The Global Voice for
the U.S. Pork Industry

August 18, 2025

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

RE: Initiation of Section 301 Investigation of Brazil (Docket No. USTR-2025-0043)

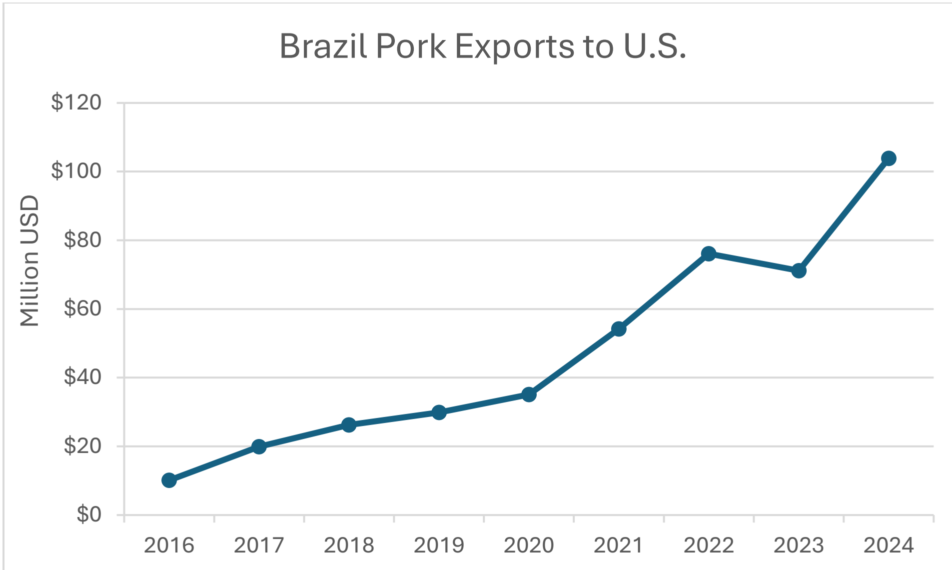
Current Market Access Issues with Brazil for U.S. Pork

The National Pork Producers Council (NPPC) submits the following comments in response to the United States Trade Representative (USTR) announcement of July 13, 2025, initiating an investigation of Brazil under Section 301 of the Trade Act of 1974 (Docket No. USTR-2025-0043). NPPC welcomes the investigation, which seeks to determine whether acts, policies, and practices of the Government of Brazil related to digital trade and electronic payment services; unfair, preferential tariffs; anti-corruption interference; intellectual property protection; ethanol market access; and illegal deforestation are unreasonable or discriminatory and burden or restrict U.S. commerce.

NPPC is a national association representing the federal public-policy and global interests of more than 60,000 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. More than 500,000 American jobs are supported by U.S. pork production, with U.S. pork exports accounting for more than 70,000 of these jobs.

The United States is among the top global exporters of pork, shipping more than 3 million metric tons (MT), valued in 2024 at $8.63 billion, to more than 100 countries annually. Gaining and expanding access to markets around the world is paramount to the growth of the U.S. pork industry. NPPC supports efforts to expand U.S. trade and market access opportunities and ensure that U.S. agricultural exports, such as pork, are not subject to unfair tariffs or non-tariff barriers, such as those imposed by Brazil.

While U.S. pork has been shut out of the Brazilian market, Brazilian producers have enjoyed access to the United States. The following chart shows the exponential growth of Brazilian pork exports to the United States. Over the past decade, Brazilian pork exports have increased by over 1,900%. In 2014, the United States imported $5.2 million of pork and pork products from Brazil, and the total has grown to over $104 million in 2024.



Unfortunately, Brazil has a de facto ban on U.S. pork that stymies any access for reasons that lack any scientific justification. NPPC requests that USTR works to eliminate such baseless, non-tariff barriers, imposed under the guise of food safety, so that fresh, frozen, and processed U.S. pork may be shipped to Latin America's largest economy.

Specifically, Brazil continues to flout international commitments of the World Trade Organization's (WTO) Sanitary and Phytosanitary (SPS) Agreement to not impose more stringent requirements on imported product than those imposed on domestic products to achieve an "appropriate level of protection" to ensure animal health and food safety. The United States animal health inspection and food safety standards and systems ensure animal and public health are among the most robust of any country. The United States, one of the largest exporters of pork in the world, operates a world-class plant inspection and approval system and is more capable than any other country of meeting Brazil's "appropriate level of protection" standards for imported pork. Brazil's failure to recognize the U.S. system and insistence on plant-by-plant approvals are unacceptable barriers to U.S. pork access.

In recent years, market share in California for U.S. pork producers has decreased because of that state's Proposition 12 sow housing requirement and U.S. pork producers' difficulty in meeting it. Brazil has capitalized on the Proposition 12 burden on U.S. producers by adjusting to meet California's non-science-based regulatory requirements. Brazilian exporters have increased pork shipments to California, undermining U.S. pork producers. It is important to note that NPPC has not formally objected to Brazil's foreign market access requests. NPPC members are increasingly frustrated with Brazil's growing shipments to California, which undercut U.S. producers, rural America, and U.S. agriculture.

Specific SPS issues impeding U.S. pork exports to Brazil are the failure to negotiate export certificates, trichinae testing, and onerous requirements for label registration.

Export Certificates: After over a decade of talks, Brazil has failed to finalize the negotiation of an export certificate to allow the entry of U.S. pork. One concern it has raised is the U.S. government's acceptance of regionalization from European Union (EU) countries that are positive for African swine fever (ASF). Brazil does not recognize this regionalization and has raised concerns that recognition would expose Brazilian production to foreign animal diseases from other countries. Oddly enough, Brazil submitted a similar regionalization agreement request to the United States for Foot and Mouth Disease, which the U.S. government has recognized and which has allowed pork to be imported from the Santa Catarina region of Brazil. In other words, while the United States has adhered to international WTO rules and (World Organization for Animal Health) (WOAH) and Codex Alimentarius guidelines and facilitated Brazilian pork imports, Brazil has not followed the same international commitments to allow U.S. access.

Trichinae Testing: Brazil has requested U.S. pork producers to either test fresh/chilled pork for trichinae through pooled testing, or subject pork to freezing in accordance with existing federal regulations (9 CFR318.0). The pooled testing for fresh/chilled pork must take place through the United States Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) Trichinae Analysis and Laboratory Certification Program. Submitting pork to trichinae testing under the AMS Certification Program is costly and burdensome.

Over the last 30 years, the United States has implemented a strong biosecurity program for pork production that has been effective in reducing to negligible levels the risk of Trichinella in the U.S. swine herd. This biosecurity program is supplemented by the Pork Quality Assurance Plus program offered by the National Pork Board, which facilitates veterinarian/producer development and maintenance of biosecurity measures.

Trichinella has not been detected in the U.S. commercial swine herd in well over a decade. Based on tests conducted by the USDA under the AMS Trichinae Export Program, the prevalence of Trichinella in the United States is 0.194 per 1 million animals. Brazil's trichinae-related restrictions on U.S. pork violate numerous provisions of the WTO Agreement on the Application of SPS Measures, including the requirement that SPS Measures be based on science (Article 2.2) and that SPS measures be based on legitimate risk assessments (Article 5.1). U.S. negotiators should seek elimination of Brazil's trichinae testing requirements for pork as part of an agreement since the Animal Plant Health Inspection Service (APHIS) now considers the United States to have a negligible risk for Trichinella.

Background on trichinae:

- The WOAH revised Chapter 8.16 on July 20, 2015, outlining requirements for establishing a negligible risk compartment for Trichinella.
- In 2018, APHIS established requirements for conducting a Trichinella prevalence study.
- USDA's Agriculture Research Service contracted Dr. Ray Gamble, former president of the International Trichinella Commission, to complete the study.
- The study was completed on July 22, 2024, and published in the Journal of Food and Waterborne Parasitology.
- A total of 3.2 million samples were analyzed from 12 processing plants over a period of 54 months, with no positives for Trichinella.
- These results are consistent with international guidelines for having a negligible risk to public health.

NPPC can provide the study should USTR need it; here's the USDA press release: https://www.ars.usda.gov/news-events/news/research-news/2024/usda-research-documents-absence-of-trichinella-infection-in-commercial-pigs/

Label Registration: Brazil imposes an onerous label registration process, which has reduced the volume of U.S. beef exports to Brazil. The overly burdensome regulatory process for registering labels for every product and package configuration of an approved product exported to Brazil limits U.S. market access for any and all agricultural products without enhancing food safety. NPPC continues to face regulatory burdens on U.S. agricultural exports and encourages the Administration to pursue relief in this space to facilitate enhanced U.S. access for all meat products, including pork, to the Brazilian market.

For over a decade, pork product trade between the United States and Brazil has been one-sided, favoring Brazilian pork producers and exporters. The South American country has long enjoyed favorable access to the U.S. market, where tariffs are nearly zero and the U.S. regulatory regime is science-based and predictable. In contrast, Brazil's MFN tariff of 9% along with several longstanding non-tariff barriers make it almost impossible for U.S. pork to enter the Brazilian market and compete on a level playing field. The U.S. pork industry, which produces pork that is second-to-none globally in terms of safety, quality, and affordability, is virtually locked out of the Brazilian market. NPPC requests that the Trump Administration negotiate reciprocal, two-way opportunities for pork trade between the United States and Brazil.

Thank you for the opportunity to provide comments on behalf of the more than 60,000 U.S. pork producers.

Sincerely,

Maria C. Zieba
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National Pork Producers Council