

Congress of the United States
Washington, DC 20515

June 03, 2011

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

Dear Ambassador Kirk:

We write to urge the completion of a strong environmental chapter in the Trans-Pacific Partnership (TPP) that adopts the provisions called for in the May 10th bipartisan deal on trade. Those provisions were incorporated in the U.S.-Peru Trade Promotion Agreement that passed with bipartisan support and are included in all three of the pending free trade agreements with Colombia, Panama, and South Korea. It is imperative that we maintain this progress.

We support your efforts to advance the provisions tabled to date concerning illegal trade in wood and wood products, illegal wildlife trade, fisheries subsidies, marine conservation, and shark preservation. They complement U.S. domestic law and will strengthen the positive impact of U.S. conservation efforts in these areas. These provisions protect the environment while simultaneously providing increased market access opportunities, raising standards of living for local communities, and leveling the playing fields for U.S. businesses. Moreover, inclusion of these provisions advances the President's objective of completing a trade agreement with "high standards worthy of a 21st Century trade agreement." It is critical that these provisions, together with the rest of the environmental chapter, be fully enforceable under the agreement and subject to dispute resolution in the same manner as commercial obligations.

We wrote to you last year to highlight our belief that the TPP, "provides a significant opportunity to improve environmental protection and enforcement across the Pacific region" and to emphasize the need to incorporate the provisions of the bipartisan deal on trade concluded in May 2007 which were included in the Peru Free Trade Agreement and the three pending free trade agreements.^[1] These environmental provisions include, *inter alia*, the effective enforcement of multilateral environmental agreements, the non-derogation from a party's environmental laws, and the application of dispute settlement provisions to the environmental obligations in the same manner as to our commercial obligations. We consider these provisions an essential part of the basic framework of any trade agreement that we could support.

^[1] Rep. McDermott *et al.*, Letter to Ron Kirk, U.S. Trade Representative regarding environmental provisions in the Trans-Pacific Partnership (March 12, 2010).

Senior Republican Members of the House of Representatives have also emphasized the importance of these environmental provisions. In a 2009 letter concerning the South Korea FTA, which contains the May 10th environmental provisions, then Minority Leader John Boehner, Minority Whip Eric Cantor, Ways and Means Ranking Member David Camp and Trade Subcommittee Ranking Member Kevin Brady and other House Republicans stated:

KORUS is an opportunity to display for the world U.S. leadership on harmonizing trade liberalization with labor and environmental considerations. . . .

. . . KORUS is the paradigm when it comes to ensuring that trade and environmental policies are mutually supportive. The agreement goes beyond preserving the status quo; it will actually strengthen environmental protection, if entered into force. Pursuant to the May 10 Agreement modifications to KORUS, South Korea must adopt, maintain, and implement laws, regulations, and all other measures necessary to fulfill its obligations under covered multilateral environmental agreements ("MEAs"). Like its labor obligations, South Korea may not derogate from these provisions in a manner affecting trade and investment. Moreover, the dispute settlement provisions covering South Korea's environmental obligations are subject to the same stringent enforcement and remedy that apply to all other KORUS obligations.

In protecting and preserving fundamental labor rights and environmental principles according to the bipartisan May 10 agreement, KORUS will enhance the international means of doing so. . . .^[2]

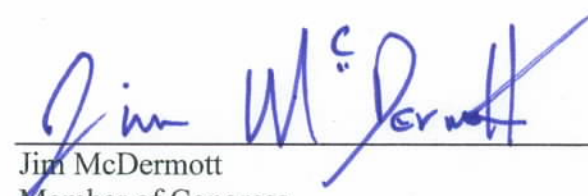
We agree and hold the view that it would be unacceptable to pursue a "21st Century trade agreement" that abandoned that bipartisan foundation. Thank you for your attention and we look forward to working with you to advance these important environmental provisions in the Trans-Pacific Partnership negotiations.

Sincerely,

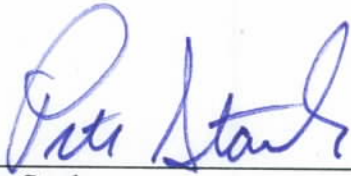

Earl Blumenauer
Member of Congress


Sander Levin
Member of Congress

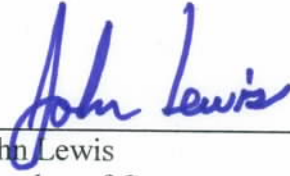

Charlie Rangel
Member of Congress


Jim McDermott
Member of Congress

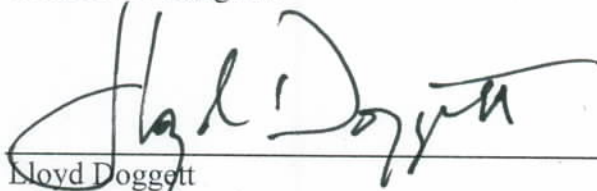
^[2] Leader Boehner *et al.*, Letter to Ron Kirk, U.S. Trade Representative regarding the U.S.-South Korea Free Trade Agreement (Sept. 15, 2009) 5.



Pete Stark
Member of Congress



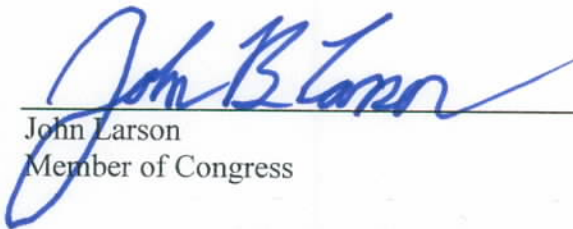
John Lewis
Member of Congress



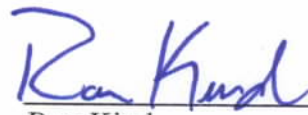
Lloyd Doggett
Member of Congress



Mike Thompson
Member of Congress



John Larson
Member of Congress



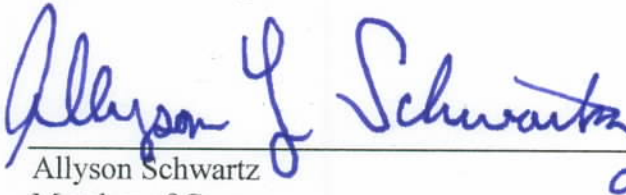
Ron Kind
Member of Congress



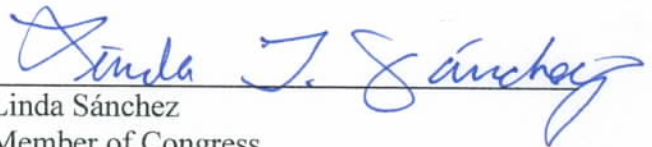
Bill Pascrell, Jr.
Member of Congress



Joe Crowley
Member of Congress



Allyson Schwartz
Member of Congress



Linda Sánchez
Member of Congress



Mike Honda
Member of Congress