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## Codex at the Crossroads of Health and Trade

By Dr. Steve Suppan and Rod Leonard

Every week, another food safety crisis seems to emerge somewhere in the world. Unsafe food sickens, and sometimes kills, hundreds of millions of people every year at enormous cost in premature death, loss of labor productivity and income. This week, a little known international body called the Codex Alimentarius Commission will meet to discuss its mandate to set food standards for adoption in its 170 member countries. Among the standards and guidelines that Codex negotiates are recommendations on safe levels of additives, contaminants, animal drug residues and pesticide residues in foods. This week's meeting may change radically the way Codex operates to protect consumer health and to ensure that standards are not applied unfairly to restrict trade.

This extraordinary meeting of Codex will take place 13-15 February in Geneva because governments, food companies and consumer organizations are unhappy with Codex. Companies want Codex to be run more like a business because recognition of mutually agreed upon standards help to facilitate trade. Consumer and public interest organizations want Codex to be run more like an international public health agency because food safety standards define the limits on levels of harm that governments will permit. A little history can help to explain how this conflict has arisen and why this meeting is so important.

Codex was founded 40 years ago as a joint effort by the World Health Organization (WHO) and the United Nations Food and Agriculture Organization (FAO) to recommend standards to governments, particularly to developing country governments that did not have the resources to research and develop their own standards. Since the founders' intent was to help these governments implement the standards as they could afford to do so; adoption of standards was voluntary and compliance was not binding.

The Codex world changed when the World Trade Organization (WTO) was established. According to the WTO's agreement on the application of food safety measures in trade, member nations that adopted Codex standards would be presumed to be in compliance with the WTO agreement. Nations that set stronger standards than those of Codex can be judged to have violated WTO rules, unless they have the resources to defend their standards and public health goals before a WTO dispute settlement panel. For example, if the United States decides to charge that European Commission directives on labeling and traceability of genetically modified organisms violate WTO rules, the United

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States will likely refer to Codex standards as definitive science-based evidence to back up its charge.

Against this backdrop of escalating tension between international trade rules and national regulations, WHO and FAO last year commissioned an evaluation of Codex. The results of the evaluation include 42 major recommendations and dozens of minor recommendations that will be discussed for just one day at the Codex meeting in Geneva. Despite the revolution proposed in the evaluation for the way that Codex works, the Codex Secretariat did not invite written comments by member governments and accredited international observers, as is customary for all Codex meetings. None of the background studies by independent experts cited as evidence for the proposed recommendations have been made available to Codex members and observers. The unusually short time to discuss the report (a Codex committee usually meets for five days), and the departure from normal Codex meeting preparations will greatly undermine the ability of governments to analyze the recommendations and advise on their implementation.

The gist of the report is that Codex should be run more like a business, in the interest of accelerating the standard setting process that facilitates trade. According to the recommendations, consultants should be hired to develop standards and to negotiate among governments to obtain consensus for the standards that they have drafted. Since standards are developed within committees operated and financed mostly by developed countries, consultants with views similar to those of developed countries would likely take over the writing of standards that had been the prerogative of Codex members and observers.

A "minor" recommendation would have "a lawyer" review the consultant facilitated consensus on food safety standards to determine their compliance with WTO rules. In order to minimize future disagreements over standards, the report proposes stricter credentialing of the approximately 75 industry observer organizations and 8 consumer and public interest groups currently allowed to participate in Codex meetings.

Codex standards cannot protect consumer health, the first priority in Codex's work, if governments lack the technical ability and financial resources to implement and enforce standards. The proposed reforms of Codex call for additional funding for more Codex Secretariat staff, higher salaries, for scientific assessment of food risks to health, and for technical assistance to support regulatory capacity in developing countries. However, thus far major Codex powers have not indicated any willingness to provide new funding to implement what the report recommends.

In the absence of a major political and financing commitment to improve food safety training and infrastructure in developing countries, the proposed Codex reforms will only strengthen the ability of wealthy countries, especially the United States, to control the content of global food standards to serve the commercial interests of global food companies. Consumer health is protected only if standards are effectively implemented and enforced. The paltry financing and technical assistance to implement and enforce standards in most Codex member countries is a public health scandal. As each new food safety crisis reminds us, lives are at stake.

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