

July 7, 2023

Office of United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508

2024 AGOA Eligibility Review Comments – Nigeria and South Africa

Docket No. USTR-2023-0003

The National Pork Producers Council (NPPC) submits these comments in response to a Federal Register Notice (Document No. USTR-2023-0003) requesting comments on the eligibility of sub-Saharan African nations to receive Africa Growth and Opportunity Act (AGOA) benefits.

NPPC is a national association representing the federal public policy and global interests of more than 66,000 U.S. pork producers. The U.S. pork industry is a major value-added sector in the agricultural economy and a significant contributor to the overall U.S. economy. The U.S. pork industry supports 610,000 mostly rural jobs in the United States, adds more than \$57 billion to the country's GDP, and positions the nation as one of the top global pork exporters.

Economists at NPPC and Iowa State University estimated that in 2021 the U.S. pork industry was directly responsible for creating more than 366,000 full-time-equivalent jobs in pork production, generating roughly 122,000 jobs throughout all of agriculture. In addition, the pork sector was responsible for 138,000 jobs in meatpacking and processing and 399,000 jobs in professional services such as financial services, insurance and real estate. In 2022, over 2.6 million metric tons (MT), valued at nearly \$7.7 billion, were shipped to more than 100 nations. However, U.S. pork exports were down in 2022, declining by 8.5 percent and the value by 5 percent from 2021.

Gaining and expanding access to markets around the world is paramount to the growth of the U.S. pork industry. NPPC supports the objectives of AGOA to expand U.S. trade and investment with sub-Saharan Africa, stimulate economic growth, encourage economic integration, and facilitate sub-Saharan Africa's integration into the global economy. NPPC also supports AGOA's trade preferences that allow goods from eligible countries to enter the U.S. market duty-free as long as those nations provide reasonable and equitable market access to U.S. exports.

South Africa

Pork is an important source of protein in South Africa, with total imports averaging \$57 million from 2020 to 2022, primarily from the European Union and Brazil. Net imports average less than 5 percent of South Africa's consumption – the rest is produced domestically. Even though the United States accounts for 20 percent of the global pork trade, virtually none of it is exported to South Africa. The country could be a growing market for U.S. pork, however, exports are hampered by unwarranted, non-

scientific restrictions that are preventing the United States from reasonable and equitable access to the country's pork market. These restrictions, which are inconsistent with international standards, include:

[Language in blue italics in this section summarizes South Africa's rebuttal in the previous AGOA submission]

- **No market access for pork offal, heat-treated/canned products, and casings.**
 - *During the original AGOA negotiations, the U.S. and South Africa excluded pork offal from market access discussions because the U.S. was infected with Aujeszky's Disease. Later, the U.S. submitted a proposal for market access, and South Africa responded with a request for a clause addressing Aujeszky's Disease; no response had been received at the time of these comments.*
 - *South Africa was dissatisfied with the U.S. health certificate program for heat-treated/canned goods and, in 2018, requested information on what countries the U.S. imports beef products from, the import requirements for such products, U.S. surveillance information on Trichinella, and information on how Scrapie risk material would be removed. It had not received a response three years later when its comment was submitted.*
 - *South Africa requires imported casings to be in sealed containers to prevent manipulation during transit and alleges the USDA refuses to seal consignments.*

- **No guidance for the unjustified restriction that lymph nodes must be removed from shoulder cuts.**
 - *The South African government alleges that it made concessions, allowing the importation of pork shoulder cuts that were incorrectly certified as having their connective and lymphatic tissues removed, so long as they were heat-treated to inactivate the PRRS virus. South Africa requested the USDA describe the full procedure for the removal of connective and lymphatic tissue and the verification process for these cuts.*

- **Stringent, non-science-based, trichinae-related freezing requirements on U.S. pork. The United States does not require trichinae testing for U.S. pork because Trichinella is not present in U.S. commercial pork production. While data has not been officially released, the USDA has tested approximately 2.8 million samples from geographically dispersed pigs, with no sample testing positive.**
 - *The U.S. and South Africa both assert they are free of Porcine Trichinellosis, and South Africa has requested surveillance information and a dossier to this effect based on the OIE-Terrestrial Animal Health Code.*

- **Limits on pork cuts allowed for importation because of concerns related to Porcine Reproductive and Respiratory Syndrome (PRRS) and the pseudorabies virus (PRV). This restriction is inconsistent with U.S. and international standards.**
 - *The World Organization for Animal Health (WOAH) Terrestrial Code on PRRSV specifically states that meat products can be safely traded regardless of PRRSV status of the exporting country. The South African Government*

refuses to abide by this standard. Based on USDA surveillance data, PRV is not present in the U.S. commercial swine herd.

- *At the time of its response, South Africa was free of PRRS and was unwilling to allow pork imports without proper risk mitigation. It justifies stricter standards than those recommended by the OIE based on its long-term efforts to eradicate the virus.*
- *No references to PRV.*

The continued presence of these restrictions suggests that South Africa is not meeting its AGOA Sec. 104 obligations to make continual progress on the elimination of barriers to U.S. trade and investment. Because of these unjustified barriers, the United States is losing tens of millions of dollars in exports and associated U.S. jobs. The ban on variety meats (internal organs) is particularly harmful. While limited demand exists in the United States, variety meats are in strong demand in South Africa and other international markets. Gaining access to these markets allows U.S. pork producers to increase the value of each hog sold while providing consumers seeking these products with an affordable, safe option. In 2015, U.S. beef gained greater access to the South African variety meat market and expanded exports to \$11.6 million in five years. NPPC hopes to gain similar benefits if it is provided equitable treatment. Expanding access to variety meat markets also reduces rendering and landfill disposal.

South Africa is currently the largest non-oil beneficiary of AGOA, exporting over \$2.7 billion of goods under the AGOA program to the United States in 2021. South Africa also takes advantage of the U.S. Generalized System of Preferences (GSP) program, which gives duty-free treatment to certain goods entering the United States. Although South Africa is the largest beneficiary of the AGOA program, it remains unwilling to extend reasonable and equitable treatment to imports of U.S. pork. Therefore, NPPC calls for removing South Africa's eligibility for AGOA benefits.

Nigeria

Despite being the second largest AGOA user, exporting \$1.4 billion of goods to the United States in 2021, Nigeria has continued to block U.S. market access for pork. Nigeria has a rapidly growing population of 213 million people, with increasing protein-consumption trends. It could also serve as a useful trade hub for U.S. exports to neighboring African countries.

While Nigeria began allowing pork sausage imports from the U.S. in early 2022, it has maintained an express [prohibition](#) against the importation of raw pork (all tariff lines under HTS 0206 and 0210.10), as well as beef, poultry, and associated products. Nigeria's restrictions against U.S. meat and poultry are non-science based, clearly violate GATT Article XI.1, and must be eliminated. NPPC is working to gain market access without any mitigations and encourages the requirement of science and risk-based policy and practices. For this reason, we call for the removal of Nigeria's eligibility for AGOA benefits.

As previously noted, NPPC is an active supporter of expanded trade. However, NPPC does not support South Africa and Nigeria reaping the rewards of preferential U.S. tariff programs while providing significantly limited market access for U.S. pork.



The Global Voice for
the U.S. Pork Industry

Thank you for your consideration.

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