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TECHNICAL BARRIERS TO TRADE

How Ignoring Science When Developing Standards and
Technical Regulations Affects Trade
Between the United States and the European Union
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“On my honor as a student, on this assignment I have neither given nor received unauthorized aid as defined by the Honor Guidelines for Papers in STS Courses.”

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... Poultry producers in the US use a low-concentration chlorine wash as an antimicrobial treatment to reduce pathogen levels. Meanwhile, **the European Union has banned US poultry due to health concerns because of the chlorine wash treatment even though there are not enough scientific facts to suggest that the chlorine treatment has any detrimental effects on consumers (Kogan, September 2003).**

...International Standardization

In the international ambit, the most well known and most important bodies in charge of defining and distributing (not enforcing) standards are:

- **The International Organization for Standardization** Est. 1947 and currently overseeing 185 technical committees.
- **The International Electrotechnical Commission** Est. 1906 with 88 committees dealing mostly with electrotechnical issues.
- **The International Telecommunication Union.**

There are also other organizations that develop standards that are used globally (Kogan, May 2003).

(p. 8)

... Standards and regulations can act as trade barriers under disguise. This is why Sanitary and Phytosanitary, and Technical Barriers to Trade agreements require regulations based on science and formulated through consensus at the

international level. If such standards do not exist, the best thing to do is to use a science based risk assessment. In addition, the European Union heavily relies on the precautionary principle in the decision making process (Kogan, September 2003).

...The precautionary principle violates Sanitary and Phytosanitary and Technical Barriers to Trade agreements because it does not judge products on their physical or performance characteristics but rather on potential outcome. A country can exclude an industrial activity or product, thought to cause harm, even without enough scientific evidence to prove it is harmful. This poorly defined premise hinders trade and technological development (Kogan, September 2003).

...Qualitative evaluations are more common than quantitative evaluations. Quantitative risk assessments are very time consuming and a minimum of data showing harmful effects can be linked to the precautionary principle. Qualitative risk assessments are more valuable because usually not enough data is available for a quantitative assessment. That is because most companies are worried about lawsuits or competitors so they will not share that information (Kogan, April 2004).

(p. 9)

VI. Exemplary Cases

The Food and Drug Administration has approved certain steroid hormones for use at very low concentrations to improve weight gain in beef cattle. These stronger more feed-efficient cattle deliver a more flavorful and tender product at lower cost (Foreign Agricultural Services, February 1999). But since 1985 the European Union has banned all hormone-treated cattle product through the imposition of a number of Sanitary and Phytosanitary restrictions. The European Union, not surprisingly, used the precautionary principle to justify this ban (Kogan, September 2003).

(pp. 9-10)

... VIII. Bibliographic Sources

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(p. 16).