

## Could TransPacific Trade agreement enable corporations to block GMO labeling laws?

The Trans Pacific Partnership trade agreement — [signed last month](#) by all 12 participating countries including the United States — appears to have few friends.

On the Democratic side, candidates Hillary Clinton and Bernie Sanders have [come out against](#) the agreement. Clinton said that the deal did not meet her standards of protecting American jobs, wages, and national security. Sanders called it simply “disastrous.”

On the Republican side, more politicians favor the agreement, though conservatives balked at the idea of granting President Obama fast track authority over the TPP. Meanwhile, GOP presidential candidates appeared [split](#) on the trade agreement when asked in June. And current poll leader Donald Trump [called the TPP](#) a “terrible deal.”

Since details of the trade deal were negotiated largely in secret, no copy of the signed agreement is yet available. And, since the deal still must be approved by Congress, the TPP’s impact on food, agriculture, and biotechnology remains locked in mystery. So far, the U.S. Office of the Trade Representative (USTR) has only [released](#) a summary of the TPP. Until the full document is made available, there have been a few hints about what agricultural impacts might lie deep within the deal:

- According to the USDA, the TPP will reduce tariffs among participating countries, which currently run as high as 200 percent. The TPP would [cut tariffs](#) by 40 percent on exported U.S. poultry, 35 percent on soybeans, and 40 percent on fruit. This would provide a stimulus for more exports, presumably expanding the \$150 billion in agricultural products sold overseas last year.
- Intellectual property on data for biomedical innovations will be shortened to five to eight years, down from 12 in the United States. The Information Technology and Innovation Foundation [commented that](#) “Europe grants at least 10 years of data protection, so this new agreement puts America behind the eight ball.”
- For biotech in particular, the picture remains very murky. The U.S. Trade Representative [office said](#) “The TPP Parties have also agreed to increased transparency and cooperation on certain activities related to agricultural biotechnology.” But there have been no specifics on what activities will be affected or what that transparency and cooperation will look like.

### Foreign trade taking away GMO laws — not likely

One issue that was not in the deal (so far), and likely never was, was a favorite of anti-GMO activists. The notorious Joseph Mercola on [Mercola.com](#) among others posted warnings that the TPP would eliminate all GMO labeling laws among participating countries (currently, Japan, Australia, and South Korea have such laws):

The TPP has a particularly dampening effect on U.S. states’ ability to regulate the labeling of

genetically modified organisms (GMOs), which is a strong initiative among many health freedom activists in this country.

This theme was a favorite on anti-GMO websites all summer. This from the Centre for Research on Globalization:

It is a sad day in the fight against Monsanto, GMO labeling, and the future of the planet. The Senate has **adopted a law that would give ‘fast-track’ ability for the so-called Trans-Pacific Partnership (TPP)** — a highly secretive bill that could restrict GMO labeling in the United States and abroad. In fact, some legal experts believe ***it could make GMO labeling completely illegal.***

How? Because of a chapter that addresses Investor State Dispute Settlements. The USTR refers to this as a neutral international arbitration procedure, and insists that such settlements have been part of 3,000 trade agreements, and that “The United States has taken important steps to ensure that our agreements are carefully crafted both to preserve governments’ right to regulate and minimize abuse of the ISDS process.”

Public Citizen’s Ben Beachy and other anti-GMO activist and natural products peddlers have [characterized it](#) differently:

This parallel legal system empowers foreign corporations to go around domestic courts and challenge U.S. federal and states policies — including GMO labeling policies — not before any court but before private international tribunals comprised of three private attorneys.

In fact, it’s highly unlikely that a trade agreement could realistically lead to a change in a domestic law and the USTR, at least, made no reference to GMO labeling laws. But without details, the observers have taken a wait-and-see stance.

### **What’s the dirt on sanitary barriers?**

Another area that could impact agricultural biotechnology can be found in a statement by U.S. Agriculture Secretary Tom Vilsack, [who claimed](#), “The agreement would... deter non-science based sanitary and phytosanitary barriers that have put American agriculture at a disadvantage in TPP countries.”

The TPP expands on the sanitary and phytosanitary (SPS) measures that were established by the [World Trade Organization](#) (WTO) long ago to address food safety and health regulations for animals and plants. Under the WTO, such SPS measures must be science-based, be proportional to the risk, and developed in accordance with scientific principles and evidence. None of the “biosafety” regulations in Europe (including those that address transgenic food) currently comply with the WTO requirements (and the U.S. has taken the European Union to court in Geneva on the issue). But without an opportunity to review the details of the TPP plan, it’s been as difficult to determine what this will mean.

So far, we know the TPP affects tariffs. And we know it's changed intellectual property protection for certain biomedical products. The rest remains muddy. But it's probably not as scary as the anti-GMO activists have made out. Stay tuned.

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