

Maine Citizens' Trade Policy Commission
Vermont Commission on International Trade and State Sovereignty

December 24, 2008

The Honorable Susan Schwab
Office of the United States Trade Representative
600 17th Street N.W.
Washington D.C. 20508

Dear Ambassador Schwab:

We would like to thank you and Senior Director Jeff Weiss for convening an open conference call with states to discuss the notification process under the Technical Barriers to Trade agreement. We appreciate the opportunity to engage in a dialogue with your office on trade issues and the impacts on state governments and legislative authority.

The Peoples' Republic of China in recent months has complained that bills related to toxic toys and e-waste disposal introduced respectively in the Maryland and Vermont legislatures must be "cancelled" or "revised." China makes these requests based on their reading of the World Trade Organization Agreement on Technical Barriers to Trade (TBT), to which the United States is a party.

The PRC's actions, putting Maryland and Vermont "on notice" as a matter of international trade law, are intrusions on the state legislative process, albeit ones that are sanctioned by the TBT agreement. We also understand that interagency consultations are underway regarding how the United States meets its TBT obligations. We are also concerned about substantive issues of how this agreement and others may intrude on areas of regulation traditionally reserved to the states.

At a joint meeting conducted on September 19 in Manchester, New Hampshire and conference calls on October 14 and November 12, the trade policy oversight commissions of Maine, New Hampshire, and Vermont resolved to work cooperatively to communicate our concerns about the PRC's action and the federalism implications of the TBT agreement to the U.S. Trade Representative, the U.S. Secretary of Commerce, and IGPAC.

We are therefore writing at this time to ask for your help in establishing formal federal/state consultations on the TBT process in the coming year.

We look forward to speaking to you at the earliest opportunity.

Sincerely,

Senator Margaret Rotundo, Co-Chair
Maine Citizen Trade Policy Commission

Representative John Patrick, Co-Chair

Representative Kathleen Keenan, Co-Chair
Vermont Commission on International Trade and State Sovereignty

Senator Virginia Lyons, Co-Chair

Cc: Members, Maine Citizen Trade Policy Commission
Members, New Hampshire Trade Policy Commission
Members, Vermont Commission for International Trade and State Sovereignty
Kay Wilkie, IGPAC
Hon. Susan Collins, Maine Senator
Hon. Olympia Snowe, Maine Senator
Hon. Michael Michaud, Maine Congressman
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Hon. Bernard Sanders, Vermont Senator
Hon. Peter Welch, Vermont Congressman