Congress of the United States
Washington, DC 20515

July 29, 2015

Ambassador Michael Froman
Office of the United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Froman:

We appreciate your hard work advancing America's interests in trade negotiations and creating the most progressive Trade Promotion Authority (TPA) in history. The content and passage of TPA reflects that hard work.

Now that TPA is law, we write to emphasize that our support for TPA does not translate into automatic support for the Trans Pacific Partnership (TPP).

At the conclusion of the negotiations, we will consider whether our constituents and country are better off with, or without, an agreement. Congress drafted TPA to provide the American people with an unprecedented opportunity to review the terms of the agreement before Congress votes on it. This long-overdue level of transparency requires that any final TPP agreement is able to withstand their careful scrutiny.

We are concerned that the TPP would fail this scrutiny if it does not incorporate the standards set in the May 10th Agreement, reached by House Democrats and the Bush White House in 2007, with respect to the environment chapter.

The May 10th framework put an end to the false notion that trade agreements were separate and apart from environmental concerns. Since then, environment provisions have been enforceable through the same mechanisms applied to all other chapters, including the possibility of trade sanctions in the event of a violation.

Your vision to include in the TPP environment chapter new provisions to further address the illegal trade in wildlife, forest or living marine resources, and overfishing and other egregious marine practices that harm our oceans was made clear in USTR's "Green Paper."

A strong TPP environment chapter that incorporates the proposals outlined in your Green Paper is critical. We have an opportunity to not only require TPP countries to abide by their own environmental laws, but raise the environmental standards across 40 percent of the global economy.

PRINTED ON RECYCLED PAPER

TPP countries represent some of the most resource-rich regions in the world. From Vietnam's Mekong Delta to the Peruvian Amazon to Chile's Patagonia wilderness to the rich Pacific Ocean that ties all TPP countries together, we cannot forego an opportunity to improve environmental protections, enforce conservation standards, and prohibit the illegal trade in wildlife, forest and living marine resources to a degree that no level of foreign aid could accomplish.

There are significant trade related environmental concerns that effective provisions in TPP can help remedy. For example, the practice of whaling and shark finning continues in the region. The World Bank estimates that illegal logging accounts for 80 percent of all timber production in Peru, and Singapore and Malaysia continue to serve as hubs for the illegal timber trade. By ending the trade in illegally harvested timber, we also combat climate change—by some studies, illegal logging accounts for 17 percent of all carbon emissions each year—and we strengthen governance of natural resources. While Vietnam has made great progress to reduce its consumer demand for rhino horn, it remains a top destination for these, and other, illegally poached goods.

A strong environment chapter will also be critical in the fight to protect U.S. small- and medium-sized businesses that are consistently undercut by the environmental practices in both TPP countries and those who may someday join the agreement. Each year, 15 percent of world fish catches are caught illegally. That black market's estimated worth is as high as $23 billion dollars, and some of the worst actors in illegal, unregulated, and unreported (IUU) fishing are in the Pacific region. That means billions in economic losses for those who play by the rules. The American Forest & Paper Association estimates that illegal logging costs U.S. timber producers $1 billion annually, eroding sustainable forest management practices and costing jobs in responsibly managed forests.

The trade of illegally sourced wildlife, forest, and living marine resources are also often used to fund terrorists and other criminal organizations. The al Qaeda affiliate, al Shabaab, generates a significant portion of its funding from illegal ivory. The Lord's Resistance Army also depends on a portion of the $10 billion generated each year from wildlife trafficking. Organized crime siphons off a portion of the $30 to $100 billion in the annual illegal timber trade. By committing TPP countries to prohibit trade in these illegally sourced goods, we can significantly erode current and future markets and transshipment points.

We are also deeply concerned about mitigating climate change. While the TPP was never going to be the forum to comprehensively address climate issues, it should set the stage for TPP countries to move towards low-emissions economies. We also emphasize the importance of ensuring the TPP investment chapter protects the right of each of the TPP countries to make and fairly enforce strong environmental protections, including those relating to climate change.

While we understand important progress toward these goals has been made based on the May 10th agreement, we want to ensure that the provisions are strong enough to meet the high standards called for in all TPP chapters and outlined by the Green Paper. Aspirational language is necessary in some instances, but their use does not guarantee that specific actions will be taken to meet those corresponding objectives. Further, we hope a final agreement provides strong language on core environmental commitments so there is clarity and progress is easily identified.

Such commitments are essential for the ability of the TPP to have a significant impact on some of the most challenging issues of our time, from our economy to our national security to our environment. We look forward to continuing our work with you to ensure the Transpacific Partnership is as strong as possible and is worthy of widespread support.

Sincerely,

Earl Blumenauer
Member of Congress

Scott H. Peters
Member of Congress

Suzan K. DelBene
Member of Congress

Ami Bera, M.D.
Member of Congress

Donald S. Beyer, Jr.
Member of Congress

Suzanne Bonamici
Member of Congress

Gerald E. Connolly
Member of Congress

Susan A. Davis
Member of Congress

Sam Farr
Member of Congress

Rubén Hinojosa
Member of Congress

James A. Himes
Member of Congress

Eddie Bernice Johnson
Member of Congress

Derek Kilmer
Member of Congress

Rick Larsen
Member of Congress

Ron Kind
Member of Congress

Beto O'Rourke
Member of Congress

Jared Polis
Member of Congress

Mike Quigley
Member of Congress

Kathleen M. Rice
Member of Congress