

PUBLIC HEALTH RESPONSE

May 25, 2010

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
DEPARTMENT OF COMMERCE
International Trade Administration

Docket Number ITA-2010-0001

Request for Public Comment on the Scope of Viewpoints Represented on the Industry Trade Advisory Committees

We appreciate the opportunity to comment on the appropriate scope of representation on Industry Trade Advisory Committees, on behalf of our organizations representing a wide scope of **public health professionals and advocates**.

Our views, in summary, are:

1. The forces that shape our modern world have transformed both the way we conduct trade, and our ability to protect and improve the public's health. Since the Trade Act was adopted in 1974, there have been dramatic changes in financial markets, communications technology and transportation that affect the prosperity and well-being of individuals and nations. In response, trade agreements have moved beyond tariffs and now address a wide range of issues that **directly affect our health and our economic and social sustainability. Trade agreements now address:**

- Domestic regulations, including measures to protect the environment, safeguards against the deadly effects of tobacco consumption, and limits on exploitive practices of internet gambling companies
- Services, including clinician licensing, access to health care, patient privacy, and distribution of hazardous substances
- Intellectual property rights, including patents and trademarks, that affect access to affordable and safe medicines, and advertising and marketing of tobacco and alcohol products
- Consumer goods and food processing
- Government procurement affecting public functions such as water supply and health care, as well as local economic development
- Agriculture, affecting food safety and the fate of traditional livelihoods in rural areas
- Investment rules, affecting national sovereignty over public health protections, as well as the movement of finance capital

It is critically important to assure that the U.S. trade advisory committee system keeps pace with these developments, and provides for effective and timely communication among trade policy-makers, and public health advocates and professionals.

2. Trade agreements have important implications for public health. We have identified the following arenas of particular concern:

Sustainable economic development

The rights of national, state and local governments to regulate on a wide range of issues to protect public health

Occupational and consumer safety and health

Health care services

Movement and licensing of health care workers, including clinicians

Access to affordable medicines, including incentives for innovation that de-link the cost of research and development from prices

Alcohol control

Tobacco control

The environment

3. U.S. trade policy on public health issues is substantially influenced by trade advisory committees. These committees are mandated by law to represent a range of public interests. Currently there is wide representation on these committees by industries that influence health: pharmaceuticals, tobacco, chemicals, alcohol, health care services, and processed foods. There is virtually no representation by public health.

4. The Administration has the authority by law to expand the membership of Industry Trade Advisory Committees. Greater transparency and accountability in public policy on trade and health will be beneficial. According to the Government Accountability Office, “Congress established the trade advisory committee system in Section 135 of the Trade Act of 1974 as a way to institutionalize domestic input into U.S. trade negotiations from interested parties outside the federal government. This system was considered necessary because of complaints from some in the business community about their limited and ad hoc role in previous negotiations. The 1974 law created a system of committees through which such advice, along with advice from labor and consumer groups, was to be sought.

“The trade advisory committees are subject to the requirements of the Federal Advisory Committee Act (FACA), with limited exceptions pertaining to holding public meetings and public availability of documents. One of FACA’s requirements is that advisory committees be fairly balanced in terms of points of view represented and the functions the committees perform.”¹

5. Public Health Representation would add value and contribute to the ITACs’ mission to provide information and advice to assist USTR and DOC in developing trade policies and negotiating positions. Such viewpoints could be effectively incorporated into the existing ITAC structure. In addition, they should be incorporated into the Tier 1 ACTPN, and effectively expressed through a Tier 2 Public Health Advisory Committee on Trade.

6. We support the following improvements, which are well expressed and proposed in H.R. 2293/S.1644:

A Tier 2 trade advisory committee dedicated to public health representatives: the Public Health Advisory Committee on Trade.

Appointment of at least one public health representative on the Tier 1 Advisory Committee on Trade Policy and Negotiation (ACTPN).

Appointment of public health, labor, environmental, and consumer representatives to all Tier 3 trade advisory committees.

Greater transparency and accountability by all advisory committees.

American Cancer Society Cancer Action Network (ACS CAN)

American Medical Student Association, John Brockman, President, Elizabeth Wiley, JD MPH, and Shazia Mehmood, Co-Legislative Directors

American Public Health Association (APHA) International Health Section, Miriam Labbok, Chair; Malcolm Bryant, Chair-Elect

APHA Medical Care Section, Mona Sarfaty MD MPH, Chair

APHA Occupational Safety and Health Section, Katherine McPhaul, Chair

APHA Public Health Education and Health Promotion Section, Johanna M. Hinman MPH, CHES, Chair

APHA Forum on Trade and Health, Shelley White MPH, OTR/L, Chair

California Public Health Association- North, David Spath, Chair

Center for Policy Analysis on Trade and Health (CPATH), Ellen R. Shaffer PhD MPH, and Joe Brenner MA, Co-Directors

Consumers Union, DeAnn Friedholm, Director, Health Reform

Edmonds Institute, Beth Burrows, President/Director

Friends Fiduciary Corporation, Connie Brookes, Executive Director

Global Health through Education, Training and Service (GHETS)

Health Alliance International, Mary Anne Mercer DrPH, Deputy Director

Health GAP, Asia Russell

Institute for Agriculture and Trade Policy, David Wallinga MD, Director, Food and Health, Karen Hansen-Kuhn, International Program Director

Knowledge Ecology International, Judit Rius San Juan

Maquiladora Health & Safety Support Network, Garrett Brown MPH, CIH, Coordinator

Maryknoll Office for Global Concerns, Kathy McNeely

Midwest Coalition for Responsible Investment, Barbara Jennings, CSJ, Coordinator

Missionary Oblates of Mary Immaculate, Justice Peace/Integrity of Creation Office, Christina Cobourn Herman

Mothers of Marin Against the Spray (MOMAS), Debbie Friedman

National Nurses United, AFL-CIO, Karen Higgins, Jean Ross and Deborah Burger, Council of Presidents

National Women's Health Network, Cynthia Pearson, Executive Director

National Legislative Association on Prescription Drug Prices, Sharon Treat

NETWORK: A National Catholic Social Justice Lobby

Our Bodies Ourselves, Judy Norsigian, Executive Director

Oxfam America

Physicians for Social Responsibility, San Francisco-Bay Area Chapter, Robert M. Gould MD, President

Sisters of St. Francis of Philadelphia, Tom McCaney, Associate Director, Corporate Social Responsibility

SSM International Finance, Inc., Sister M. Cecile Paulik

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Joyce Lashof, Dean Emerita, School of Public Health, University of California at Berkeley

Kevin Outterson, Associate Professor of Law & Co-Director of the Health Law Program, Boston
University School of Law

Larry J. Platt, MD

Theodora Tsongas, PhD, MS, Adjunct Associate Professor, School of Community Health,
Portland State University, Portland, Oregon

Karen Valenzuela, Chair, Thurston County Board of Health, Washington

¹ Government Accountability Office. International Trade. Prior Updates of the Trade Advisory System Offer Insights for Current Review. Statement of Loren Yager, Director, International Affairs and Trade. Tuesday, July 21, 2009. GAO-09-842T