

**Public Hearing Summary
Maine Citizen Trade Policy Commission
December 12, 2013
Hutchinson Center, University of Maine System
Route 3
Belfast, Maine**

Members Present: Senator John Patrick, Senator Troy Jackson, Representative Sharon Anglin Treat, Representative Jeff McCabe, Steve Cole, Linda Pistner, Pamela Taylor, Jay Wadleigh, John Palmer, Mike Karragiannes, Michael Herz

Staff: Lock Kiermaier (Contract)

After determining that the statutory requirement that 11 members must be present to officially convene had been satisfied, CTPC Chair Senator Troy Jackson convened the Public Hearing at approximately 4 PM.

To begin the Public Hearing, Senator Jackson asked Commission members to introduce themselves.

Senator Jackson then explained to commission members and members of the public who were present how the Public Hearing had been structured. Several individuals had been scheduled to phone in their testimony at specific times and that testimony from individuals who were present at the hearing would be taken in between and after the scheduled call-ins.

In total, the CTPC heard from a total of 19 individuals. Of that total:

- 3 persons provided testimony via telephone from Washington D.C.;
- 15 persons provided testimony in person; and
- 1 person submitted written testimony but did not appear in person.

The following list provides a brief synopsis of the testimony offered in the order in which testimony was received. Any written testimony and supporting documentation is available for viewing on the CTPC website.

1. Shenna Bellows; U.S. Senatorial candidate and resident of Manchester

Ms. Bellows spoke to her written testimony that made the following points:

- TPP negotiations have been held in near total secrecy and need to be more transparent;
- Leaked text of the TPP shows that the agreement :
 - fails to protect workers' rights and may lead to domestic job losses;
 - fails to ensure adequate environmental standards;
 - may drive small farmers and food producers out of business;
 - may lessen food safety regulations;
 - undermines freedom of speech through more restrictive patent provisions.
- Congress should reject fast track authorization of the TPP

2. *Betsy Garrold; President, Board of Directors of Food for Maine's Future and resident of Knox*

Ms. Garrold spoke to her written testimony that made the following points:

- Ms. Garrold had been involved in drafting the original CTPC legislation, wishes that the CTPC had been given stronger authority but is glad that the CTPC is active holding public hearings;
- TPP is likely to negate food safety regulations;
- Ms. Garrold quoted the narrative of Natalie Noon from United Students for Fair Trade:
 - The TPP will wipe out small food producers;
 - The TPP will significantly reduce food safety standards;
 - The TPP will reduce efforts at reasonable food labeling requirements;
 - The TPP will inhibit state and local governments from the procurement of local foods.

3. *Charlotte Herbold ; Pax Christi Maine and resident of Belfast*

Ms. Herbold spoke to her written testimony that made the following points:

- Previous testimony from Pax Christi Maine pertaining to NAFTA had stated:
 - NAFTA was less about free trade than allowing multinational corporations to exploit workers, community and the environment;
 - NAFTA was an instrument of "naked greed";
 - The public was not consulted about NAFTA and that agreement had nothing to do with the common good.

- The TPP shows that nothing has changed from the NAFTA experience;
- Corporate greed in the TPP rejects any notion of societal concern for the common good.

4. Rocky Alley ; President of the Maine Lobstermens' Unio, Local 207 and resident of Jonesport

Mr. Alley made the following comments and supplemented his spoken testimony with a copy of an article titled, "*FDA warning: The TPP is a threat to your health and safety*":

- Concerned that the secret language of the phyto-sanitary chapter of the TPP will threaten measures to ensure seafood safety and presented aforementioned article. Mr. Alley also voiced his objection to any adoption of a lowest common standard for seafood safety;
- Concerned about food labeling provisions of the TPP and does not feel that food labeling regulations constitute a technical barrier to trade; needs to be able to continue to promote Maine lobster as coming from Maine.

5. Matt McKenzie ; Legislative Assistant for U.S. Congresswoman Chellie Pingree, Maine

Mr. McKenzie testified via telephone and made the following remarks:

- In response to a question from Representative Sharon A. Treat about recently leaked TPP text, Mr. McKenzie stated that Congress has not been well informed by the USTR regarding the actual content of procurement text and offered to pass along specific questions from the CTPC to the USTR regarding this topic. In response, one of Representative Treat's questions would be to ask the USTR if the TPP will make it more difficult for Maine to negotiate rebates for Medicare pharmaceutical prescriptions. Mr. McKenzie speculated that this type of question will be met with some resistance from the USTR;
- Senator John Patrick expressed his grave concerns about the lack of transparency in the TPP and the common practice of using the lowest common denominator of regulation in FTAs and asked what is Congresswoman Pingree's position on these topics. Mr. McKenzie responded by citing Congresswoman Pingree's recent signing of a letter from Congress to the USTR objecting to the lack of transparency in the TPP

and the current fast track proposal. Senator Patrick also asked if Congresswoman Pingree would be willing to ask if members of Congress actually know what is in the TPP when they are asked to vote on it. Mr. McKenzie's response was that he felt it is a fair question and one that speaks to the inability of Congress to adequately evaluate the contents of an FTA like the TPP;

- Senator Troy Jackson then asked Mr. McKenzie about his impression of whether Congress was likely to approve the TPP. Mr. McKenzie responded by linking the fast track proposal to the ability of Congress to adequately review the TPP and mentioned that there is considerable bipartisan concern and opposition about both topics and predicted very close votes.

6. *Jon Olson ; Executive Secretary of the Maine Farm Bureau Association*

Mr. Olson spoke to his written testimony that made the following points:

- The Maine Farm Bureau Association supports fair trade as opposed to free trade;
- Using the NAFTA example, in most cases, U.S. farmers are not allowed to export milk and potatoes to Canada whereas Canadian farmers can export any of their agricultural products to the US;
- Mr. Olson is concerned that the TPP will not bind all nations to previous commitments to the elimination of tariffs and non-tariff barriers to trade;
- Mr. Olson also identified the currently unfair situation in which certain agricultural pesticides are banned for use by American farmers but are exported to foreign countries where they are used on crops that are exported to the US.

7. *Bonnie Preston ; Alliance for Democracy and a resident of Blue Hill*

Ms. Preston spoke to her written testimony that made the following points:

- The Alliance for Democracy has opposed previous FTAs and opposes the TPP and its threat to use international tribunals to undermine US laws pertaining to health and the environment;
- The concerns of her organization go beyond the issue of foods safety and maintains that the TPP threatens to wipe out small scale agriculture for all TPP signatories;

- The Alliance for Democracy also has concerns about how the TPP could be used to impose the lowest common denominator of food safety practices on other countries;
- Ms. Preston also submitted written testimony from Mr. Raj Patel, an international authority on trade and economics. Mr. Patel opposes the TPP and the manner in which it has been negotiated in almost total secrecy and maintains that the USTR is representing multinational corporate interests over those of consumers.

8. *John Piotti; President of the Maine Farmland Trust and a resident of Unity*

Mr. Piotti made the following points in his oral testimony:

- Mr. Piotti endorses the previous testimony about the threat that the TPP represents to small farms, food production and food safety but wanted to avoid repeating a point of view that has already been adequately expressed;
- Instead, Mr. Piotti wanted to focus his testimony on the threat that the TPP represents to the Maine dairy industry:
 - The current method of pricing milk is largely determined by a complicated formula administered by the federal government;
 - To a large extent, the milk pricing formula has been insulated from international events and the formula itself is not truly based on supply and demand;
 - The relative stability of the federal milk pricing formula has positive and negative consequences; the negative consequence is that the price paid to dairy farmers is often below their actual cost of production. The positive aspect of the current formula is that international events have not had much effect on the formula and subsequent dairy prices;
 - However, the world has changed significantly in recent times. Currently, Maine exports 15% of its dairy products and it is estimated that a 2% drop in exports would result in a 20% decrease in the prices paid for dairy products. A price decrease of this magnitude would be disastrous for Maine's dairy industry and would result in many dairy farmers going out of business;
 - The significant impact of commodity and agricultural policy changes being contemplated in the TPP would likely be enough to trigger the disaster described earlier;
 - As another aspect of the threat that the TPP represents to Maine's dairy industry, the federal pricing formula is dependent on the higher of the price of cheese or the price of non-fat dried milk powder.

Currently, the high demand for non-fat dried milk is keeping the dairy prices at a level that barely sustains the Maine dairy industry. As a result of the free trade contemplated by the TPP, the dairy market could be flooded by inexpensive non-fat dried milk from New Zealand and thus imperil the prices currently paid to Maine dairy farmers.

9. *Nisha Swinton; New England Director for Food & Water Watch and a resident of Portland*

Ms. Swinton testified via telephone and made the following remarks:

- Ms. Swinton stated Food & Water Watch is very opposed to the TPP for several reasons:
 - First, the increased levels of imported seafood without adequate inspection will represent a significant harm to the public. Only 2% of imported seafood is properly inspected at the present time and imports are likely to increase because of the TPP;
 - Increased amounts of cheap, uninspected imported seafood also represents a threat to the seafood industry in Maine;
 - The likelihood that food labeling requirements would be lessened as a result of the TPP also represents a threat to that portion of the Maine public that wishes to know the country of origin for agricultural and seafood products and whether foods have been genetically modified or not;
 - Food & Water Watch also opposes the increased ability of international corporations to sue the state under the provisions of the TPP if they feel that their profits are unduly restricted by Maine's environmental and public health laws and regulations.

10. *Karen Hansen-Kuhn; International Program Director for the Institute for Agriculture and Trade Policy*

Ms. Hansen-Kuhn testified via telephone and made the following remarks:

- Ms. Hansen-Kuhn stated that with regards to food safety there are a number of issues:
 - Under the TPP , food safety rules could be subject to ISDR; this is problematic in that she contends that food safety regulations should be evaluated on the basis of whether they

- legitimately protect human health and not whether they serve to restrict international trade;
 - It appears that procurement provisions in both the TPP and the TTIP may be applied to “sub-national” or state procurement regulations; previously, and up until now, FTAs have allowed states to opt out of the procurement chapters; this could adversely affect local food programs and “buy local” requirements;
- Representative Sharon A. Treat asked Ms. Hansen-Kuhn if she knew of any change in the previous USTR negotiating stance regarding their opposition to changing the ability of states to “opt out” of FTA procurement provisions. Ms. Hansen-Kuhn believes that it would be difficult for the USTR to remove the procurement options on a local level but perhaps more likely to impose restrictions on larger cities

11. Dianne Messer; resident of Liberty

Ms. Messer made the following points in her oral testimony:

- Not nearly enough attention is being paid to food safety issues as they relate to recent events such as the nuclear accident in Fukushima, Japan; she stated that recent actions of the FDA and EPA have significantly increased allowable radiation levels for food products imported from Japan and that these allowable levels of radiation are higher than those currently allowed in Japan;
- The proposed provisions of the TPP are shocking; the TPP will have the effect of eviscerating our health, business and imports and placing these interests as subordinate to the priorities of multinational corporations;
- Ms. Messer believes that the State of Maine should take an extremely strong stand against the TPP and demand full transparency and disclosure about the provisions of the agreement;
- In response to some of Ms. Messer’s comments, Representative Sharon A. Treat pointed out that the Legislature has recently unanimously passed resolutions opposing fast track authority and advocating for significantly more transparency in the negotiating and approval process.

12. Robert Shaw; resident of Belfast

Mr. Shaw made the following points in his oral testimony:

- Mr. Shaw stated his appreciation for the recent actions taken by the Legislature with regards to the TPP but believes the real answer to these issues lies in Washington DC;
- Mr. Shaw also stated his opposition to fast track authority by saying that is neither transparent nor democratic; fast track can be thought of a corporate attempt to pass an FTA which diminishes the quality of life for all citizens; he also characterized the effects of fast track and FTAs as a form of corporate feudalism.

13. Richard Thomas ; resident of Waterville

Mr. Thomas spoke to his written testimony that made the following points:

- Mr. Thomas has grave concerns about the use of ISDR tribunals in the TPP by international corporations to sue governments if they feel that their profits are being unfairly limited through various sovereign laws;
- Mr. Thomas also believes that ISDR will have a damping effect on government's willingness to enact necessary and strict environmental and public safety laws;
- Mr. Thomas posed a final question to the CTPC: Will the TPP FTA include so-called "investor – state" provisions that allow individual corporations to challenge environmental policies as barriers to trade?

14. Kathy Mink ; Waldo County Peace & Justice Group and resident of Waldo

Ms. Mink made the following points in her oral testimony:

- Ms. Mink expressed her gratitude that the CTPC had decided to hold the hearing in Belfast;
- Ms. Mink provided a handout to the CTPC which states the purpose and goals of her organization;
- Ms. Mink stated her belief that the TPP and other FTAs are not really about trade but rather represent a corporate effort to control the lives of all citizens.

15. Heidi Brugger ; Founder of 350 Maine and resident of Freedom

Ms. Brugger made the following points in her oral testimony:

- Ms. Brugger stated her dismay about the TPP and the failure of other FTAs to do anything positive about the job market;
- Ms. Brugger's principal concern is the threat that the TPP and the TTIP represent to Maine's environment; she strongly objects the lowest common denominator approach to protecting the environment and our natural resources, particularly that of our natural water supply.

The public hearing was adjourned at approximately 7 PM.

The CTPC also received written testimony from U.S. Representative Rosa L. DeLauro (CT) which will be posted on the CTPC website.

***NOTE: Copies of all previously cited written testimony and supporting documentation can be viewed at the CTPC website:
<http://www.maine.gov/legis/opla/citpol.htm>***