



October 28, 2025

The Honorable Jamieson Greer
United States Trade Representative
Office of the United States Trade Representative
600 17th Street NW
Washington, D.C. 20230

RE: Request for Public Comments and Notice of Public Hearing Relating to the Operation of the Agreement between the United States of America, the United Mexican States, and Canada

Dear Ambassador Greer,

The Institute for Agriculture and Trade Policy (IATP), the National Family Farm Coalition (NFFC), and the Western Organization of Resource Councils (WORC) appreciate the opportunity to comment on the review of the U.S.-Mexico-Canada Agreement (USMCA). IATP is a non-profit organization based in Minneapolis, Minnesota with offices in Washington, D.C. and Berlin, Germany. IATP works locally and globally at the intersection of policy and practice to ensure fair and sustainable food, farm and trade systems. NFFC is an alliance of 30 grassroots farmer- and advocate-led groups across the United States representing the rights and interests of over 100,000 independent family farmers, ranchers, and fishermen. WORC is a regional network of grassroots community organizations that include 22,750 members and 38 local chapters.

We urge you to utilize the USMCA review process to correct fundamental problems in the agreement that affect farmers, consumers and rural communities. This is an important opportunity to address changes since the agreement was enacted in 2020 and to fix problems that have become apparent during its implementation. We support the changes called for in a June 12 letter from more than 680 civil society groups,¹ particularly the demands to strengthen labor and environmental rights in the agreement, to address the root causes of migration and displacement, to stop abuses of digital trade by big technology companies, to shut down special rights for foreign investors, and to make medicines affordable. We also support calls from environmental and other organizations to ensure that countries can meet their obligations under the Paris Agreement of the United Nations Conference on Climate Change, as well as human rights instruments including the

United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, free from challenges under trade accords.

In addition, we call for new approaches to food and agriculture. Changing USMCA provisions that limit transparency, stifle innovations by farmers, and undermine rural livelihoods should be top priorities in the review.

Specifically, we call on negotiators to:

- **Improve transparency in food labels:** Amend Chapter 11 on Technical Barriers to Trade to add a “Peace Clause” Annex on Transparency in Food Labeling in which Canada, Mexico and the U.S. agree not to challenge each other’s labeling policies under trade rules in USMCA and the World Trade Organization (WTO) until a permanent solution can be found. This would include measures important to all three countries, including mandatory Country of Origin Labeling (COOL) for meat, nutrition, and GMO labeling. Parties to the USMCA should also commit to negotiations to permanently carve out measures related to transparency in food labeling from trade disputes.
- **Encourage innovative seed systems:** Remove the requirement in Chapter 20 on Intellectual Property Rights that each Party ratify UPOV 91, a restrictive treaty that prohibits farmers from saving and sharing protected seeds, thus greatly restricting their ability to develop new varieties that meet their specific needs and respond to changing climate conditions.
- **Develop new solutions to overproduction and low prices of dairy and other agricultural commodities.** This is a complex problem that will require changes to U.S. farm programs, but changes in trade policy are also relevant. As a starting point, the U.S. should abandon its trade challenges to Canada’s dairy supply management program and instead convene a participatory trilateral commission to learn from that and other public programs designed to stabilize prices and supplies and enhance resilient food systems.

1) Improve transparency in food labels to enable informed choices and enhance competition in agriculture

Agricultural production has become extremely concentrated in North America. This is especially true in the U.S. but is a growing problem in Canada and Mexico as well. For example, just four firms control 85% of beef packing in the U.S.² In addition to the fact that producers have so few options over where to sell their goods, the markets themselves are extremely opaque. U.S. farm groups have been pushing for years for reforms that would

reform captive supply chains in which buyers essentially dictate the terms of sales. These include campaigns for mandatory Country of Origin Labeling (COOL) for meat and other commodities. Taken together, these measures could increase transparency in supply chains, contributing to fairer prices for producers, and greater consumer confidence in food products.

Consumers also want to know where and how their food is produced. A 2017 survey conducted by the Consumer Federation of America found that 89% of U.S. consumers want to know where their meat comes from,³ a figure that has likely increased given the growing public interest in local foods. Farm groups hope that U.S. meat will command a premium at the grocery store, but their interests go beyond the retail price.

Proposals in the U.S. Congress for mandatory COOL would require all beef to be labeled as to where the animal was born, raised, and processed.⁴ Mandatory COOL for beef, as well as pork and chicken, has been a priority for U.S. farm groups including the National Farmers Union, National Family Farm Coalition, and the Western Organization of Resource Councils for many years. “It is very simple,” states Gilles Stockton, a leader of the Livestock Competition Team and member of the Northern Plains Resource Council. “Consumers want to know where their beef comes from. We cattle ranchers should have the right to a competitive and transparent market. The global corporations make excessive profits by defrauding consumers and stealing from American cattle ranchers. If leaders in Washington truly share our priorities of supporting independent family livestock producers, then they should support mandatory COOL.”

Mandatory COOL for fresh fruits and vegetables, beef, pork, lamb, seafood, and peanuts was introduced under the 2002 Farm Bill and implemented with some modifications as part of the 2008 Farm Bill. Canada and Mexico brought a trade dispute over COOL for meat to the WTO in 2009, arguing that the rules discriminated against imports. In 2011, a WTO dispute settlement panel ruled that some aspects of the program treated imported meat and cattle less favorably than U.S. production and that the program failed to meet the legitimate objective of providing useful information to consumers.

The U.S. appealed the decision a few months later. In June 2012, while acknowledging the legitimacy of providing consumers with information about the origin of meat, the appellate body upheld the original decision, in large part due to the rule’s record-keeping and verification requirements. Based on extensive consultations with stakeholders, USDA issued a revised rule in 2013 intended to bring mandatory COOL into compliance with the WTO decision. Canada and Mexico rejected that solution, again invoking the WTO dispute process and moving into discussions on retaliatory tariffs. In 2015, the dispute panel authorized Canada and Mexico to impose retaliatory tariffs valued at \$1 billion. The U.S.

Congress repealed the COOL rules a few months later, also removing coverage for chicken, even though that had not been covered in the trade dispute.⁵

Given the vast expansion of data about all aspects of our economy in recent years, the argument that record-keeping is too costly now seems disingenuous. As of 2024, virtually all cattle are required to have Radio Frequency Identification (RFID) ear tags as part of a USDA effort to “strengthen its traceability system to protect the long-term health, marketability and economic viability of the U.S. livestock industry.”⁶ It is hard to believe that the companies moving cattle back and forth across borders at various stages of their lives from birth to processing don’t already track every aspect of that production, including its location. The problem is not so much the cost of compliance as the trade rules that provide excuses not to comply.

In addition, as scientific knowledge emerges about the health impacts of chemical additives and levels of fats and sodium, particularly in ultra-processed foods, there is increasing demand for nutrition labels on food that are both more comprehensive and more accessible. Many countries, including Mexico, have moved to front-of-package nutrition labels that allow consumers to see information on calories, sodium, and fats at a glance, with more detailed information on the back.

Provisions in the USMCA’s TBT chapter calls on regulators to ensure that “technical regulations concerning labels [...] do not create unnecessary obstacles to trade.” That necessity test — the question of when a regulation goes beyond what is judged as necessary to achieve a legitimate policy aim has been subject to conflicts.

In recent years, the Codex Alimentarius Commission (an international standards-setting body referenced in WTO and USMCA TBT texts) has debated what kinds of front-of-package food labels could be justified, but the resulting decision is vague, opening the door to future industry challenges. U.S. legislators and regulatory agencies have been debating improved nutrition labeling laws for decades, with pushback from the food industry. Ambiguity over what measures are “necessary” to achieve public health goals opens the door to trade pressures. In 2024, Mexico published implementation rules for an ambitious new food law that include improved nutrition labeling, as well as new labels for genetically modified foods framed in the context of consumers’ right to information and a strong new legal commitment to the precautionary principle.

One of the fundamental problems with USMCA and similar agreements is simply over-reach. They extend into far too many aspects of each nation’s economies, public policies, and even cultures. Issues around transparency in food systems are complex. The necessity clause that runs through various chapters of the USMCA imposes an unfair standard that

can block innovative approaches to public policy and chill government responses to emerging problems. Recognizing that trade agreements are unable to anticipate all applications of specific rules (such as the necessity clause) and can result in injustices, they include general exceptions intended to shield policies that are in the public interest. Unfortunately, these exceptions have been almost wholly unsuccessful in accomplishing this goal.

Trade rules, both at the WTO and in USMCA, provide for general exceptions in cases where public interest should supersede trade commitments. In the WTO, Article XX of the General Agreement on Tariffs and Trade (GATT) allows for exceptions to “protect human, animal, or plant life or health” or when they are related “to the conservation of exhaustible natural resources,” as long as it is clear that protecting the public interest rather than local industry is the main objective. In theory, this should allow for measures like COOL designed to better inform consumers about food safety and nutrition. In practice, it is a hollow promise. Public Citizen examined the 48 cases in which countries attempted to use the Article XX exceptions to justify environmental or public health measures. Only two of them — both about conservation of natural resources — provided any relief.⁷

These experiences demonstrate that it is not enough to provide such vague exceptions from the trade rules. Instead, to be effectively shielded from challenges, key policy areas must be fully carved out from the trade rules. There are precedents for that kind of action. India has a public stocks program for rice that provides the basis of the country’s food safety net. At the 2013 WTO Ministerial Conference in Bali, India negotiated a Peace Clause for its food stocks program, in which the member countries agreed not to bring disputes over that issue until a permanent solution could be found.⁸ This clause, established at the 2013 conference, acts as an interim measure while a permanent solution is sought for public stockholding of food for food security purposes.

As a first step, the three USMCA countries should use the review process to develop a Peace Clause on transparency and food labels as an annex to the TBT chapter. This would enable the three countries to move forward with plans for Country of Origin Labeling for meat, as well as improved nutrition and other food labels without the threat of corporations pressuring governments to use the trade dispute process to undermine these policies. The U.S, Canada, and Mexico should also commit to the negotiation of a permanent carve-out for rules related to food labeling and transparency in agricultural markets.

2) Encourage innovative seed systems controlled by family farmers

Now more than ever, public policies are needed to support innovative solutions to agriculture and food systems that respond to erratic weather patterns under climate change, as well as nutritional needs and market dynamics. Current trade policies, including those contained in USMCA Chapter 20 on Intellectual Property Rights, create a barrier to those innovations. Article 20.7.2 (d) requires countries to ratify the International Convention for the Protection of New Varieties of Plants (UPOV), as revised on March 19, 1991. UPOV 91 expanded intellectual property rights contained in earlier versions of UPOV to include all forms of production and reproduction of a protected plant variety, while also introducing an optional and limited farmers' privilege, which prohibits the sale and exchange of seeds from protected varieties in principle, and limits the use of farm-saved seeds to certain crops, which may be subject to payment to the seed breeder.

Farmers' rights to save, use, exchange, and sell seeds are critical for upholding food security. A collaborative of NGOs from several countries carried out a Human Rights Impact Assessments of stronger plant variety protection laws based on UPOV 91. This provided convincing evidence from Kenya, Peru, and Philippines of the threat to the right to food of small-scale farmers.⁹

The *uniformity and stability requirements* of plant variety protection under the UPOV system incentivize breeders to work only with limited varieties of "elite" germplasm. This erodes the genetic diversity, which undermines farmers' ability to diversify their production systems and in turn diversify their markets and income streams. Experience shows that this system has resulted not only in diminishing local biodiversity and increasing monocultures but also has led to corporate concentration in the food systems. Such monocultures are highly vulnerable to pests and disease, and increase farmers' dependence on agrochemicals. They also increase the economic cost of growing crops, locking farmers into financing mechanisms they often cannot sustain in the face of erratic farmgate prices, and contributing to farm debts. Globally, the use of agrochemicals has had devastating impacts¹⁰ on the health of farmers and agricultural workers, as well as those eating the produce; it has impacted pollinator populations, and deteriorated the local water quality, further impacting the health of local people, flora and fauna who use that polluted water.

The UPOV system has encouraged this process by providing breeders' rights to corporations. Today four global agribusiness corporations (Bayer, BASF, Corteva and Syngenta Group) control 62% of the global agrochemical market and 51% of the global seed market.¹¹ This concentration has led to rising seed costs for farmers and fewer options to address their specific soil, weather, nutrition and market situations. In fact, the

U.S. Department of Agriculture and Justice Department antitrust division recently announced joint efforts to study the causes of rising seed and fertilizer costs.¹²

The requirement in USMCA to ratify UPOV 91 was a change from a similar provision in the North American Free Trade Agreement (NAFTA), which called on Parties to ratify either the 1978 or 1991 version of UPOV. The 1978 version included flexibility for family farmers to save and share seeds. That option was eliminated in the 1991 version.

The United States and Canada have ratified UPOV 91. Mexico is a signatory to the version of UPOV signed in 1978 and has developed a robust system of seed and plant variety protection. It has resisted implementing the 1991 version. The USMCA review is an important opportunity to remove the requirement that countries ratify UPOV 91 and instead advance more flexible rules that ensure biodiversity and honor seed sovereignty.

3) Develop new solutions to overproduction and low prices of dairy products and other agricultural commodities

As we head to fall harvest, many U.S. corn and soy farmers are desperately looking for bins to store their crop. This is not only a problem of losses of export markets, but also a systemic problem of over-production, which leaves the U.S. agriculture economy highly vulnerable to trade disruptions. Historically, U.S. public policy managed agricultural markets to ensure adequate food supplies as well as fair prices for U.S. producers through supply management, price floors, and parity pricing. Over the past five decades, these important market management policies have been largely dismantled. Their absence is contributing to a multigenerational crisis for family farmers. Prices fall below farmers' cost of production, leading to farm foreclosures and farmland consolidation, shifting production in the U.S. to a system that depends on global commodity trade, not food production, and certainly not local food production.

The U.S. dairy sector has been particularly hard hit by this policy approach — with fewer than 25,000 dairy farms remaining in the United States, there's been a 95% loss of these farms since the 1970s when 648,000 family-scale dairies were in operation.¹³ Since NAFTA was passed in 1992, U.S. agribusiness has sold a false solution to U.S. dairy farmers, claiming that replacing a domestic price stabilization policy with more foreign trade would bring higher profits for family-scale operations.

In contrast, Canada maintains a system of dairy supply management. The National Farmers Union of Canada explains that their system has three pillars: production discipline, cost of production pricing, and import controls. Import controls allow the supply management system to maintain stable prices for Canadian dairy farmers.¹⁴ Cost of production pricing formulas do not work well if there is a flood of cheaper imports from the

U.S. or from other countries. For that reason, Canada has maintained high tariffs on dairy products exceeding the Tariff Rate Quotas agreed to under NAFTA and then the USMCA. There is no evidence that U.S. dairy exporters have exceeded those quotas, so they have not been affected by the tariffs.

For years now, U.S. organizations representing dairy producers and workers have pushed back on U.S. trade disputes against Canada's dairy supply management system under the USMCA. The Wisconsin Farmers Union, Teamsters, and United Food and Commercial Workers Union, among others (including NFFC and IATP), pointed out that dismantling Canada's dairy supply management system is no solution for the ruinously low prices and oversupply of milk confronting U.S. farmers. Wisconsin alone produces more milk than is consumed in all of Canada.¹⁵ Instead, the Dairy Together Network, which includes farmers from across the U.S., has invited Canadian farmers to the U.S. for meetings, speaking tours and congressional briefings to learn whether a version of the Canadian program might work in the U.S.¹⁶

We urge the U.S. government to cease its trade pressures on the Canadian dairy supply management system. This includes refraining from additional formal trade disputes, as well as informal pressure on the Canadian tariffs that ensure that the system is not overwhelmed by a flood of cheap imports

Rather than attempting to turn the relatively small Canadian market into an outlet for U.S. oversupply of dairy production, the U.S. should draw insight from the Canadian system, and more importantly revisit the U.S.'s own agricultural policy history, to once again manage agricultural markets to ensure fair compensation for producers, reasonable prices for consumers, fair wages and treatment for farm workers, and care for the animals and environment our farmers base their livelihoods upon. We urge you to create a commission to learn from the Canadian experience and propose new solutions to benefit family farmers. This commission should include representative organizations of dairy farmers from the three countries and a timeline for proposals for future changes to USMCA.

The USMCA review process is an opportunity to chart a different course for trade and agriculture, with implications that extend beyond this agreement to other future trade policies and agreements. In closing, we reference the call from 680 U.S. organizations about the review process:

A successful USMCA review process must result in significant changes to the agreement so that it benefits working families and contributes to the development of a resilient and fair economy in the United States and across North America. If these needed changes cannot be secured, the United States should not only refuse

to extend the agreement's term beyond its current 2036 expiration but should instead withdraw from the USMCA altogether.

Sincerely,

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¹ Civil society letter available at the Trade Justice Education Fund website: https://tradejusticeeducationfund.org/wp-content/uploads/USMCAResignLetter_061225.pdf?link_id=0&can_id=f48f8c8e93c0ed7f51482469ee613afd&source=email-statement-on-chinas-trade-challenge-against-the-inflation-reduction-act-ira-2&email_referrer=email_2776981&email_subject=statement-on-us-mexico-canada-trade-as-north-american-leaders-meet&&

² James M. MacDonald, Concentration in U.S. Meatpacking Industry and How It Affects Competition and Cattle Prices, USDA Economic Research Service, Amber Waves, January 25, 2024, <https://www.ers.usda.gov/amber-waves/2024/january/concentration-in-u-s-meatpacking-industry-and-how-it-affects-competition-and-cattle-prices>

³ Large Majority of Americans Strongly Support Requiring Origin Information on Fresh Meat, Consumer Federation of America, July 24, 2017, https://consumerfed.org/press_release/large-majority-of-americans-strongly-support-requiring-origin-information-on-fresh-meat/

⁴ See S.271 - Farm System Reform Act of 2023, for example, which would also establish COOL for pork and dairy products. <https://www.congress.gov/bills/118/congress/118th-congress/senate-bill/271/text/toc-idfb4905573d8a4be3a039693bd9b89eeb>

⁵ Country-of-Origin Labeling for Foods and the WTO Trade Dispute on Meat Labeling, Congressional Research Service, March 8, 2016, <https://www.congress.gov/crs-product/RS22955>

⁶ Advancing Animal Disease Traceability: A Plan to Achieve Electronic Identification in Cattle and Bison, USDA Animal and Plant Health Inspection Service, April 2019, <https://www.aphis.usda.gov/sites/default/files/plan-to-achieve-eid-factsheet.pdf>

⁷ Daniel Rangel, WTO General Exceptions: Trade Law's Faulty Ivory Tower, Public Citizen, February 4, 2022, <https://www.citizen.org/article/wto-general-exceptions-trade-laws-faulty-ivory-tower/>

⁸ The Bali decision on stockholding for food security in developing countries, WTO, November 2024, https://www.wto.org/english/tratop_e/agric_e/factsheet_agng_e.htm

⁹ https://www.publiceye.ch/fileadmin/doc/Saatgut/2014_Public_Eye_Owning_Seed_-_Accessing_Food_Report.pdf

¹⁰ <https://civileats.com/2021/03/25/new-study-shows-the-growing-risks-of-pesticide-poisonings/>

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- ¹¹ Action Group on Erosion, Technology and Concentration (ETC Group): Food Barons 2022: Crisis Profiteering, Digitalization and Shifting Power.
- ¹² Ryan Hanrahan, DOJ, USDA to Examine Rising Farm Input Costs, Farm Policy News, September 29, 2025, <https://farmpolicynews.illinois.edu/2025/09/doj-usda-to-examine-rising-farm-input-costs/>
- ¹³ 2022 Census of Agriculture, USDA. February 2024. https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1,_Chapter_1_US/usv1.pdf
- ¹⁴ <https://www.nfu.ca/learn/supply-management/>
- ¹⁵ Julie Ingwersen and Rod Nickel, U.S. dairy farmers get little help from Canada trade deal, Reuters, October 25, 2018, <https://www.reuters.com/article/us-trade-nafta-dairy-insight/u-s-dairy-farmers-get-little-help-from-canada-trade-deal-idUSKCN1MZ1J9/>
- ¹⁶ Sarah E. Lloyd, Dairy Together: Building a Farmer-Led Movement for Supply Management, <https://disparitytoparity.org/dairy-together-building-a-farmer-led-movement-for-supply-management/>