

**Earthjustice * Environmental Investigation Agency * Food & Water Watch *
Friends of the Earth US * Humane Society International * League of Conservation Voters*
International Fund for Animal Welfare * Natural Resources Defense Council *
Oceana * Sierra Club * Wildlife Conservation Society *
World Animal Protection * World Wildlife Fund**

October 21, 2014

The Honorable Michael Froman
United States Trade Representative

Re: Key Conservation Elements of the Trans-Pacific Partnership Agreement

Dear Ambassador Froman:

On behalf of the undersigned organizations, we write to reiterate our position with respect to a number of environmental issues in the Trans-Pacific Partnership (TPP) trade negotiations. While many of our organizations have serious concerns about the environmental implications of a range of TPP chapters and provisions, including with respect to investment and energy, we focus this letter on a set of issues specific to the environment chapter that are critical to our organizations and that will still be under discussion at the upcoming TPP Ministerial in Sydney, Australia.

There are significant conservation challenges in the Asia-Pacific region, such as fisheries depletion, shark finning, the illegal harvest and trade in timber, and poaching and illegal trade in wildlife that could be exacerbated by increased trade. It is therefore critical that the TPP include legally binding provisions to mitigate the risks of increased stress on natural resources and loss of biodiversity and to support legal and sustainable trade. We commend the United States for its ambitious conservation proposal in the TPP. We recognize, however, that many conservation provisions remain unresolved. Detailed below are a number of issues of utmost concern to our organizations that we believe must be included in a TPP environment chapter.

- **Enforcement:** The entire TPP environment chapter must be fully enforceable and subject to the same state-to-state dispute settlement mechanism as available to commercial chapters, including the possibility of trade sanctions for noncompliance. In addition to dispute settlement, it is critical that the conservation obligations themselves, as described below, are strong and legally enforceable.
- **Non-Derogation and Multilateral Environmental Agreements (MEAs):** As per the May 2007 agreement, the TPP environment chapter must obligate countries to uphold and strengthen their domestic environmental laws; to not waive or otherwise derogate from, or offer to waive or otherwise derogate from, environmental laws; and to implement and enforce commitments made under multilateral environmental agreements.
- **Illegal Logging and Associated Trade:** TPP negotiating partners include key timber producer, processing, and consumer countries, and all are negatively impacted by illegal

logging and associated trade. It is critical that the TPP include a legally enforceable prohibition on trade in illegally harvested timber and wood products.

- **Wildlife Trafficking:** The growing problem of trade in illegal wildlife products in the Asia-Pacific region has led to dramatic declines in biodiversity and in populations of many threatened and endangered species. The TPP must include prohibitions on the trade, transshipment or sale of products taken or traded in violation of national laws or applicable foreign laws that protect wildlife, and must also include the implementation and enforcement of all aspects of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and its associated Resolutions and Decisions.
- **Illegal, Unreported, and Unregulated (IUU) Fishing:** IUU fishing is widespread, accounting for up to 30 percent of global catch each year. The TPP must address IUU fishing in member countries and trade in IUU products, including through requirements to implement port state measures and by prohibiting the trade, transshipment or sale of products harvested or traded in violation of laws that protect living marine resources.
- **Disciplines on Fisheries Subsidies:** Fisheries subsidies that promote overcapacity and overfishing drive fisheries depletion while also creating unfair competition in seafood trade. The TPP must include meaningful and binding disciplines to prohibit subsidies that contribute to overcapacity and overfishing.
- **Fisheries Management and Shark Fin Trade:** International trade of shark fins, including among TPP countries, is a major driver of the worldwide depletion of shark populations. The TPP must ensure the sustainable management of fisheries in TPP countries, including the science-based management of shark fisheries and measures to end shark finning to limit the impact on fish stocks, vulnerable species and marine biodiversity.

We thank you for your continued commitment to a high-ambition environment chapter in the TPP.

Sincerely,

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