

Congress of the United States
Washington, DC 20515

March 12, 2010

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

RE: Ensure the Trans-Pacific Partnership protects the environment

Dear Ambassador Kirk:

We write to emphasize the range of environmental issues raised by the negotiation of the Trans-Pacific Partnership (TPP). The TPP provides a significant opportunity to improve environmental protection and enforcement across the Pacific region.

In May 2007, as part of the May 10th Agreement, Democratic Members of the House of Representatives negotiated a set of principles to guide trade negotiations for four pending free trade agreements. The "New Trade Policy for America" called for, *inter alia*, the promotion of sustainable development and the recognition of the dangers of climate change through the adherence to a set of multilateral environmental agreements. This was recognized at the time by a number of environmental organizations as a "significant step forward." We hope that the TPP builds on this progress.

We understand you intend to pursue an agreement that, in the President's words, will have "high standards worthy of a 21st century trade agreement." A key facet of any "high standard" agreement is a strong set of environmental provisions. As you indicated in your letter to Speaker Pelosi, you are planning to "enhance the agreement's focus on environmental protection and conservation." We presume that, as a minimum, you intend to incorporate and build upon the environmental provisions of the May 10th Agreement in the TPP. We support the inclusion of environmental provisions as part of the progress that must be made and look forward to working with you to achieve that aim.

The TPP negotiations provide the opportunity to address pressing environmental concerns relevant to the TPP countries. These include:

- Illegal logging and the trade in illegally harvested forest products destroys valuable forest ecosystems and the wildlife that depends on them, undermines legitimate commerce, fuels conflict, and has serious economic and environmental consequences. Illegal logging is a challenge throughout the TPP region and your agency has already begun to engage the region on these issues under its Asia-Pacific Regional Dialogue to Promote Trade in Legally Harvested Forest Products. We commend your efforts in this regard and urge you to integrate forestry protections into the TPP to the extent necessary to meet the scale of the challenge.
- The TPP presents a unique forum to address ocean conservation. According to the scientific journal *Nature*, only 10 percent of all large fish are left in the sea. Illegal, unregulated, and unreported fishing and seafood fraud remain obstacles to improving fisheries management. Highly migratory species such as some sharks are not only overfished, but are subject to destructive fishing practices such as shark finning. Harmful subsidies provide financial support to allow continued unsustainable fishing practices. All of the TPP countries have strong marine interests and seafood products are a valuable component of international trade among Pacific countries. As a major seafood importer, the United States is in the position to advance conservation measures in this agreement. Among these measures, the U.S. should work to encourage policies that protect endangered, threatened and other protected species harmed by particular fishing methods.
- Illegal wildlife trade is a grave threat to species all over the world. Sources such as Interpol estimate that illegal wildlife crime may generate as much as \$20 billion per year, second only to arms and narcotics trafficking. The regions covered by the TPP include primary trading routes for illegal trade in wildlife, such as between the United States and Asia. By ensuring meaningful compliance with laws proscribing the illegal wildlife trade and sufficient resources to continually improve such compliance, the TPP can greatly reduce the illegal trade in wildlife.
- The impacts of a changing climate are far-reaching, representing a threat not only to our natural ecosystems but to our national security as well. There is a close nexus between trade and carbon pollution and its effects on our climate, and this agreement should provide a mechanism to reduce this pollution and to mitigate its effects.
- More generally, the administration should ensure that any investment chapter of the TPP should not prevent the parties from enacting and enforcing strong environmental protections.

In addition to these important matters, several of the parties have already concluded bilateral trade agreements with the United States. We are deeply interested in understanding how the TPP will interact with those agreements, particularly with regard to environmental protections.

As the TPP evolves, it will be important for Congress to understand the ramifications of any environmental provisions included in the agreement, as well as the overall environmental impacts of this agreement. As part of any agreement, finding a mechanism to identify, quantify, and publicize these impacts for policy-makers will be important. Engagement with public stakeholders will also be key in this endeavor.

We look forward to progress on these matters and on other environmental concerns that might be identified during the course of the negotiation. How these issues are addressed will be an essential element of determining our support for any final agreement. Thank you for your attention and please keep members of our staff updated on any progress made towards addressing the issues raised in this letter. David Skillman has agreed to serve as a point of contact for this letter and he can be reached at 202/225-4792 or at david.skillman@mail.house.gov.

Sincerely,



Earl Blumenauer
Member of Congress



Jim McDermott
Member of Congress



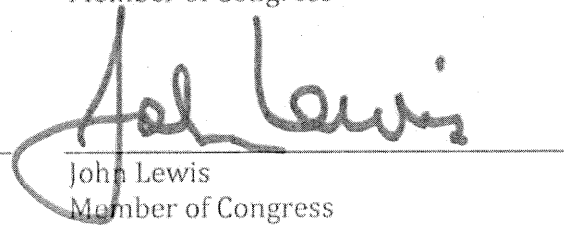
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