

**NOTES FROM MEETING OF PUBLIC HEALTH ORGANIZATIONS AND
OFFICE OF THE US TRADE REPRESENTATIVE (USTR)
JUNE 12, 2006**

PUBLIC HEALTH ORGANIZATION ATTENDEES

John Bloom – American Cancer Society
Brian Williams – American Public Health Association
Ellen R. Shaffer, Elizabeth Drake – Center for Policy Analysis on Trade and Health (CPATH)
Sean Flynn - National Legislative Association on Prescription Drug Prices (NLARx), and the
Legislative Working Group on Prescription Drugs and Trade
Rohit Malpani - Oxfam America
William von Oehsen - Public Hospital Pharmacy Coalition
Martin Wagner – Earthjustice [via phone]

USTR ATTENDEES

Tiffany Moore, Assistant USTR for Intergovernmental Affairs and Public Liaison
David Apol, Associate General Counsel
Christina Sevilla, Director, Intergovernmental Affairs and Public Liaison

SUMMARY

Public health organizations and members of Congress have asserted public health's strong interest in serving on trade advisory committees that influence US trade policies. The USTR's office has agreed that public health has a legitimate claim to be represented. On December 16, 2005, the Department of Commerce and USTR posted a Federal Register announcement seeking public health nominees to Industry Trade Advisory Committees (ITACs) 3 (Chemicals, Pharmaceuticals, Health/Science Products & Services) and 15 (Intellectual Property).

Six months later, no nominees have been selected. The USTR has not responded to reasonable requests from public health groups for deadlines on appointments. During that time, ITAC 3 has established a subcommittee on pharmaceuticals and intellectual property, which continues to meet without public health representation.

The public health organization attendees at this meeting introduced ourselves and explained our interests in public health representation on trade advisory committees. We affirmed that trade policies increasingly affect the public's health, including access to medicines, nursing services and health care, tobacco control, environmental safety, and occupational safety and health.

Dr. Shaffer presented our immediate concerns:

- At least half a dozen highly qualified applicants have applied to ITACs 3 and 15 to our knowledge, in response to the Federal Register notice in December, 2005.
- No nominees have been named by USTR, and no appointments have been made.
- During this time, numerous trade agreements with public health implications have been negotiated, and others are in progress, without public health consultation.

We requested therefore that the USTR provide us a timeline and process for moving forward on making public health appointments to ITACs 3 and 15.

USTR officials confirmed their commitment to appoint public health representatives to ITACs 3 and 15, and reviewed the progress thus far in appointing a representative from the Campaign for Tobacco Free Kids to an Agricultural Trade Advisory Committee, and a representative from the Generic Pharmaceutical Association (GPhA) to ITAC 3. [Note: Both of these appointments followed public health and Congressional actions. However, they occurred before the Federal Register notice of December, 2005.]

We noted that the appointments to the ATAC and to ITAC 3 were both positive steps, but that the GPhA is an industry group and does not represent public health. The initial appointment process for these two appointees was also less than 6 months. We again requested information on how the process is proceeding and an indication of estimated timelines for moving forward on the applications.

USTR said that the process is for USTR and the Department of Commerce to meet and collectively agree on recommendations to the Cabinet-level decision making officials. USTR explained that it was still reviewing candidates with the Department of Commerce and that “applications are still coming in.” They estimated that there are about a dozen applicants for ITACs 3 and 15. At least one meeting between USTR and Commerce has taken place, but neither USTR nor Commerce has identified specific recommendations from the group of applicants. While USTR would like to receive other applications, they feel the current pool is sufficient to make recommendations for appointment. The application process will likely remain open after appointments have been made.

USTR declined to tell us who has applied to the ITACs, as the applicants may be covered by the Privacy Act, and stated that they could not make the applicants’ names available to the public without a detailed legal examination by the Justice Department.

They would not commit to telling us when they might take the next step, or what would it be.

Dr. Shaffer pointed out that ITAC 3 had been legally enjoined from meeting in the past due to a failure to fulfill representation requests. ITAC 3 now has a pharmaceuticals subcommittee and is therefore of heightened concern. Ms. Moore asked if it was our intent to file such a suit. Dr. Shaffer indicated that we were emphasizing our concerns.

Organizations asked whether they could receive more detailed information after a period of USTR research and consideration, e.g. in a week.

USTR repeated that “we plan on moving quickly” now that all the key appointments to the applicable leadership positions in USTR have been made, including the new Trade Representative, and Ms. Moore. USTR stated that they would be happy to talk again in a week, but repeated that they could not commit to any deadline or process.