May 24, 2012

The Honorable Ron Kirk
United States Trade Representative
600 17th Street, NW
Washington, D.C. 20508

The Honorable Tom Vilsack
Secretary of Agriculture
14th and Independence SW
Washington, D.C. 20250

Dear Ambassador Kirk and Secretary Vilsack:

As you are both aware, we have been very supportive of efforts to obtain access for U.S. potatoes to all of Mexico. In spite of these efforts Mexico has failed to fulfill the requirements of the market access agreement signed by the United States and Mexico in 2003 that established a clear path for achieving better access for our nation’s potato products. As Mexico’s potential entry into the Trans-Pacific Partnership negotiations continues to be discussed, we urge your Agencies to work with Mexico to resolve the outstanding concerns on market access for U.S. fresh potatoes.

Recently, an international panel of experts was convened to review the technical issues associated with expanded market access. According to the panel of experts, only 6 of the 67 pests that Mexico raised issue with were found to be “of concern.” During the mediation, it was initially agreed that mitigation measures would be taken for 3 of the pests. However, Mexico later insisted that mitigation be done for 33 pests, even though the panel of experts did not consider these a risk for spreading through fresh potatoes. This unnecessary requirement by the Mexican government has led to the deadlock that we currently face on this issue. These extra and unnecessary mitigation measures are an effective trade barrier that is not supported by science.

Further, in addition to the pest concerns, the panel examined and found that Mexico has not applied established principles for dealing with the sanitary and phyto-sanitary issues. We hope that the very limited set of remaining issues identified by the panel will be resolved quickly, and U.S. potatoes will gain fair and full access to Mexican markets. Taking steps to address these outstanding market access issues would send a very positive signal that Mexico is willing to work on constructive solutions and create better trade policy.
The failure by Mexico to resolve the potato market access dispute is concerning, given the growing evidence that any risks associated with the movement of fresh potatoes from the United States to Mexico can be effectively mitigated. We strongly urge you to continue to push Mexico on resolving these technical issues and communicate to Mexico the importance of implementing the market access agreement for U.S. fresh potatoes.

Sincerely,

[Signatures]