

**FYI, from IUST. Letter from environment organizations here:** <http://www.sierraclub.org/trade/downloads/NGO-Letter-Ambassador-Kirk-TPP.pdf>

### **Environmental Groups Urge USTR To Not Back Down From TPP Proposal**

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Ahead of the 18th round of Trans-Pacific Partnership (TPP) negotiations that kicks off next week in Malaysia, eight U.S. environmental groups are urging U.S. Trade Representative Michael Froman to ensure that the United States does not back down from its wide-ranging environmental proposals in TPP even as it faces strong opposition from other countries participating in the talks.

The groups conveyed that message in [a July 11 letter](#) to Froman that largely mirrored one they sent in August 2012 to then-USTR Ron Kirk. The new letter was sent after USTR officials held a briefing last week with environmental groups to update them on the status of the TPP environment negotiations, although sources said the officials provided few details other than saying they continue to make progress in this challenging area of the talks.

Even in private briefings with stakeholders, U.S. negotiators have provided little information on the status of the more controversial sections of the U.S. environment proposal. These include the core commitments for countries to enforce their environmental laws and uphold their commitments under multilateral environmental agreements (MEAs); binding provisions on the conservation of plants and wildlife; and the U.S. demand that the environment chapter be subject to the normal TPP dispute settlement mechanism.

A USTR official said TPP countries continue to discuss the more controversial environment issues alongside other ones, and "are making progress." USTR is aiming to reach agreement on as much of the environment text as possible at the upcoming Malaysia round, according to the official, who added that this is the goal for every round.

This official said the environmental group has been engaged in work in between the May TPP round and the upcoming Malaysia round. This work has been conducted in various configurations, including "small groups of partners focused on specific issues of interest," the official said. There have been a combination of teleconference and in-person meetings, according to the official.

U.S. officials have told environmental groups that countries made progress at the last round of TPP talks in Peru on less controversial, procedural elements of the environment chapter, which include institutional arrangements and so-called voluntary market mechanisms, according to one informed source.

Voluntary market mechanisms, which have been included in past U.S. free trade agreements, refer to mechanisms put in place by governments that facilitate voluntary action to protect the environment, including through business partnerships and market-based incentives to encourage conservation and other environmental goals.

In the past, TPP countries have focused on less controversial issues in the environment chapter in the hope that this would move the overall talks forward. Earlier this year, the U.S. worked with Chile and Peru to combine separate proposals laying out a framework for how TPP countries should cooperate on environmental conservation issues moving forward ([Inside U.S. Trade, Jan. 25](#)).

But on the most controversial issues, there are signs that the talks may get even harder rather than easier. Japan, for instance, will formally enter the TPP negotiations in the final days of the Malaysia round, and environmental groups like Oceana are worried that Tokyo may oppose the push by the U.S. and some other TPP countries for disciplines on fisheries subsidies.

Oceana has raised this issue with U.S. negotiators in the wake of a June press report by Japan's Kyodo News Agency, which cited unnamed government officials as saying that Tokyo would oppose a ban on fisheries subsidies in TPP, or at least work to ensure that such a ban is limited to subsidies that would unquestionably lead to overfishing.

The U.S. proposal in TPP would place disciplines on fisheries subsidies that contribute to overcapacity and overfishing. The USTR official said the agency is aware of these Japanese press reports, but declined to comment further other than saying that the U.S. looks forward to "working with Japan on this and other issues when they formally join the negotiations."

**In their July 11 letter, the environmental groups urged Froman "to oppose efforts to weaken environmental objectives" in TPP.** They said that while they appreciate the ambitious, binding and enforceable

environment chapter put forth by the U.S., they understand that “large gaps still remain between the U.S. position and that of other TPP partners.”

The letter to Froman, like the one sent last year to Kirk, urged USTR to “stand strong and ensure” that a final TPP agreement includes the four key elements of the U.S. environment proposal. Among these are that the chapter be subject to the same dispute settlement mechanism as commercial chapter; include commitments for countries to uphold their domestic environmental laws and obligations under MEAs; and have robust public participation provisions.

The fourth element of the U.S. proposal that the environmental groups want to see maintained in a final TPP deal is binding conservation provisions, including fisheries subsidies disciplines and a requirement for countries to ban trade in illegally obtained plants and wildlife.