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Trade Policy Challenges in 2005
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Trade Seminar Series

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Questioner: Lawrence [K]ogan, Sound Science Business Strategies. I have a question concerning your point on the need to increase environmental standards as part of negotiations. Is the question really about whether we should increase the environmental standards, or is it about the way we evaluate those standards from a scientific point of view? Are they scientifically or technically justified when implemented at the national level?

Mickey Kantor: First of all, in the environmental sections of these agreements, what I'd advocate is that we have in there effective enforcement of environmental laws as the standard – whatever the environmental laws of that country are. And that number two, you cannot make your environmental laws less stringent in order to increase your ability to trade. Those would be the two things. I wouldn't set forth environmental standards in the agreement itself. I think that would not be acceptable today. It wouldn't be politically acceptable and probably wouldn't be correct as a way to approach this issue.

Questioner: But they would by reference incorporate the SPS and TBT criteria for scientific or technical justification, would they not?

Mickey Kantor: They might. It might be a good idea to do that.

Questioner: Wouldn't that require some type of sound science basis or would it be...

Mickey Kantor: Yes, I'm for that. We did that in the Uruguay Round, as you know. We've done it in other agreements as well. I see no reason not to do it in a trade agreement on the environmental issues.

Questioner: The reason I bring this up is because you're obviously aware that there is a challenge out there promoted by the European Union to craft the definition of terms that were negotiated in the SPS and TBT agreements contrary to their original intent.

Mickey Kantor: Absolutely, and it would not be helpful for that to happen. The precautionary principle – in the way the Europeans identified and describe it – is something I would not support.

Questioner: Would you say that [it] might be one of the things at issue regarding CAFTA? Because there are groups out there that may wish to incorporate that notion with the treaty.

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Mickey Kantor: You may be ahead of me on this. I'm sorry. I haven't heard that argument in terms of the CAFTA. Maybe somebody else can illuminate me, but I haven't heard that argument.

Questioner: Thank you very much.