/article/us-mexico-health-idUSKCN25802B>

<sup>12</sup> <https://www.iatp.org/documents/new-nafta-limits-labeling-food-and-workplace-chemicals>

<sup>13</sup> [https://issuu.com/wdmuk/docs/2\\_official\\_20sensitive\\_20sec%20ond\\_20uk-us\\_20trade\\_20](https://issuu.com/wdmuk/docs/2_official_20sensitive_20sec%20ond_20uk-us_20trade_20)

<sup>14</sup> <https://www.iatp.org/documents/new-nafta-limits-labeling-food-and-workplace-chemicals>

<sup>15</sup> <https://www.iatp.org/blog/qr-codes-gmos>

<sup>16</sup> <https://press.which.co.uk/whichpressreleases/a-cereal-offence-government-urged-to-fix-food-label-chaos-after-brexit/>

<sup>17</sup> <https://www.nelp.org/publication/osha-severe-injury-data-from-29-states/>

<sup>18</sup> <https://www.iatp.org/blog/choose-your-production-speed>

<sup>19</sup> <https://www.nelp.org/publication/usda-allows-poultry-plants-raise-line-speeds-exacerbating-risk-covid-19-outbreaks-injury/>

<sup>20</sup> <https://www.nbcnews.com/health/health-news/new-food-safety-guidelines-expected-after-spike-meat-poultry-recalls-n979161>

<sup>21</sup> <https://www.motherjones.com/food/2020/04/sanderson-farms-tyson-poultry-chicken-processing-coronavirus/>

<sup>22</sup> <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>

28. The US trade negotiating objectives follow on from the trade promotion authority<sup>23</sup> enacted by Congress, which expires on July 1, 2021 (unless renewed). The Act includes agricultural market access provisions that require “science-based justification” for food safety standards.
29. Key US lawmakers such as the chair of the Senate Finance Committee<sup>24</sup>, Agriculture Secretary and the US Trade Representative<sup>25</sup> have all expressed strong support for a comprehensive FTA with the UK that includes an agriculture chapter lowering tariffs to zero and eliminating so-called “non-tariff barriers” such as UK bans on chemical washes, growth promoters and unsafe pesticides and excessive residue levels.<sup>26</sup>

## *Environmental protections and climate change*

30. We were pleased to see that the UK wants to “futureproof the agreement in line with the Government’s ambition on climate” but would like to see evidence of strong action. However, please note US trade negotiators are explicitly required by Congress under the trade promotion authority law to avoid any provisions addressing global warming or climate change in a trade agreement. USMCA reflects this requirement and continues a damaging climate legacy.<sup>27</sup>
31. Certain Democratic representatives<sup>28</sup> opposed the climate provision when it was adopted in 2015 by a Congress with Republican majorities in the House and Senate. With the trade promotion authority law up for renewal in 2021 and the possibility of a changed composition of Congress after the November 2020 US election, US trade policies could take a more environmentally sustainable and climate-protective approach in future.
32. A trade agreement between the US and UK, designed to increase the shipping of goods across the Atlantic, will exacerbate greenhouse gas emissions. Provisions in the agreement could promote fossil fuel use and energy-intensive chemical, fertilizer and pesticide use in agriculture while limiting the authority of the UK government to regulate climate-harming practices.
33. Intensive industrialized livestock and dairy practices are already a major and growing source of climate-warming emissions.<sup>29</sup> There is evidence of growth of US style intensive farms in the UK.<sup>30</sup> A UK/US trade agreement risks further embedding low standards in the US, while moving towards those same destructive policies in the UK.
34. Unfortunately, we do not expect a UK/US trade agreement would incorporate an effective sustainable development or environment chapter. The USMCA, the model for the UK agreement, was roundly criticized by environmental advocates as a significant step back from even the limited environmental protections included in prior US trade deals, by failing to reinforce a standard set of seven Multilateral Environmental Agreements (MEAs) that protect everything from wetlands to sea turtles.<sup>31</sup>

---

<sup>23</sup> <https://fas.org/sgp/crs/misc/IF10038.pdf>

<sup>24</sup> <https://www.grassley.senate.gov/news/news-releases/grassley-us-uk-trade>

<sup>25</sup> <https://subscriber.politicopro.com/article/2020/06/lighthizer-no-uk-deal-without-meat-market-access-3981657>

<sup>26</sup> <https://insidetrade.com/daily-news/ustr-considering-section-301-investigation-eu-agricultural-standards?s=em1>

<sup>27</sup> <https://www.iatp.org/documents/new-nafta-continues-damaging-climate-legacy>

<sup>28</sup> <https://waysandmeans.house.gov/media-center/press-releases/levin-statement-tpa-changes-customs-bill>

<sup>29</sup> <https://www.iatp.org/blog/emissions-impossible>

<sup>30</sup> <https://www.theguardian.com/environment/2017/jul/17/uk-has-nearly-800-livestock-mega-farms-investigation-reveals>

<sup>31</sup> <https://www.sierraclub.org/sites/www.sierraclub.org/files/NAFTA-environment-statement.pdf>

## *ISDS*

35. Sustain and IATP are opposed to including Investor-State Dispute Settlement (ISDS) in a future US/UK trade deal. We reject the premise that foreign investors should be able to sue governments for introducing domestic policy measures that harm their profits, particularly in proceedings that are not transparent, have clear conflicts of interest, and bypass the long-established judicial system and our shared Anglo-American legal doctrine respecting precedent.
36. ISDS has been used frequently by companies to challenge environmental and energy policies and health regulations. For example, Germany weakened its environmental standards to satisfy a Swedish energy firm and Mexico gave more than US \$90m to a high fructose corn syrup producer that successfully challenged a Mexican soda tax. Shockingly, transnational corporations and trade law firms are already looking to use ISDS to profit from the Covid-19 pandemic by challenging domestic policies intended to protect lives and livelihoods.<sup>32</sup>
37. While US Trade Representative Lighthizer has publicly affirmed the US is not seeking ISDS in a trade agreement with the UK<sup>33</sup>, DIT has failed to do the same.

## *UK Global Tariff*

38. The first part of the UK's National Food Strategy was published in July 2020. It proposed a system that would cut tariffs only on products that meet UK 'core standards' and that those standards should be defined by the newly formed Trade and Agriculture Commission – a temporary, advisory-only body with limited membership. The Strategy also proposed verification programmes to producers wishing to prove they meet the standards.
39. Currently, low standard products such as chlorinated chicken, hormone-reared beef and foods with high residue levels of certain pesticides are banned in the UK. A dual tariff system could allow previously banned products on to the market, as long as a higher tariff were paid. The goal of this dual tariff proposal appears to be to make non-compliant US products less economical and thus reduce their entry into the UK market.
40. This system is weaker than the outright ban the UK has now and would not protect the public from consuming these banned products, unaware of the potential risks. As we detail above, the US will seek provisions in a trade deal to restrict effective labelling, which is critical in informing consumers about where food is sourced and how it is produced.
41. We also are concerned that the Trade and Agriculture Commission tasked with setting core standards has no expert members on public health, environment or consumer rights and protection, and in fact its chair has already dismissed legitimate consumer concerns as 'alarmist'. It is not the appropriate body to advise on, nor set, food standards on behalf of the public.

## *Sanitary and Phytosanitary Standards (SPS) and animal welfare standards*

42. Further to the possibility that previously banned products might enter the UK market, there are significant differences in animal welfare standards between the US and UK. The UK (through EU regulations) has detailed species-specific legislation on pigs, hens, broiler

---

<sup>32</sup> <https://www.ksjomo.org/post/isds-enables-making-more-money-from-losses>

<sup>33</sup> <https://citizen.typepad.com/eyesontrade/2020/07/no-isds-in-us-uk-free-trade-agreement.html>

chickens and calves to protect their welfare on farm and at slaughter. US regulations on farm animal welfare are generally substantially lower than those of the UK.

43. Unlike the UK, there is no federal US legislation governing the welfare of animals on the farm. There are federal provisions on slaughter, but this legislation does not cover poultry, and is much less detailed than UK legislation. US legislation on the transport of live animals is also less detailed and protective. For example, EU rules allow a maximum of 12 hours transport time for live chicken. US rules allow 28 hours.
44. In the UK, chickens can be legally stocked at up to 17.5 birds per square metre. This is allowed under the Red Tractor Assurance Scheme (though lower levels are often adopted). There are no controls in the US. The UK has banned barren battery cages for egg laying hens since 2012 and sow stalls since 1999. Whilst a few individual US states have prohibited these systems, there is no federal ban and a majority of US states lack such protections.<sup>34</sup>
45. The US has no mandatory labelling related to animal welfare concerns and does not regulate the veracity of voluntary disclosures. Indeed, it considers regulating animal welfare to be in the nature of consumer preferences that are merely trade barriers and not based on “sound science”.
46. There has been a national debate in the UK about the use of chemical washes on chicken carcasses. The US regards the effectiveness of such washes as based on sound science, but we would draw the Committee’s attention to a study from the University of Southampton<sup>35</sup> which showed that chlorine can make foodborne pathogens undetectable, rather than kill them. Further, we would recommend the Committee address concerns about alternative chemical washes such as peracetic acid, which are commonly used in the US but currently banned in the UK.
47. Consumer concerns about chemical washes, including chlorine and peracetic acid, reflect the inadequacies of the underlying food safety system in the US, which requires sanitizing meat with chemicals to make it safe. In contrast, UK and EU standards disallow anything but water washes, meaning maintaining and tracking safe practices throughout production and processing is a must. As we discuss above, the high level of chemical use in US meatpacking plants is also a worker safety issue. Replacing chlorine with peracetic acid has meant additional toxic exposure for workers who have suffered health hazards as a result.

**This submission is a collaboration of Sustain and IATP. Contact Sustain’s Head of Public Affairs, Orla Delargy: [orla@sustainweb.org](mailto:orla@sustainweb.org). Contact IATP’s Senior Attorney, Sharon Treat: [streat@iatp.org](mailto:streat@iatp.org). The Sustain alliance is a UK registered charity, number 1018643.**

---

<sup>34</sup> <https://www.asPCA.org/animal-protection/public-policy/farm-animal-confinement-bans>

<sup>35</sup> <https://www.southampton.ac.uk/news/2018/04/foodborne-illness-study.page>