

# CPATH ♦ Center for Policy Analysis on Trade and Health

*Bringing a Public Health Voice to Trade and Sustainable Development*

May 2, 2005

Ambassador Robert Portman  
United States Trade Representative  
600 17th Street, N.W.  
Washington, DC 20508  
and via email: [contactustr@ustr.eop.gov](mailto:contactustr@ustr.eop.gov)

Carlos Gutierrez, Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue, NW,  
Washington, DC 20230  
and via email: [CGutierrez@doc.gov](mailto:CGutierrez@doc.gov)

Re: Health Representation on U.S. Trade Advisory Committees

Dear Ambassador Portman and Secretary Gutierrez:

The United States has signed and is currently negotiating multilateral and bilateral trade agreements with significant implications for public health and health care. These agreements can provide a basis for altering domestic U.S. laws and policies, as well as those of our trading partners. We are writing as organizations particularly concerned with the impacts of international trade on the health of individuals, communities and populations, to request that you ensure that these concerns are taken into account in developing U.S. trade policy.

It is important for Congress, the U.S. Trade Representative (USTR) and the Department of Commerce to receive information and guidance from the public health and health care community on trade negotiations which affect the public's health, and to benefit from a transparent public debate. During Congressional deliberations on the US-Australia Free Trade Agreement in 2004, many members of Congress, from both chambers and both parties, expressed concerns about the lack of representation from public health and health care in the trade advisory process. For these reasons, we are writing to request that you immediately appoint to each of the committees listed below representatives of organizations that work to assure equitable public access to affordable health-related services and products, and to promote the health of individuals, communities and populations. We also ask that you ensure that all meetings of such committees are open to the public.

The international trade advisory system was created by Congress in 1974 to provide for domestic input into trade negotiations from interested parties outside the federal government. Trade

CPATH ♦ Ellen R. Shaffer and Joe Brenner, Directors ♦ 98 Seal Rock Drive, San Francisco, CA 94121 USA  
phone: 415-933-6204 ♦ fax: 415-831-4091 email: [cpath@cpath.org](mailto:cpath@cpath.org) ♦ [www.cpath.org](http://www.cpath.org)

advisory committees which provide this input are subject to the requirements of the Federal Advisory Committee Act (FACA). FACA requires that each advisory committee be fairly balanced in terms of points of view represented and committee functions performed. In a 2002 report on the trade advisory system, the U.S. Government Accountability Office found that “**new stake holders in the trade process, such as public health...have limited or no participation in the formal committee system**, even though topics such as intellectual property are of interest to them....”( GAO-02-876 International Trade p.4.)

While there is no representation on the trade advisory committees for our point of view regarding the impacts of international trade on public health and health care (other than a representative from nursing on the Tier 2 labor advisory committee), there is substantial representation from the pharmaceutical, tobacco, alcohol, food processing and health insurance industries. Vital issues in current international trade negotiations which are directly related to health include: intellectual property, affecting access to affordable prescription drugs; trade in essential human services such as health care and water, standards for health professional licensing, and alcohol and tobacco protections; standards for the safety of plants and food; and rules on how governments procure goods and services, such as affordable medicines for veterans and seniors.

We strongly encourage your offices to promote public health and health care representation in the U.S. trade advisory process and urge that the following steps be taken:

1. Appoint representatives of organizations that work to assure equitable access to affordable health-related services and products, and to promote the health of individuals, communities and populations, to relevant existing tier-3 advisory committees. Our organizations would be happy to nominate one or more of our members to serve on these committees, which include at least the following:

<u>Committee</u>	<u>Issues Relevant to Public Health</u>
Consumer Goods (ITAC 4)	Trade in tobacco, alcohol, processed foods and other consumer goods
Distribution Services (ITAC 5)	Distribution of food, alcohol, tobacco, pharmaceuticals, hazardous products
Information and Communications Technologies, Services, and Electronic Commerce(ITAC 8)	Information technologies and services including those used to store and transmit medical information, and to conduct telemedicine and research
Services and Finance Industries (ITAC 10)	Health-related services including health care, water supply, sanitation, research, health professional education and other education
Customs Matters and Trade Facilitation (ITAC 14)	Movement of goods which affect injury control (tobacco, alcohol, and firearms) and government ability to safeguard public health
Intellectual Property Rights (ITAC 15)	Terms of access and pricing for pharmaceuticals, and copyrighted materials for research

Standards and Technical Trade Barriers (ITAC 16)	Standards and measures affecting environmental health and safety, agricultural and processed food safety, and alcohol products.
--	---

2. Create a new tier-2 public health advisory committee, including our signatory organizations, to provide information, reports, and advice to and consult with the President, to Congress, and to the U.S. Trade Representative (USTR), in accordance with the Trade Act of 1974, as amended.
3. Accept nominations submitted in March, 2005, from tobacco control representatives to the existing Tier 3 Tobacco, Cotton, Peanuts and Planting Seeds Agricultural Technical Advisory Committee (ATAC).
4. Appoint public health representatives to the Advisory Committee for Trade Policy and Negotiations (ACTPN), which provides overall trade policy advice (tier 1).
5. Promote transparency and democratic accountability at all levels of the trade negotiation process, including enabling public access to all trade advisory committee meetings, proceedings and submissions related to multilateral and bilateral trade negotiations.

Please refer to the attached document, International Trade Advisory Committees Warranting Public Health Representation, which presents in greater detail the public health-related issues addressed by each committee referenced here, and examples of public health-related advice the committees have provided.

We would appreciate your support for promoting public health and health care representation in the trade negotiation and advisory process. We would welcome the opportunity to work with you in this endeavor and hope that you will be able to respond to this letter within 30 days. Please contact the Center for Policy Analysis on Trade and Health, which is serving to coordinate this effort.

Ellen R. Shaffer, PhD MPH  
Joseph E. Brenner, MA  
Co-Directors, CPATH

Jordan Richland, MPH MPA  
Executive Director  
American College of Preventive Medicine

Barbara A. Blakeney, MS RN  
President  
American Nurses Association

Georges Benjamin, MD FACP  
Executive Director  
American Public Health Association

Roberta Lawson, RDH MPH  
Executive Director  
California Conference of Local Health Officers

Jen Kasper, MD MPH  
President  
Doctors for Global Health

Dan Hawkins  
Vice-President for Federal, State and Public Affairs  
National Association of Community Health Centers

Leonard S. Rubenstein, JD  
Executive Director  
Physicians for Human Rights

Robert Musil, PhD MPH  
CEO and Executive Director  
Physicians for Social Responsibility (PSR)

copy to: Martin Wagner, Earthjustice