



October 5, 2017

The Honorable Sonny Perdue
Secretary
United States Department of Agriculture
1400 Independence Ave, SW
Washington, D.C. 20250

SUBJECT: Improving Customer Service, ID: USDA_FRDOC_001-1729; 82 FR 42781, Document Number 2017-19337

Dear Secretary Perdue:

We write to express our strong opposition to your proposal to move the U.S. Codex Office from the Food Safety and Inspection Service (FSIS) to the Trade and Foreign Agricultural Affairs (TFAA) mission area within the U.S. Department of Agriculture. Putting the U.S. Codex Office in the TFAA will weaken the United States' position in Codex, and will send the wrong signal to Codex member countries and observers and to the American public that health and consumer protection are secondary to trade prerogatives.

The Center for Science in the Public Interest (CSPI) is a nonprofit consumer organization with more than 45 years of experience advocating for safer and healthier foods. CSPI participates in Codex proceedings as a member of the [International Association of Consumer Food Organizations](#), a recognized Codex observer organization.

The primary purpose of Codex, as laid out in the Statutes of the Codex Alimentarius Commission, is “protecting the health of the consumers and ensuring fair practices in the food trade.”¹ Significantly, the purpose includes “fair practices” (*e.g.*, prevention of fraud, misrepresentation, and deception), not the promotion of national trade interests.

Furthermore, the essential work of Codex is scientific and technical. Codex committees, when developing standards, apply risk analysis and rely on scientific advice. The health-focused, science-based work of the Codex Alimentarius Commission is essential to its credibility. It is no understatement to say that this focus is why Codex texts are considered by the World Trade Organization to be the authoritative international references for food safety standards.²

The scientific credibility of Codex contributes to food trade by ensuring safety and fairness. It is therefore in the interest of food stakeholders and countries to keep public health and science front and

¹ Statutes of the Codex Alimentarius Commission, Article 1, <http://www.fao.org/docrep/005/Y2200E/y2200e02.htm>.

² “Scientific basis for Codex work,” Codex Alimentarius, <http://www.fao.org/fao-who-codexalimentarius/scientific-basis/en/>.

center, and to ensure that commercial/food trade concerns do not dominate the work of Codex. Moreover, it is unclear that the TFAA has the requisite expertise to fully participate in the scientific issues that represent the majority of Codex work.

Too often, the United States' positions in Codex are perceived as being driven or unduly influenced by industry and as putting trade concerns over public health and science. Moving the U.S. Codex office out of the FSIS, which has a public health mission, to the TFAA, which has a trade mission, will intensify that perception, further eroding the United States' influence within Codex. This shift may also erode the credibility of Codex as an organization based on science, undermining food safety on a global scale.

Our views on this subject are also grounded in the recommendations of a panel of the National Academy of Public Administration (NAPA), an independent nonpartisan organization chartered by Congress that provides expert advice to government leaders in building more effective, efficient, accountable, and transparent organizations. NAPA draws upon advice from former cabinet officers, members of Congress, business executives, and scholars, among others. In 2015, NAPA delivered a congressionally mandated report to the USDA that included an assessment of the options to be considered in creating an Under Secretary for Trade and Foreign Agricultural Affairs. It “strongly and unanimously” recommended against reorganizing the USDA to bring the U.S. Codex Office and certain other agencies under the direct authority of a new trade-focused undersecretary, arguing that to do so “threatens to compromise the actual and/or perceived independence of health and safety regulatory and scientific agencies.”³ The NAPA panel report noted that, while the Codex Office has responsibilities pertinent to managing trade issues, its “mission is protecting human, animal, and plant safety.” “Conflating science and trade by putting them in the same mission area,” it said, “will, at a minimum, affect perceptions of scientific integrity and undermine the U.S. trade positions.”

We urge you to consider the views of a growing list of former food safety and public health officials who oppose this move, including former USDA Under Secretary for Food Safety (2005-2008) Richard Raymond,⁴ former FDA Deputy Commissioner for Foods and Veterinary Medicine (2010-2016) Mike Taylor, as well as former USDA Deputy Under Secretary for Food Safety (2011-2017) Brian Ronholm.⁵ In fact, even the FDA, which provides the majority of U.S. delegates to the Codex, opposes the move. “Placing the U.S. Codex Office under a trade umbrella could undermine our engagement in Codex and would ultimately threaten to erode U.S. trade positions,” wrote FDA Deputy Commissioner For Foods and Veterinary Medicine Stephen Ostroff, in an October 3, 2017 letter to the USDA.⁶

³ National Academy of Public Administration, *Advancing U.S. Agricultural Trade: Reorganizing the U.S. Department of Agriculture: A Report by a Panel of the National Academy of Public Administration for the U.S. Department of Agriculture*, October 2015, http://napawash.org/images/reports/2015/USDA_Report_2015.pdf.

⁴ Richard Raymond, “Codex is moving out of FSIS and that might not be good,” *Food (Safety) Fight* blog, *Meatingplace*, <http://webcache.googleusercontent.com/search?q=cache:XQNQ3ynMsZ4J:www.hotelsmag.com/Industry/Blogs/Details/75427+&cd=1&hl=en&ct=clnk&gl=us>.

⁵ Brian Ronholm, “Moving the U.S. Codex Office to USDA Trade is a big mistake,” *Food Safety News*, September 11, 2017, <http://www.foodsafetynews.com/2017/09/moving-the-u-s-codex-office-to-usda-trade-is-a-big-mistake/>.

⁶ Stephen Ostroff, FDA Deputy Commissioner for Foods and Veterinary Medicine, letter to Donald Bice, Acting Deputy Assistant Secretary for Administration, U.S. Department of Agriculture, October 3, 2017, <https://www.fda.gov/downloads/Food/InternationalInteragencyCoordination/InternationalCooperation/UCM578577.pdf>.

We strongly urge you to keep the U.S. Codex Office within its traditional home in FSIS.

Sincerely,

A handwritten signature in blue ink that reads "Peter Lurie". The signature is written in a cursive style with a horizontal line underneath the name.

Peter Lurie, MD, MPH
President
Center for Science in the Public Interest