

FOOD INDUSTRY CODEX COALITION

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Advancing Sound International Food Policy through Science

June 28, 2017

Ms. Mary Frances Lowe
Manager, US Codex Office
United States Department of Agriculture
Washington, D.C.

Via email: Maryfrances.lowe@fsis.usda.gov

Dear Ms. Lowe:

The Food Industry Codex Coalition (FICC) represents over 70 U.S. food companies, beverage companies and trade associations keenly interested in the international standard setting activities of the Codex Alimentarius Commission (CAC). FICC member associations and food and beverage companies recognize the critical role Codex serves to facilitate fair trade and protect consumer health through the development and use of science-based food safety standards and guidelines. The primary objective of the FICC, which represents the entire food chain from production to retail, is to advocate for international food standards and policies based on science. The FICC recognizes and supports the CAC as the international standard setting body charged with the development of science-based food safety standards.

In advance of the upcoming CAC meeting this July, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) have made specific proposals to encourage Codex to be more “supportive and engaged” with their policies, strategies and guidelines, particularly regarding non-communicable diseases (NCDs) and obesity.

The FICC does not believe these proposals are necessary or warranted. We believe that this would adversely affect the integrity and independence of Codex.

While we support a close working relationship between Codex, WHO and FAO, we are nonetheless significantly concerned about the potential for WHO overreach into the

ongoing work of Codex. For decades, Codex has functioned as a transparent, evidence-based organization that encourages multi-stakeholder engagement. In fact, private sector participation and leadership at the CAC is a prime example of the importance of multi-sectoral engagement leading to successful outcomes.

Further, Codex's mandate is unique from those of WHO and FAO in that it serves to protect consumer health and ensure fair trade practices. It is therefore critical that Codex' science-based food and consumer protection work encompass consideration of recommendations and findings from all competent authorities on matters related to food and nutrition, food safety, and international trade; not prioritized or led by WHO or FAO.

The FICC and its members recognize the important role that FAO and WHO play as the parent organizations of the CAC. However, we note that the mandates differ for these respective organizations, and we firmly believe that the Codex mandate – to set internationally agreed food standards that serve to protect consumer health and ensure fair practices in food trade – should be protected and maintained. We therefore strongly disagree with WHO/FAO's proposal¹ to change the current Critical Review process of the Executive Committee to ensure consideration of relevant policies of FAO and WHO.

In support of our views, the FICC encourages the United States to present the following points on this issue at the upcoming meetings of the Codex Executive Committee and the CAC:

- **Codex is charged with a very specific mandate for both health and trade which is different from the mandates of WHO and FAO.** Codex is a member-driven organization with a specific mandate to develop internationally harmonized food standards to protect consumer health and ensure fair practices in food trade. FAO and WHO have different mandates from Codex. The Codex mandate—protecting public health and ensuring fair practices in trade—has science as its foundation, which is critical to its position as a WTO benchmark-setting organization. WHO and FAO, with their different mandates and constituencies, may take into account other considerations that are different from the Codex mandate, including political factors and other issues. Nor does WHO have trade within its mandate.
- **Codex has inclusive and transparent procedures, including actively and appropriately engaging with private sector entities to identify appropriate strategic activities and develop effective implementation options.** We note that international nongovernmental organizations (INGOs), including private sector entities, can participate in the Codex work as observers and regularly contribute

¹ This proposal was originally presented last year at the 39th Commission meeting, but without sufficient time for discussion it was decided that this year's Executive Committee meeting (held in advance of the 40th Commission) would review and provide recommendations to the full session of this 40th Commission meeting.

scientific data and information to the standard setting process. The same is not always true with the parent organizations. Transparency and inclusiveness are hallmarks of Codex that should not be compromised by mandates or directives from other organizations.

- **Codex is a shining example of a long-standing, successful multi-sectoral engagement which has led to positive outcomes.** For decades, the private sector has provided critical industry input so that Codex can fully understand industry practices and processes. For example, the private sector:
 - Regularly provides information on the safety and use of food additives at the Codex Committee on Food Additives;
 - Consistently provides key input on standards and guidance for product labeling, nutrition reference values and claims, and ingredients and products across the marketplace;
 - Provides technical assistance on the practical achievability of standards for contaminants and pesticide residues in foods;
 - Provides expert advice on commodities to build commodity standards such as those for dairy and juices; and
 - Provides expert advice on industrial and agricultural practices when establishing codes of practice, such as hygienic principles in food safety management.

Codex relies on input from these technical experts to ensure the safety of the global food system. These experts are often the only ones with first-hand knowledge and experience regarding proprietary products, and have long served as the foundation of knowledge for countless regulatory bodies around the globe to ensure food safety. The accuracy of technical processes depends on the insights from private sector operators.

- **Codex is already mindful of initiatives and programs that should be encouraged and works closely with WHO/FAO to assure that mutual interests are represented.** Codex already recognizes that WHO/FAO efforts inform Codex' work, and helps identify needs for standards. Any gaps in communication can be easily filled. Formal changes and/or additions to current processes and procedures are unnecessary and have the potential to interfere with the science-based work and mandate of Codex.

Moreover, Codex has already established clear principles concerning the participation of non-governmental organizations in its work (including civil society and private sector). The eligibility of any organization, including the private sector, is reviewed before being granted observer status at Codex.

Therefore, the FICC does not believe that there is a need to change the current Critical Review process of the Executive Committee to ensure consideration of relevant policies of FAO and WHO. The FICC strongly believes that Codex needs to maintain its

focus on setting standards consistent with its mandate and remain primarily a member driven organization with participation of the observer organizations.

We ask that these points be included in the U.S. position for the appropriate agenda items for the upcoming Executive Committee meeting and the CAC and request that the U.S. intervene in both meetings to deliver these points.

Respectfully submitted,

American Beverage Association

American Feed Industry Association

American Frozen Food Institute

Animal Health Institute

Calorie Control Council

Corn Refiners Association

Council for Responsible Nutrition

Crop Life America

Grocery Manufacturers Association

Infant Nutrition Council of America

International Dairy Foods Association

International Food Additives Council

National Cattlemen's Beef Association

National Pork Producers Council

U.S. Meat Export Federation

Wine Institute

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