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A Rotten Deal: Why TTIP threatens EU food safety standards for poultry

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Summary

Citizens' concerns that the EU-US trade deal could lead to 'chlorinated chicken' being sold in the EU have been downplayed as '*European fears over American 'Frankenfood' imports*'.¹ In reality, the European Commission has pushed hard to get meat rinses authorised for use by the European livestock sector. But the EU's approach to food safety standards is fundamentally different to the US approach. Europe's farmers, citizens and the environment have nothing to gain from chemical meat rinses.

The difference between US and EU food safety standards for poultry

The EU and the US have very different approaches to setting food safety standards. The EU employs a more precautionary approach, enforcing restrictions on the use of antibiotics and growth-promoting chemicals in farming. It also has higher animal welfare standards than the US.² It applies its food safety standards to imported foods too, which means that some US exporters—who do not produce food complying with EU food standards—do not have access to the EU market. These include beef from cows raised with growth-promoting hormones, pork from pigs reared with a 'feed efficiency' promoter and poultry rinsed with antimicrobial chemicals.³

In order to prevent food poisoning by microbes such as salmonella or campylobacter, the EU takes an integrated 'farm to fork' approach, to keep diseases and infections at bay throughout the birds' lives and minimise potential harm to the environment along the whole food production chain.^{4,5} In addition, when poultry are slaughtered, only water may be used to remove surface contamination from the carcasses, any other substances must be authorised.⁶ This approach avoids potential human health and environmental impacts⁷ and helps to stop poor farm hygiene being covered up.

The US approach is radically different. It focuses on the end product only, using chemical antimicrobial rinses such as chlorinated water for washing poultry carcasses.⁸

The European Commission has already attempted to allow meat rinses twice

¹ <http://www.independent.co.uk/life-style/food-and-drink/news/chlorine-chicken-hormone-beef-european-fears-over-american-frankenfood-imports-9906889.html>

² <http://www.civf.org.uk/media/6305116/ttip-a-recipe-for-disaster-booklet-dec-2014.pdf>

³ https://ustr.gov/sites/default/files/FINAL-2014-SPS-Report-Compiled_0.pdf pp43-55

⁴ <http://www.beuc.eu/blog/what-is-wrong-with-chlorinated-chicken/>

⁵ European Food Safety Authority Salmonella page <http://www.efsa.europa.eu/en/topics/topic/salmonella.htm>; EC Regulation 854/2004 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:226:0083:0127:EN:PDF>; and EC Regulation 853/2004 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:139:0055:0205:EN:PDF>

⁶ EC Regulation 853/2004 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:139:0055:0205:EN:PDF>

⁷ <http://www.beuc.eu/blog/what-is-wrong-with-chlorinated-chicken/>

⁸ 'Pathogen Reducing Treatments' (PRTs) include chlorine dioxide, acidified sodium chlorite, trisodium phosphate and peroxyacids. https://ustr.gov/sites/default/files/FINAL-2014-SPS-Report-Compiled_0.pdf p47

The EU's ban on the use of antimicrobial rinses came into effect in 1997—only water can now be used to remove surface contamination from animal products. This requirement means that imports of US poultry treated with chemical rinses are not permitted.⁹ Unsurprisingly, the US has been pushing hard for the EU to change its food safety standards since then. In 2008 the European Commission asked national governments to authorise four substances for meat rinses. The request was turned down with a clear majority by European farm ministers, because of a long list of concerns about the wider impacts on European food safety (See Box 2).^{10, 11} The farm ministers explicitly referred to the 'farm to fork' approach, possible environmental harm, and concerns about the potential development of antimicrobial resistance in the livestock sector.

It is important to note that it is the EU's member states that have so far held the line on Europe's 'farm to fork' measures. The European Commission has pushed for the authorisation of rinses several times: In 2008 four substances for poultry (including chlorinated washes and peroxyacetic acid); in 2013 lactic acid for beef rinses; and now a second attempt to authorise peroxyacetic acid as a poultry rinse.

The EU-US trade talks, the Transatlantic Trade and Investment Partnership (TTIP), may already be influencing the debate, even though the negotiations were only launched in June 2013.¹² For example, after an official US request, in 2013 EU legislation has already been changed to allow the use of lactic acid to wash beef carcasses,¹³ even though it could mask declining standards of food hygiene.

Responding to growing concerns about the impacts that the trade deal will have on the farming and food sector, European Trade Commissioner Cecilia Malmström has stated that the trade talks will not be used to allow hormone-fed beef, genetically modified foods or chlorine-washed chickens in Europe.¹⁴

However, despite these public statements, European Commission officials are moving forward with the approval of a new acid poultry rinse.¹⁵ A scientific opinion from the European Food Safety Authority reveals that the European Commission is now considering the approval of peroxyacetic acid as a rinse for poultry carcasses and meat.

Box 1: US industry demands

The US poultry industry—including the National Chicken Council and soup company Campbell's—has been driving this agenda.¹⁶ The National Chicken Council complained that US poultry exporters have been "*unfairly shut out of the European market by unjustifiable non-tariff trade barriers*"¹⁷ and has said that, "*TTIP would only be of use to our industry if the*

⁹ EU regulation 853/2004 says that only water to remove surface contamination from animal products is allowed and any another substance needs to specifically be approved by the EU, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:139:0055:0205:EN:PDF>

¹⁰ Council of Europe Decision rejecting the proposal from the Commission for a Council Regulation implementing Regulation No 853/2004, 16163/08, 9 December 2008, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2016163%202008%20INIT>

¹¹ WTO Dispute DS389 https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds389_e.htm

¹² Statement by President Barroso on the EU-US trade agreement, on the occasion of the G8, 17 June 2013, http://europa.eu/rapid/press-release_SPEECH-13-544_en.htm

¹³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:034:0001:0003:EN:PDF>

¹⁴ <http://www.theguardian.com/business/2014/dec/08/transatlantic-trade-partnership-ttip-dividing-europe-cecilia-malmstroem-washington-debut>

¹⁵ EFSA opinion on the evaluation of the safety and efficacy of peroxyacetic acid solutions for reduction of pathogens on poultry carcasses and meat, 13 June 2014, <http://www.efsa.europa.eu/en/efsajournal/doc/3599.pdf>

¹⁶ US-EU Poultry Dispute on the use of Pathogen Reduction Treatments (PRTs), Congressional Research Service, January 2015, <http://fas.org/sgp/crs/misc/R40199.pdf> (footnotes 22 and 24). Also

<http://www.thepoultrysite.com/poultrynews/32592/us-chicken-farmers-call-for-access-to-international-markets>

¹⁷ <http://www.nationalchickencouncil.org/wp-content/uploads/2013/10/Bill-Roenigk-T-TIP-Hearing-of-the-Finance-Committee-U-S-Senate->

negotiations resulted in the removal of these SPS [sanitation] barriers that Europe has had in place for nearly 18 years.”¹⁸

The food company Campbell’s wrote to US trade officials saying that: *“Campbell is currently prevented from exporting its innovative line of chicken...products to EU countries as a result of a number of trade barriers. Most prominently, the EU’s ban on U.S. poultry products that have been processed with pathogen reduction treatments (PRTs) precludes Campbell from exporting these products.”¹⁹*

TTIP opens up yet another avenue for US trade officials and agribusiness to pursue this agenda. The US poultry industry has made it clear that it won’t support this trade deal unless it creates better access to the EU market for US poultry products.²⁰

US pressure on Europe’s poultry standards

In 2009, the US trade officials reacted to European governments’ rejection of the European Commission proposal to authorise meat rinses by launching a dispute at the World Trade Organization (WTO). The US government argued that the EU’s decision contradicted various WTO chapters (eg on sanitary and phytosanitary (SPS) and on agriculture agreement).²¹

Box 2: Do antimicrobial poultry rinses work and are they safe?

In 2008 the Council of Europe rejected a European Commission proposal to allow the use of antimicrobial rinses for poultry.²² They cited the precautionary principle and scientific uncertainty, and detailed concerns about:

- The fact that poor hygiene practices could be masked²³
- Water pollution, including with phosphorous compounds
- The formation of carcinogenic chlorine-based compounds
- Health of staff in wastewater plants
- Doubts about whether the rinses actually work
- Concern about growing resistance to antibiotics. Since 2008 the European Food Safety Authority and the applicant could not respond the questions about the lack of data about resistance of antimicrobial resistance developments

There are also concerns about the safety of slaughterhouse workers, based on reports from the US.^{24,25}

[3.pdf?utm_source=WhatCounts+Publicaster+Edition&utm_medium=email&utm_campaign=NCC%E2%80%99s+Roenigk+Expresses+Concerns+about+US-EU+Trade+Deal&utm_content=in+testimony+delivered+today](#)

¹⁸ <http://www.thepoultrysite.com/poultrynews/32592/us-chicken-farmers-call-for-access-to-international-markets>

¹⁹ Campbell Soup Company - TTIP Submission, 10 May 2013, <http://www.regulations.gov/#!documentDetail:D=USTR-2013-0019-0134>

²⁰ US-EU Poultry Dispute on the use of Pathogen Reduction Treatments (PRTs), Congressional Research Service, January 2015, <http://fas.org/sqp/crs/misc/R40199.pdf>

²¹ In the view of the United States the EC measures appear to be inconsistent with the EC’s WTO obligations, including, but not limited to, the following: SPS Agreement Articles 2.2, 5, and 8, and Annex C(1); GATT 1994 Articles X:1 and XI:1; Agriculture Agreement Article 4.2; and TBT Agreement Article 2. According to the United States, the EC measures also appear to nullify or impair the benefits accruing to the United States directly or indirectly under the cited agreements. DS389, https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds389_e.htm <http://www.efsa.europa.eu/en/scdocs/doc/297.pdf>

²² Council of Europe Decision rejecting the proposal from the Commission for a Council Regulation implementing Regulation No 853/2004, 16163/08, 9 December 2008, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2016163%202008%20INIT>

²³ This has also been the subject of investigation in the US, where progressively higher doses of chemical rinses are being applied: http://www.washingtonpost.com/politics/usda-reviews-whether-bacteria-killing-chemicals-are-masking-salmonella/2013/08/02/da88238e-eefe-11e2-a1f9-ea873b7e0424_story.html?hpid=z3

²⁴ http://www.wsbtv.com/news/news/chicken-plant-workers-say-chemicals-sprayed-carcas/nfg73/#_federated=1

²⁵ <http://www.wsbtv.com/news/news/chicken-plant-workers-say-chemicals-sprayed-carcas/nfg73/>

A 2011 European Food Safety Authority report concerning campylobacter confirmed that good on-farm hygiene practices are a more effective way of protecting the public from pathogens in food.²⁶

In spite of previous concerns about the risks of using microbial rinses the European Food Safety Authority published a much more positive assessment of a microbial rinse in 2014.²⁷ Its report skates over lack of evidence about whether the rinse will work or not, recommending further studies; and brushes off concerns about antimicrobial resistance, seemingly on the basis of documentation provided by ‘the applicant’—the US Department of Agriculture.²⁸ In fact the only problem the European Food Safety Authority notes in this report concerns potential pollution.²⁹

How the trade talks pose multiple threats to the EU’s food safety standards

The US-EU trade deal threatens the EU’s ‘farm to fork’ approach in various ways and could mean that more and more antimicrobial treatments, including chlorinated water, could be approved.

The ultimate TTIP ‘take-it-or-leave-it’ threat

It is highly likely that pressure from US officials and the US poultry sector could lead to a parallel reduction in food safety standards, even *before* TTIP is completed. It could—either explicitly or behind closed doors—be made one of the US’s conditions for signing the trade treaty at all.

This is not idle speculation: it has already been mentioned by EU Agriculture Commissioner Hogan.³⁰ The recent approval of lactic acid as an antimicrobial rinse for beef plus the start of the first poultry antimicrobial treatment described above indicate that this back-door process is already underway in relation to the trade talks.

Driving deregulation

‘Regulatory convergence’ is one of the key goals of the TTIP. It can be a tool for reducing costly standards and regulations in a trading partner. The ‘chlorinated chicken’ issue is good example of this, because the two food standard systems are so different. So far there is no sign that the US will stop using antimicrobial chemical rinses. Instead pressure is being exerted on the EU to relax its standards. Via so-called mutual recognition, the EU and US would recognise each other’s regulatory systems as being equal even if they are different, on the basis that they supposedly achieve the same outcomes. In this case the US system of washing poultry in chemicals could be considered to be as good as the EU’s ‘farm to fork’ system, meaning that the sale of US poultry could no longer be banned in the EU (unless explicitly exempted in the TTIP text).

²⁶ European Food Safety Authority 2011 Scientific Opinion on “Campylobacter in broiler meat production: control options and performance objectives and/or targets at different stages of the food chain” quoted in http://www.beuc.org/publications/beuc-x-2014-030_ipa_beuc_position_paper_ttip_food.pdf

²⁷ See footnote 14

²⁸ European Food Safety Authority scientific opinion on the evaluation of the safety and efficacy of peroxyacetic acid solutions for reduction of pathogens on poultry carcasses and meat, 13 June 2014, <http://www.efsa.europa.eu/en/efsajournal/doc/3599.pdf>

²⁹ http://www.beuc.org/publications/beuc-x-2014-052_cpe_beuc_position_paper_use_of_peroxyacetic_acid_on_poultry_carcasses_and_meat.pdf

³⁰ Hogan in Irish radio RTE, 18 February 2015, <http://www.rte.ie/radio/utills/radioplayer/rteradioweb.html#rii=9%3A20729942%3A48%3A18-02-2015%3A>

Creating a new and permanent forum to challenge high standards³¹

The European Commission has proposed a new ‘Regulatory Cooperation Body’ to promote compatibility between US and EU regulatory systems. This would require the EU to justify any future regulation to the US, and it would provide a new route for stakeholders, including US business, to exert influence. This body would be a new and permanent forum for challenging the EU’s standards, whether already existing, such as those on antimicrobial rinses, or new ones yet to be proposed.

Box 3: the EU poultry industry supports the ‘farm to fork’ approach

The EU’s poultry industry is displeased with the European Commission’s stance on antimicrobial rinses. The EU-wide poultry processors’ association, AVEC, has complained that allowing meat rinses would undermine all the investments they have made in safer poultry production;³² and the British Poultry Council has expressed its concern that food safety standards may be relaxed as part of the negotiating process.³³

Conclusions

European Commission officials and national governments have repeatedly claimed that the EU’s farm-to-fork approach to food safety is inviolable and will not be compromised in negotiations over the EU-US trade deal.

However, this paper shows that not only has the European Commission attempted on previous occasions to approve for sale so-called “chlorinated chicken” and other meats disinfected with ‘pathogen reduction treatments’. But it is currently processing an application that would, for the first time, allow a chemical disinfectant treatment for chicken meat—peroxyacetic acid—that is in common use in factory farms in the USA.

Friends of the Earth Europe believes pressure from US trade officials and the US factory farm industry is already leading to compromises in EU food standards. We are consequently calling for the TTIP talks to be stopped. The dangers it poses for the safety of our food and the environmental impact of its production are more clear indications that TTIP is a bad deal for people and planet.

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³¹ The European Commission’s initial provisions for a chapter on regulatory cooperation in TTIP http://trade.ec.europa.eu/doclib/docs/2015/february/tradoc_153120.pdf. EU negotiating texts in TTIP can also be accessed here: <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1230>

³² http://www.avec-poultry.eu/system/files/archive/new-structure/avec/Annual_Report/2014/Version%20Finale.pdf p18

³³ http://www.meatinfo.co.uk/news/fullstory.php/aid/17544/EXCLUSIVE:_Poultry_sector_raise_safety_concerns_over_TTIP.html



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