

United States Senate

WASHINGTON, DC 20510

October 17, 2012

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

Dear Ambassador Kirk:

In advance of the next round of negotiations for the Trans-Pacific Partnership (TPP) Agreement, we write to thank you for your work to advance an environmental chapter that safeguards our international competitiveness, creates jobs and protects the environment through a strong, binding, and legally enforceable agreement. A binding and enforceable TPP environment chapter that stands up for American interests is critical to our support of the TPP. We believe the 2007 bipartisan congressional consensus on environmental provisions included in recent trade agreements should serve as the framework for the environment chapter of the TPP.

An agreement that is good for American businesses, good for the environment, creates jobs, and keeps the playing field level across the Pacific region can only be achieved by strengthening the legal and sustainable trade of natural resources and combating trade in illegal timber, fish, and wildlife. Without such provisions, the rich biodiversity of the Pacific Rim and the legitimate businesses and good jobs it sustains will continue to be threatened, ultimately undermining legal trade and the U.S. economy.

For example, the World Bank estimates that the illegal trade of timber products costs developing nations \$15 billion each year, and translates to an annual income loss of about \$1 billion dollars to U.S. producers of legal wood. Illegal logging hurts U.S. businesses and the workers upon which they rely.

Without adequate protection, the threats to the Pacific Rim's natural resources are clear. The Food and Agriculture Organization now estimates that more than 85 percent of the world's commercial fish populations are over- or fully-exploited. Government sponsored fishing subsidies are a primary contributor to overfishing. These subsidies are driving the depletion of fish resources in the Pacific Rim and they put the U.S. fish and seafood industries at an economic disadvantage, limiting their ability to compete in domestic and foreign markets.

The environment chapters in recent U.S. trade agreements strengthened by the 2007 bipartisan agreement include a) the effective enforcement of multilateral environmental agreements with a clear trade nexus, b) the non-derogation from a party's environmental laws, and c) the application of dispute settlement provisions to the environmental obligations in the same manner as commercial obligations. These elements are critical to ensuring accountability between trading partners and higher standards for environmental protection that benefits the economies of both the United States and our trading partners.

The TPP should build on the progress of our recent FTAs and support legal and sustainable trade in natural resources. The environment chapter should be binding and subject to the same dispute settlement provisions as commercial chapters; should ensure that countries uphold and strengthen their domestic environmental laws and policies and their obligations under agreed multilateral environmental agreements; and should include binding provisions to ensure the sustainability of trade in natural resources and wildlife, including through provisions to combat illegal trade. Without specific provisions to combat illegal trade, the TPP would facilitate an increase in illegal trade as overall trade increases. It is important that other provisions in the agreement, including those in the investment chapter, do not undermine efforts to protect the environment, protect the legal trade in natural resources, and address the challenges of sustainable conservation.

We think a "21st Century trade agreement" must have an environment chapter that guarantees ongoing sustainable trade and creates jobs, and that this is what American businesses and consumers want and expect also.

Thank you for your work in advancing these important environmental provisions in the Trans-Pacific Partnership negotiations.

Sincerely,

Pat Wyden

John F. Kerry

Jeffrey A. Merkley

Kirsten E. Gillibrand

Ben Cardin

Olympia Snowe

Bob Casey

Sheldon Brown

John Chafee

Tom Udall