

CPATH ♦ Center for Policy Analysis on Trade and Health

Bringing a Public Health Voice to Trade and Sustainable Development

Campaign for a Public Health Advisory Committee on Trade (PHACT)

Reframing global trade policy. The global economy is at a crossroads. Financial instability, emerging economies, and environmental change present challenges to business as usual. Over the past decade public health has become a countervailing force in trade policy. We have the opportunity and imperative to integrate public health's perspective and participation as a new U.S. administration confronts today's challenges. In response to a campaign by the CPATH network and legislation proposed by allies in Congress (**HR 2293/Van Hollen and S.1664/Stabenow**), the Administration is revamping the membership of trade advisory committees, and adding public health members to existing committees. These committees are looking at the nexus between trade and other international agreements, such as environmental and health agreements, as well as institutions such as the World Health Organization. The **Campaign for a Public Health Advisory Committee on Trade (PHACT)** offers renewed opportunities to reverse policies with a negative impact on public health, and implement policies that promote and protect health.

CPATH and the APHA Trade and Health Forum are soliciting resumes from individuals who would like to serve on trade advisory committees. Please send your resume and a brief statement indicating interest in a particular committee to Ellen Shaffer at ershaffer@cpath.org.

We've identified at least 9 Committees in Tier 3 that address trade and health issues:

Chemical, Pharmaceuticals, Health Science Products (ITAC 3)

Consumer Goods (ITAC 4)

Distribution Services (ITAC 5)

Information and Communications Technologies, Services, and Electronic Commerce (ITAC 8)

Services and Finance (ITAC 10)

Customs and Trade Facilitation (ITAC 14)

Intellectual Property Rights (ITAC 15)

Standards and Technical Trade Barriers (ITAC 16)

Agricultural Technical Advisory Committee for Trade in Tobacco, Cotton, Peanuts (ATAC)

Background:

See **current Committee members** and Committee reports at www.ustr.gov, and at www.cpath.org.

Who is a candidate?

Appointees are expected to attend meetings in Washington D.C. at least a few times a year and to travel at their own expense.

Proposed federal legislation describes the qualifications public health suggested for representatives on trade advisory committees: HR 2293 (Van Hollen/Doggett) and S. 1664 (Stabenow/Kennedy).

(5)(A) Members of the Public Health Advisory Committee on Trade established under paragraph (1) shall be appointed from among individuals--

`(i) nominated by and representing organizations in the United States with an interest in improving and protecting the public health; and

`(ii) who have expertise in--

 `(I) the relationship of trade to sustainable economic development;

 `(II) public health regulations and the authority of the Government to regulate in the interest of public health, including by adopting sanitary and phytosanitary rules, technical standards, regulations with

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respect to the production, distribution, sale, or advertising of tobacco, alcohol, and harmful substances, and standards to ensure clean and safe food, air, and water;

`(III) vital human services and systems, including health care and public health services and systems and water supply and sanitation services and systems, and licensing and cross-border movement of persons employed in the provision of such services or the development of such systems;

`(IV) occupational safety and health; or

`(V) matters relating to access to affordable pharmaceuticals.

`(B) The President shall ensure that membership of the Public Health Advisory Committee on Trade is of sufficient size to be reasonably representative of the range of organizations and persons in the United States interested in public health.

`(C)(i) No individual may be appointed to the Public Health Advisory Committee on Trade who represents a commercial or for-profit entity with an interest in health services or regulations.

`(ii) No individual appointed to the Public Health Advisory Committee on Trade may continue to serve on the Committee if the individual, or the individual's employer, receives or contracts to receive a significant payment or other financial support from a commercial or for-profit entity represented on any trade advisory committee established under this section.

Public Health Concerns:

- Access to medicines - intellectual property rights and patents for pharmaceutical products;
- Cross-border provision and distribution of health science products and services;
- Migration of health clinicians: preventing brain drain, promoting human rights
- Licensing of doctors and other health professionals
- Regulations regarding hazardous substances including alcohol and tobacco
- Sanitary and phytosanitary (SPS) issues and related regulatory processes;
- Reduction/zeroing out of tariffs for tobacco and tobacco products
- Government procurement;
- Investor-state provisions.
- Relationship between IP rights and UN Framework Convention on Climate Change, WHO and public health
- EC REACH agreement – 2006 European Community Regulation on chemicals and their safe use - deals with the **R**egistration, **E**valuation, **A**uthorisation and **R**estriction of **C**hemical substances. The new law entered into force on 1 June 2007.

Current Advisory Committees and What They Say

Tier 1: ACTPN (Advisory Committee on Trade Policy Negotiations) provides overall advice to the President. It clearly addresses health related issues. The USTR is in the process of appointing PH representatives to this committee.

Tier 2: Why a Cross-Cutting (Tier 2) Public Health Advisory Committee on Trade (PHACT) is Important. Congress and public health advocates want to create a Tier 2 committee on public health. There are 4 Tier 2 Committees: Labor, Environment, InterGovernmental, and Africa. Advisory committee meetings are confidential. Members are prohibited from discussing committee proceedings except with other “cleared” advisors. Public health is both a distinct interest, and one that is relatively new to trade issues. Our perspective cannot be adequately developed by placing individual representatives on Tier 3 committees whose members represent commercial concerns.

Tier 3: Industry and sector-specific committees influence the nuts and bolts of trade policy.

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Prevailing viewpoints on the advisory committees: Samples from past Committee Reports

Services Committee on the Chile Free Trade Agreement: "The overall goal is to liberalize trade in the wide range of services provided by U.S. businesses, including: audiovisual; banking, securities and asset management; distribution; e-commerce; education; energy; express delivery; healthcare; insurance; professional (e.g., accounting, legal, consulting, architectural and engineering services); telecommunications and information technology; transportation; and travel and tourism. Foreign direct investment is particularly important for trade in services. The chapter importantly contains a commitment to unrestricted transfers of capital, provisions for transparency in domestic regulatory processes including licensing decisions, and provisions for the temporary movement of people.

Intellectual Property: We wish to underscore the importance of the close working relationship between ITAC-3 and industry, and U.S. negotiators, which continues to form the basis for these agreements.

Tobacco members of the ATAC believe the agreement as it relates to tobacco is fair and equitable.

Labor: The labor provisions of CAFTA will not protect the core rights of workers in any of the six countries participating in the agreement, and it represent a huge step backwards from the Jordan FTA and our unilateral trade preference programs. The agreement's enforcement procedures completely exclude obligations for governments to meet international standards on workers' rights. Provisions on investment, procurement, and services constrain our ability to regulate in the public interest, pursue responsible procurement policies, and provide public services. Intellectual property provisions reduce the flexibility available under WTO rules for governments to address public health crises.