

June 6, 2016

Re: Pending Trade Deals Threaten Efforts to Keep Fossil Fuels in the Ground; more than 450 organizations urge opposition to the Trans-Pacific Partnership

Dear Member of Congress,

To protect our communities and avoid disastrous levels of climate change, the U.S. must boldly act to keep fossil fuels in the ground. Recent decisions – such as protecting the Atlantic coast from offshore drilling, enacting a moratorium on new coal leasing on U.S. public lands, banning fracking in New York, and rejecting the Keystone XL tar sands pipeline – have made progress toward this critical end. Such fossil fuel restrictions must be expanded to adequately safeguard our communities and climate.

However, two pending trade deals pose major barriers to this climate imperative. The Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP), as proposed, would empower an unprecedented number of fossil fuel corporations, including some of the world's largest polluters, to challenge U.S. policies in tribunals not accountable to any domestic legal system.¹ There, the firms could use the trade pacts' broad foreign investor rights to demand compensation for U.S. fossil fuel restrictions.² These "investor-state dispute settlement" (ISDS) cases would be decided not by judges, but by lawyers who typically represent corporations.³

We strongly urge you to eliminate this threat to U.S. climate progress by committing to vote no on the TPP and asking the U.S. Trade Representative to remove from TTIP any provision that empowers corporations to challenge government policies in extrajudicial tribunals.

In January, TransCanada – the company behind the Keystone XL pipeline – illustrated that the climate threats posed by such trade deals are real. The company announced it would use the North American Free Trade Agreement (NAFTA) to ask a private tribunal of three lawyers to order the U.S. government to pay more than \$15 billion – more than \$100 from every individual U.S. tax return⁴ – as "compensation" because President Obama rejected a pipeline that threatened oil spills and increased climate disruption.⁵

But the TPP and TTIP would more than double the number of fossil fuel corporations that could follow TransCanada's example and challenge U.S. policies in private tribunals. Indeed, the pacts would be the first to allow the world's largest polluters – including all of the eight largest private greenhouse gas emitters outside of the U.S. – to wield this tool against U.S. climate policies.⁶ The fossil fuel firms that would gain this right are currently fracking on our public lands, drilling for oil off our shores, building liquefied natural gas (LNG) terminals on our coasts, running refineries in our cities, and operating fossil fuel pipelines and trains in nearly every region of the

country.⁷ No previous trade deal has given such broad rights to corporations with such broad interests in maintaining U.S. fossil fuel dependency.

Fossil fuel corporations are increasingly using ISDS under existing trade and investment pacts, contributing to a recent surge in cases.⁸ In fact, half of the new ISDS cases launched in 2014 targeted policies affecting oil or gas extraction, mining, or power generation.⁹ Law firms specializing in ISDS are now explicitly advising corporations, including fossil fuel firms, to see ISDS as a “tool to assist lobbying efforts to prevent” unwanted policies,¹⁰ as threats of costly ISDS cases can chill policy proposals.¹¹

By empowering many more firms to launch ISDS cases against the U.S., the TPP and TTIP would pose a major threat to efforts across the country to restrict fossil fuel activities, including these:

- **Fracking:** The TPP and TTIP would undermine efforts in various states to restrict the dangerous practice of fracking by granting ISDS rights to more foreign fracking firms than all 56 existing U.S. trade and investment pacts combined.¹² The threat is real – a gas corporation named Lone Pine Resources is currently using NAFTA’s nearly identical foreign investor rights to ask an ISDS tribunal to order compensation from Canada for a fracking moratorium in Quebec.¹³
- **Offshore drilling:** The TPP and TTIP would empower oil and gas corporations with more than 10 million acres’ worth of U.S. offshore drilling leases – one out of every three leased acres – to use ISDS threats to resist offshore drilling restrictions, posing a threat to coastal communities and the climate. That is 24 times more area than that leased to firms with existing ISDS rights.¹⁴
- **Oil and gas extraction on public lands:** The TPP and TTIP would allow corporations with leases for oil and gas drilling on over 720,000 acres of U.S. public lands to launch ISDS cases against U.S. federal leasing restrictions, undercutting our ability to limit greenhouse gas emissions.¹⁵
- **Fossil fuel pipelines:** The TPP and TTIP would enable corporations that own tens of thousands of miles’ worth of fossil fuel pipelines in at least 29 states to go to private tribunals and, like TransCanada, demand billions of dollars for delays or denials of dangerous pipelines.¹⁶

The TPP and TTIP’s unprecedented expansion of U.S. ISDS liability would similarly threaten efforts to protect communities from fossil fuel trains, LNG terminals, refineries, and other fossil fuel hazards.¹⁷

Much of the world's remaining fossil fuel reserves are on or adjacent to Indigenous lands and territories. Unfortunately, the nation-states engaged in the TPP and TTIP agreements have not strongly defended Indigenous land rights and Indigenous peoples’ right to free, prior, and

informed consent. Ultimately, such trade deals grant more rights to transnational corporations, often at the expense of Indigenous rights, undermining special protections of Indigenous lands and cultural resources. For Indigenous peoples wanting a just economic transition away from oil and gas development, these deals pose severe risks to their sovereignty and ability to self-determine their futures as nations and tribal citizens concerned about the climate, health, and environmental impacts from fossil fuels.

We strongly urge you to stand up for healthy communities, clean air and water, Indigenous peoples, property rights, and a stable climate by committing to vote no on the TPP and asking the U.S. Trade Representative to remove from TTIP any provision that empowers corporations to challenge government policies in extrajudicial tribunals.

Sincerely,

350 Bay Area	350Kishwaukee
350 Central Virginia	350Marin
350 Colorado	350NYC
350 Conejo / San Fernando Valley	350PDX
350 DC	350Seattle
350 Eugene	350Vermont
350 Loudoun	A Glimpse of the Wild
350 Louisiana	Aaath Co.
350 Madison	ActionAid USA
350 Maine	Adirondacks NY Mothers Out Front for a Livable Climate
350 Missoula	Advocates for Cherry Valley
350 Plattsburgh	Advocates for Morris
350 Salem OR	Advocates for Snake Preservation
350 Santa Barbara	Advocates for Springfield, NY
350 Santa Cruz	AFRICAN YOUTH INTERNATIONAL DEVELOPMENT FOUNDATION
350.org	
350Bellingham	Alaska Applied Sciences, Inc.
350Brooklyn	Alaska Climate Action Network

Alaska Inter-Tribal Council
Allegheny Defense Project
Alliance for Democracy
Alliance for Democracy - Portland OR
Alliance of Nurses for Healthy Environments
Amazon Watch
Americans Against Fracking
Angelica Foundation
Animals Are Sentient Beings, Inc.
Arise for Social Justice
Arizona Interfaith Power & Light
Arnold Piacentini, Pro Se
Asamblea de Gonzales
Asian Pacific Environmental Network
Athens County Fracking Action Network
Atlantic Energy Ltd
Avaaz
Barranquilla+20
Battle Creek Alliance
Be the Change
Berks Gas Truth
Beyond Extreme Energy (BXE)
Biofuelwatch
Black Oak Wind Farm, LLC
Blue Ridge Environmental Defense League
Bold Alliance
Bold Iowa

Bold Louisiana
Bold Nebraska
Bold Oklahoma
bottomup economy
Breast Cancer Action
Breathe Easy Susquehanna County
Bus For Progress
Campaign for Renewable Energy
Carmelite NGO
Cascadia Wildlands
Catskill Citizens for Safe Energy
Catskill Mountainkeeper
CCAG
Center for a Sustainable Coast
Center for Biological Diversity
Center for Earth Ethics
Center for Environmental Health
Center For Food Safety
Center for Health, Environment & Justice
Center for International Environmental Law
Center for Media and Democracy/PRWatch
Center for Popular Democracy
Center for Sustainable Economy
Center of Concern
CEO Pipe Organs/Golden Ponds Farm
Chatham Research Group
Chicago 350.org

Chico Peace and Justice Center
Citizen Gas & Oil Advisory Lobby
Citizens Acting for Rail Safety- Watertown, WI
Citizens Against Ruining the Environment
Citizens Climate Lobby
Citizens' Climate Lobby, Marin County, CA Chapter
Citizens Coal Council
Citizens Coalition for a Safe Community
Citizens' Environmental Coalition
Citizens for a Clean Harbor
Citizens for Global Solutions
Citizens for Sanity.Com, Inc.
Citizens Organizing Project
Citizens United for Renewable Energy (CURE)
Clean Air Watch
Clean Energy Action
Clean Water for North Carolina
Cleveland Environmental Action Network (CLEAN)
Climate 911
Climate Action Alliance of the Valley
Climate Action Now Western Mass
Climate Change For Families
Climate First!
Climate Reality - St. Louis
Climate Solutions
ClimateMama
Climatetruth.org
Coal River Mountain Watch
Coalitions of Mutual Endeavor
Coastal Monmouth Democratic Club
Coloradans Against Fracking
Columban Center for Advocacy and Outreach
Columbia Divest for Climate Justice
Communities for a Better Environment - Richmond Chapter
Community Research
Concerned Citizens of Otego NY
Conejos Clean Water
Conservation Congress
Cook Inletkeeper
Cooperation Jackson
CorpEthics
Corporate Accountability International
Corporations v Democracy Issue Committee of WILPF-US
Courage Campaign
CREDO
Crockett-Rodeo United to Defend the Environment
CT Progressives
CURE (Clean Up the River Environment)
Damascus Citizens for Sustainability
Delaware Riverkeeper Network

Democracy for America
Divestment Student Network
Dogwood Alliance
Don't Waste Arizona
Dream of the Earth
Dryden Resource Awareness Coalition
Earth Care
Earth Day Initiative
Earth Day Network
Earth Ethics, Inc.
Earth Ministry/Washington Interfaith Power & Light
Earthjustice
Earthworks
East Africa Climate Change Network
East Bay Community Solar Project
EcoEquity
Eco-Justice Collaborative
Ecology Action Centre
Ecology Party Florida
Eco-Poetry.org
Elders Climate Action
Encouraging Development of a Green Economy (EDGE)
Endangered Habitats League
Endangered Species Coalition
Energy Action Coalition
Energy and Policy Institute
Environment, Economics and Society Institute
Environmental Action
Environmental Justice Center at Chestnut Hill United Church
Environmental Justice League of RR
Environmental Youth Council St Augustine
EPIC- Environmental Protection Information Center
Fair World Project
Fairbanks Climate Action Coalition
Fairmont, MN Peace Group
Fal Energy Partnership
FLOW (For Love of Water)
Flush The TPP
FOGH (Friends of Grays Harbor)
Food & Water Watch
Food Democracy Now!
Food Empowerment Project
Forest City 350
Fossil Free American University
Fossil Free Northwestern
Fossil Free Penn
Fox Valley Citizens for Peace & Justice
Frack Free Colorado
Fractivist.org
FreshWater Accountability Project
Friends of Hudson

Friends of Merrymeeting Bay
Friends of the Bitterroot
Friends of the Earth - US
Fund for Democratic Communities
GAIA: Global Alliance for Incinerator Alternatives
Gandhi Earth Keepers International
GARDEN, Inc.
GARJAN-Nepal
Gas Free Seneca
Generación +1
Global Exchange
Good Business Association of Rochester
Got Green
Grand Riverkeeper/LEAD Agency, Inc.
Grassroots Environmental Education
Grassroots Global Justice Alliance
Grays Harbor Audubon Society
Great Lakes Bioneers Detroit
Great Old Broads for Wilderness
Green America
Green Delaware
Green Map System
Green Neighbors DC
Green Sanctuary Committee, CCNY, UU
Green Sanctuary Task Force of the UU Church of Bloomington, IN
Greenaction for Health and Environmental Justice
Greenbelt Climate Action Network
Greenpeace USA
Guemes Island Environmental Trust
Gulf Restoration Network
Hands Across the Sand / Land
Harford County Climate Action
HBERVISION.COM
Health Care Without Harm
Heartwood
Hilton Head for Peace
Holy Cross International Justice Office
Honor the Earth
Houston County Protectors
Idle no more SF Bay
Indian Point Safe Energy Coalition
Indigenous Environmental Network
Inspiration of Sedona
Institute for Agriculture and Trade Policy
Institute for Policy Studies Climate Policy Program
Institute for Policy Studies, Global Economy Project
InterAmerican Clean Energy Institute
Interfaith Moral Action on Climate
Interfaith Power & Light
Interfaith Power & Light (DC.MD.NoVA)

International Forum on Globalization
Iowa Citizens for Community Improvement
It's Not Garbage Coalition
Justice Action Mobilization Network
Kauaians for a Bright Energy Future
Kentucky Environmental Foundation
Kentucky Heartwood
Kentucky Interfaith Power & Light
Kettle Range Conservation Group
Kids Climate Action Network
Klamath Forest Alliance
Klamath Riverkeeper
Kootenai Environmental Alliance
KyotoUSA
Labadie Environmental Organization (LEO)
Labor Network for Sustainability
League of Conservation Voters (LCV)
League of United Latin American Citizens
Leave it in the Gound Initiative (LINGO)
Lebanon Pipeline Awareness
Lehigh Valley Gas Truth
Liology Institute
Little Village Environmental Justice Organization
Local Clean Energy Alliance
Long Branch Environmental Education Center
Los Alamos Study Group
Louisiana Environmental Action Network
Lower Mississippi Riverkeeper
Maine Fair Trade Campaign
Malaw National Youth Network on Climate Change
Mangrove Action Project
Maryknoll Office for Global Concerns
Medical Mission Sisters Alliance for Justice
Mercy Ecology, Inc
Middlefield Neighbors
Midwest Environmental Advocates
Milwaukee Riverkeeper
Minnesota Interfaith Power & Light
Minnesota Public Interest Research Group (MPIRG)
MN350
Mobile Environmental Justice Action Coalition (MEJAC)
Mohawk Valley Keeper
Monroe County of NY for Bernie Sanders
Mormon Environmental Stewardship Alliance
Mothers Out Front - Rochester Bakken Oil Trains Team
Mothers Out Front, Rochester NY
Mountain Watershed Association
Movement Generation Justice & Ecology Project
Move-On.org
Natural Resources Defense Council (NRDC)

NC WARN

Neighbors Against the Burner (St. Paul, MN)

New Energy Economy

New Hampshire Pipeline Awareness Network (NHPLAN)

New Jersey Tenants Organization

New Mexico Interfaith Power and Light

New Place Fund

New York Interfaith Power and Light

No Fracked Gas in Mass

North America Rising Tide

North Country 350

northampton Committee to Stop War

NY Buddhist Climate Action Network

NY Environmental Law and Justice Project

NYC Friends of Clearwater

Oakland Institute

Ocean Conservation Research

Ohio Interfaith Power & Light

Ohio Valley Environmental Coalition (OVEC)

Oil Change International

Oregon Physicians for Social Responsibility

Organic Consumers Association

Otsego 2000, Inc.

Otsego Neighbors

Our Health, Our Future, Our Longmont

OVEC

Peace and Freedom Party, socialist, on the ballot in Ca.

Peninsula Interfaith Climate Action

Pennsylvania Alliance for Clean Water and Air

Pennsylvania Interfaith Power & Light

People Demanding Action

People of Albany United for Safe Energy - PAUSE

PeoplesAction

Physicians for Social Responsibility

Physicians for Social Responsibility Maine Chapter

Physicians for Social Responsibility Wisconsin

Physicians for Social Responsibility, Arizona

Physicians for Social Responsibility/New York

Physicians for Social Responsibility-Philadelphia

Plant for the Planet, US

Popular Resistance

Portland Rising Tide

Prince William Soundkeeper

Project Coyote

Protect All Children's Environment

Protect Skagit

Protect Whatcom

Public Citizen's Climate and Energy Program
Public School Teacher
Rachel Carson Council
Rainforest Action Network
Redwood Alliance
Renewable Energy Long Island
Resident Allied for the Future of Tioga
Resources for Organizing and Social Change
Rhode Island Interfaith Power and Light
RikkiTikkiTekki, LLC
River Guardian Foundation
ROAR Against Fracking
Rochester Pachamama Alliance
Rochester People's Climate Coalition
RochesterEnvironment.com
Rogue Climate
Rootskeeper
Russian Riverkeeper
Safe Climate Campaign
SAFE: Southern Illinoisans Against Fracturing Our Environment
San Bernardino Valley Audubon Society
San Francisco Bay Area Chapter, Physicians for Social Responsibility
San Juan Islanders for Safe Shipping
Santa Cruz Climate Action Network
Santa Cruz WILPF

Save Our Sky Blue Waters
Save RGV from LNG
SAVE THE FROGS!
Science & Environmental Health Network
Seattle Rising Tide
Sequoia ForestKeeper®
Shawnee Forest Sentinels
Sierra Club
Sisters of Charity of Nazareth Congregational Leadership
Sisters of Charity of Nazareth Western Province Leadership
Sisters of Mercy of the Americas' Institute Justice Team
Sisters of Mercy South Central Community
Sisters of Mercy West Midwest Justice Team
Sisters of St. Francis of Philadelphia
Sisters of the Holy Cross Congregation Justice Committee
SLO CLEAN WATER
Slow Food USA
Soil not Oil Coalition
Solutions Grassroots Project
Somerville Climate Action
South East Communities Against Pollution (SECAP)
Southwest Workers' Union
Stand
Stewards of the Earth

Stone Quarry House
Stop the Frack Attack Advisory Council
StopNED
Students for a Just and Stable Future
Sullivan Area Citizens for Responsible Energy Development
SumOfUs
Sunflower Alliance
Sustainable Energy & Economy Network
Sustainable Medina County
Sustainable Tompkins
SustainUS
Tar Sands Action Southern California
TEDX, The Endocrine Disruption Exchange
Texas Drought Project
texas environmental justice advocacy services
The Comite Civico Del Valle
The Compression Institute
The Enviro Show
The Green Resource Hub of the Finger Lakes
The Lands Council
The Mad Scientists' Research Society
Thomas Merton Center Environmental Justice
Tikkun & The Network of Spiritual Progressives
Tonantzin Foundation
Toxics Action Center
Toxics Information Project (TIP)
Transition Express Inc
Tri-County Watchdogs
Tri-Valley CAREs (Communities Against a Radioactive Environment)
Turtle Island Restoration Network
U.S. Climate Plan
Unitarian Universalist Church In The Pines
Unitarian Universalist Pennsylvania Legislative Advocacy Network (UUPLAN)
United for Action
United Sludge Free Alliance
Uranium Watch
Utah Interfaith Power & Light
UU Binghamton Green Sanctuary Committee
UUCB Social Justice Committee
Vermont Interfaith Power and Light
Voices of St. tammany
VOTERS OCCUPY
Wall of Women Colorado
Wasatch Clean Air Coalition
Washington Physicians for Social Responsibility
WCL Environmental Law Society
West Berkeley Alliance for Clean Air and Safe Jobs
West County Toxics Coalition

Western Nebraska Resources Council
Westlake Democratic Club member
Wica Agli
Wild Nature Institute
Wild Virginia
WildEarth Guardians
Wilderness Workshop
Wisconsin Environmental Health Network
Women's Earth and Climate Action Network
(WECAN)

Women's Environment and Development
Organization (WEDO)
Women's International League fo Peace and
Freedom US Section
Women's International League for Peace and
Freedom, Monterey County Branch
Women's Voices for the Earth
World Faith Malawi
Yolo MoveOn
Youghiogheny Riverkeeper
Youth Against Debt Eastern Visayas
Chapter

Endnotes

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- ¹ For information on the fossil fuel firms that would be empowered, see Ben Beachy, "Climate Roadblocks: Looming Trade Deals Threaten Efforts to Keep Fossil Fuels in the Ground," The Sierra Club, March 2016, <http://bit.ly/climate-roadblocks>. The primary source for data on foreign-owned firms doing business in the U.S. is Uniworld Online's database on foreign-owned firms, extracted September 21, 2015, <https://uniworldonline.com/>.
- ² A recent review of ISDS rulings by ISDS expert Gus Van Harten finds that in 83 percent of cases, tribunals used a broad interpretation of foreign investors' right to a "minimum standard of treatment" that went "beyond the customary meaning of the minimum standard and thus enlarging foreign investors' entitlements to compensation in the face of democratic and regulatory decision-making by countries." Gus Van Harten, "Foreign Investor Protection and Climate Action: A New Price Tag for Urgent Policies," Osgoode Hall Law School Research Paper No. 66, 11:14, November 26, 2015, at 3, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2697555.
- ³ A recent study of ISDS cases brought under the rules of the International Centre for Settlement of Investment Disputes (ICSID – the rules system used for a majority of ISDS cases) finds that 63 percent of tribunalists in existing cases have been full-time private lawyers. It also finds that 53 percent of tribunalists have served as counsel for investors in other ISDS cases brought under ICSID rules. Michael Waibel and Yanhui Wu, "Are Arbitrators Political?" University of Bonn, 2012, at 27-29, <http://www.unisg.ch/~media/internet/content/dateien/unisg/schools/seps/political%20science/pwdresearchseminarwaibelare%20arbitrators%20political20150506.pdf>.
- ⁴ In 2013, the latest year for which data is available, there were 147,351,299 individual income tax returns in the U.S. Internal Revenue Service, "Individual Income Tax Returns Line Item Estimates, 2013," Publication 4801, at 7, <https://www.irs.gov/pub/irs-soi/13inlinecount.pdf>.
- ⁵ *TransCanada Corporation and TransCanada Pipelines Limited v. The United States of America*, Notice of Intent to Submit a Claim to Arbitration under Chapter 11 of NAFTA, January 6, 2016, at paras. 8 and 61, <http://www.italaw.com/sites/default/files/case-documents/ITA%20LAW%207030.pdf>.
- ⁶ These firms are BP, Shell, Total, BHP Billiton, Anglo American, RWE, Eni, and Rio Tinto – each of which would gain the ability to launch ISDS challenges against U.S. climate protections for the first time. Richard Heede, "Carbon Majors: Accounting for Carbon and Methane Emissions 1854-2010, Methods & Results Report," Climate

Mitigation Services, April 7, 2014, at 29, <http://carbonmajors.org/wp/wp-content/uploads/2014/04/MRR-9.1-Apr14R.pdf>.

- ⁷ For a map of some of these fossil fuel investments, see “Climate Roadblocks: Looming Trade Deals Threaten Efforts to Keep Fossil Fuels in the Ground,” The Sierra Club, March 2016, <https://www.sierraclub.org/trade/mapping-isds..>
- ⁸ In each of the last five years, foreign investors have launched more than 50 ISDS cases. Fewer than 50 ISDS cases were launched cumulatively before 2000, despite the fact that the ISDS system has existed since the 1960s. “Investment Policy Hub: Investment Dispute Settlement Navigator,” United Nations Conference on Trade and Development, accessed February 2, 2016, <http://investmentpolicyhub.unctad.org/ISDS/FilterByYear>.
- ⁹ “Investor-State Dispute Settlement: Review of Developments in 2014,” United Nations Conference on Trade and Development, May 2015, at 4, http://unctad.org/en/PublicationsLibrary/webdiaepcb2015d2_en.pdf.
- ¹⁰ The quoted law firm offers this advice to all energy investors, including those investing in non-renewable “traditional sources” of energy. Matthew Coleman, et al., “Foreign Investors’ Options to Deal with Regulatory Changes in the Renewable Energy Sector,” Steptoe and Johnson LLP, September 23, 2014, <http://www.steptoel.com/publications-9867.html>.
- ¹¹ Indeed, a former high-level official in an environment-related ministry in Canada recently named ISDS threats as a primary source of “litigation risk affecting decision making.” Gus Van Harten and Dayna Nadine Scott, “Investment Treaties and the Internal Vetting of Regulatory Proposals: A Case Study from Canada,” Osgoode Legal Studies Research Paper No. 71, 12:15, December 7, 2015, at 6, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2700238. For other examples of how ISDS threats have chilled public interest policymaking, see “Setting the Record Straight: Debunking Ten Common Defenses of Controversial Investor-State Corporate Privileges,” Public Citizen, 2015, at 8-9, <http://www.citizen.org/documents/ustr-isds-response.pdf>.
- ¹² This statistic is based on a survey of 287 firms currently engaging in extraction of unconventional U.S. onshore oil and gas reserves (e.g., shale, tight, and coalbed formations). For details, see Ben Beachy, “Climate Roadblocks: Looming Trade Deals Threaten Efforts to Keep Fossil Fuels in the Ground,” The Sierra Club, March 2016, at 11 and endnote 128, <http://bit.ly/climate-roadblocks>.
- ¹³ *Lone Pine Resources Inc. v. The Government of Canada*, ICSID Case No. UNCT/15/2, Notice of Arbitration, September 6, 2013, <http://www.italaw.com/sites/default/files/case-documents/italaw1596.pdf>.
- ¹⁴ Rainforest Action Network (RAN) compiled a list of firms with active offshore oil and gas leases covering more than 1,000 acres based on data from the Bureau of Safety and Environmental Enforcement’s Leasing Information Data Center. The Sierra Club then calculated the acreage belonging to firms based in countries that already have ISDS-enforced pacts with the U.S. and those based in TPP or TTIP countries not currently covered by such a pact. The figures in this paragraph include partial ownership leases, for which RAN prorated the number of acres held. “Leasing Information,” Bureau of Safety and Environmental Enforcement, extracted by RAN in 2015, https://www.data.bsee.gov/homepg/data_center/leasing/leasing.asp.
- ¹⁵ Rainforest Action Network (RAN) compiled a list of firms with oil and gas leases covering more than 10,000 acres of land from the LR2000 database of the Bureau of Land Management. The Sierra Club then calculated the acreage belonging to firms based in countries that already have ISDS-enforced pacts with the U.S. and those based in TPP or TTIP countries not currently covered by such a pact. The figures offered here on the quantity of leased land are actually an undercount, as RAN’s compilation only attributes a lease with multiple proprietors to a given firm if it is the top-listed proprietor, given difficulties with the LR2000 database. “Bureau of Land Management’s Land & Mineral Legacy Rehost 2000 System - LR2000,” U.S. Department of the Interior, extracted by RAN in 2015, <http://www.blm.gov/lr2000/>.
- ¹⁶ These figures are the result of an extensive survey of crude oil, natural gas, natural gas liquids, and petroleum products pipelines in the U.S. The U.S. Energy Mapping System of the U.S. Energy Information Administration, which lists 285 pipeline operators, provided the primary source. “U.S. Energy Mapping System,” U.S. Energy Information Administration, accessed February 1, 2016, <http://www.eia.gov/state/maps.cfm?v=Petroleum>. For details, see Ben Beachy, “Climate Roadblocks: Looming Trade Deals Threaten Efforts to Keep Fossil Fuels in the Ground,” The Sierra Club, March 2016, at 21-22 and endnote 234, <http://bit.ly/climate-roadblocks>.

¹⁷ For LNG terminals, take, for example, the Cameron LNG terminal in Louisiana. The TPP would give ISDS rights to three of the five corporate owners of the terminal: Mitsubishi Corporation, Mitsui & Co., and Nippon Yusen Kabushiki Kaisha, all based in Japan. TTIP would give ISDS rights to a fourth owner: ENGIE, based in France. For refineries and fossil fuel trains, take, for example, BP's Cherry Point oil refinery, the largest refinery in Washington. BP has invested in train tracks for oil trains entering and exiting the refinery. TTIP would give ISDS rights to BP, based in the United Kingdom. "Who We Are / Industry Partners," Cameron LNG, accessed March 18, 2016, <http://cameronlng.com/industry-partners.html>. "Cherry Point, Washington," BP, accessed March 18, 2016, http://www.bp.com/en_us/bp-us/what-we-do/refining/cherry-point.html. Samantha Wohlfeil, "BP Cherry Point Oil Train Facility Gets Extra Track," *The Bellingham Herald*, June 9, 2015, <http://www.bellinghamherald.com/news/local/article23623255.html>.