Congress of the United States
Washington, DC 20515

February 20, 2014

The Honorable Michael Froman
U.S. Trade Representative
Office of the U.S. Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Ambassador Froman:

We were concerned by the recently leaked documents showing that the U.S. is under great pressure from other Trans-Pacific Partnership (TPP) countries to weaken strong environmental protections in our Pacific trade deal. We appreciated your response that the U.S. will "insist on a robust, fully enforceable environment chapter in the TPP or we will not come to an agreement." We support this position and believe reluctant partners or artificial timelines should not steal away this opportunity to secure environmental protections capable of generating ecological benefits for decades to come. It is critical to us that you continue your efforts to lead the TPP and member countries in the right direction on the environment chapter at the upcoming ministerial round of negotiations.

We don't all agree on the merits of TPP, but we all agree the administration must continue to insist on a robust, fully enforceable environment chapter that builds on and strengthens the bipartisan May 10, 2007 framework agreed to between President Bush and Congress (the "May 10th Agreement"). This would allow the U.S. to better address climate change, protect finite natural resources, strengthen national security, and foster economic stability at home and abroad.

To build on the May 10th Agreement, TPP must include new and robust commitments for member countries to protect and conserve forests, oceans, and wildlife and obligate member countries to comply with both domestic environmental laws, not derogating from those laws, and meet their commitments under multilateral environmental agreements (MEAs). These commitments must be strong, binding and enforceable, and subject to the same dispute settlement procedures as the commercial chapters, including recourse to trade sanctions.

Further, it is our expectation that Peru and the United States will be required to continue compliance with the United States-Peru Trade Promotion Agreement, including the Environment Chapter and all annexes thereto, ensuring continued adherence by our two countries to the high environmental standards that we have agreed to. Any other result would nullify the unprecedented benefits that the agreement has the potential to provide.

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TPP countries make up more than one third of the global fisheries catch, and more than one tenth of world aquaculture production. Should countries like China, South Korea, and Thailand join in the future, both of those figures would rise to more than fifty percent. This agreement offers the opportunity to put in place a rules-based, sustainable fishery management system. Furthermore, subsidies for fishing that amount to roughly 20 percent of the value of global catch not only distort trade but support fishing fleets that are too large to fish sustainably. TPP countries represent some of the most diverse forests on earth, but many of those forests face unsustainable logging practices, which globally accounts for 17 percent of total carbon emissions and substantial threats to endangered plant and wildlife. Many TPP countries do not have sufficient rules or fail to adequately enforce their laws against the trade in illegally sourced plants and wildlife, a roughly $15 billion market that often funds international criminal activity.

A robust, fully enforceable environment chapter is about more than just conservation and undercutting the black market. It will also help level the playing field for U.S. companies consistently placed at a disadvantage because of poor or unevenly enforced environmental laws in other TPP countries. According to the World Bank, illegal logging and processing cuts income to the U.S. forest products industry by $1 billion. Illegal, unregulated, and unreported fishing, which is a $10 to $23.5 billion industry, together with losses from intentionally mislabeled seafood from abroad, undercuts the prices our fishermen receive for their honest catch while simultaneously shortchanging American consumers.

From the outset of these negotiations, you have made it clear to our negotiating partners – in person and through your Green Paper on Conservation – that the price for participation in TPP would be accepting strengthened May 10th agreement provisions. We appreciate this strong leadership, and urge you to use the leverage we have as the most powerful economy in the world to secure tools capable of addressing regional conservation challenges.

As you prepare for the next TPP ministerial meeting, we want to make clear to all parties that we will continue to fight for strong and binding environmental standards in TPP that will protect and conserve our forests, oceans and wildlife, strengthen key domestic industries, and prevent a regulatory race to the bottom. We look forward to continuing to work with you and your staff to ensure that we seize this historic opportunity.

Sincerely,

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