

Article notes: December 9, 2013
Citizen Trade Policy Commission

Angus King: Rethinking Free Trade; (Bowdoin, 10/27/11)

- In effect, recent FTA's have allowed other countries to trade in Maine without tariffs, borders or other restrictions that apply to the other states in our country that are also subject to federal, state and local laws and regulations;
- In essence, these FTAs provide innumerable rights without responsibilities;
- From 2001 to 2009, the US lost 42,000 factories and more than 5.5 million manufacturing jobs and a lot of this decline can fairly be attributed to FTAs;
- The basic concept of open markets and free trade is traditionally predicated on the assumption of a level playing field involving the political, economic and social realms and in that scenario, the focus is on productivity- not the lowest common denominator of environmental standards or labor costs;
- The level playing field assumption in FTAs has been rendered moot by two factors; the drastically shortened amount of time by which significant economic change takes place and the vast gap in living standards that exists between developed and non-developed countries that sign FTAs. As examples, Governor King offers the 1/3 decline in manufacturing jobs in an 8 year time span and the higher costs associated with environmental laws that exist in more developed countries; and
- As a solution to these inequities, Governor King suggests that it is too late for protectionism or higher tariffs. Instead, he suggests that our participation in FTAs that allow foreign countries to enter our domestic markets should be predicated on insisting on a higher price of admission which stipulates measurable progress on environmental laws, real labor protections and a respect for intellectual property.

Letter from ASTHO to President Obama on tobacco in the TPP (ASTHO; November 2013)

- In November of 2013, the Association of State and Territorial Health Officials (ASTHO) sent a letter to President Obama requesting that tobacco control measures and tobacco products are "carved out" of existing and future trade agreements.

TPP faces headwinds as US Congress pushes on currency (James Politi; 11/13/13)

- Bipartisan leadership in Congress and a majority of Congress is pushing the administration to include provisions in the TPP which would punish countries that pursue policies that undervalue their currencies; and
- The opposition to currency manipulation has increased since Japan joined the TPP; Japan is alleged to have undervalued the yen in order to boost its exports

Five key questions- and answers- about the Leaked TPP text (Washington Post, 11/15/13)

- Question 1: The draft TPP text was kept secret from the general public. Who has seen it and why?

- The USTR has kept the TPP intellectual property text secret from the general public, the media and most members of Congress;
- The text has been shared with approximately 700 cleared advisers which include all significant members of the intellectual property rights holders' industries;
- Select members of Congress have been permitted limited access to the TPP text in question;
- The article holds that secrecy has been maintained because the TPP text could never be approved in an open democratic process;
- The leaked TPP chapter includes provisions regarding intellectual property rights that have failed to be approved by the European Parliament and thus appears to be an end run around Congress to achieve measures that would not be approved through the democratic process.
- Question 2: What's in it that is interesting?
 - The text reveals which nations are opposing certain provisions of the leaked chapter; in particular, the text shows that the US and several other nations have adopted hard line positions that oppose maintaining a balance in the interests of rights holders, protecting the public domain and providing access to affordable pharmaceuticals;
- Question 3: people call it a Hollywood wish list – why?
 - The leaked text shows a number of provisions favored by the US and worldwide entertainment industries that would significantly extend the terms and lengths of copyrighted materials.
- Question 4: What are the implications for access to medicine worldwide?
 - The provisions of the leaked chapter would significantly extend the terms of patents on pharmaceuticals thus inhibiting the availability and access of cheaper generic drugs to underdeveloped countries.
- Question 5: What political impact will the publication have?
 - It is likely to ignite public debate on these issues and may impair the chances of Congress approving President Obama's Fast Track proposal.

Statement on Brussels round of TTIP negotiations (Friends of the Earth; 11/15/13)

- The proposed TTIP chapter on investment will be a corporate power tool that would allow international energy companies to sue governments if their environmental regulations interfere with the corporation's ability to make a profit.

Obama's Secrecy is Hurting Free-Trade Talks (Editorial from Bloomberg News; 11/18/13)

- The Obama administration's insistence on maintaining a high degree of secrecy surrounding the TPP text is significantly hindering the chances that Congress will approve either Fast Track authority or the TPP itself;
- The TPP could stimulate the global economy and create tens of thousands of new jobs in the US;
- Congress needs to have the opportunity to adequately review the TPP before it can approve Fast Track authority; thus, the privilege of Fast Track authority must be earned; and

- The recently leaked TPP text reveals controversial proposals regarding intellectual rights which fully deserve public review and debate before Congressional approval.

TAFTA: The European Union's Secret Raid on US Public Water Utilities (Common Resources; November 2013)

- The EU is home to the world's two largest private water companies and three of the 5 largest water companies in the US are owned by the EU;
- TAFTA (aka TTIP) could provide an opportunity for these companies to use the ISDR process to exert significantly more control over public water systems in the US;
- Past performance of EU-owned water companies in the US has been marked by poor performance and ongoing system deterioration; and
- The article urges that these factors should result in efforts to oppose President Obama's Fast Track authority request.

Friends of the Earth confronts U.S. Trade Rep. at luncheon on Pacific trade deal (Friends of the Earth; 11/19/13)

- USTR Michael Froman has been trying to cultivate support among environmentalists for approval of the TPP and has characterized the TPP as environmentally friendly; and
- At a recent Washington DC luncheon meeting attended by USTR Froman and environmental organizations, Erica Pica, president of Friends of the Earth, directly challenged Froman's assertion that the TPP is environmentally friendly and stated that the TPP is an environmental danger to the planet and that the TPP investment chapter will allow international corporations to challenge needed environmental and health regulations.

Here's why Obama trade negotiators push the interests of Hollywood and drug companies (Washington Post; 11/26/13)

- Since 2001, at least 12 individuals have moved from employment at the USTR to employment with various industry groups;
- As revealed by the recent leaks of TPP text, the USTR position on intellectual properties runs closely to those positions favored by the entertainment and pharmaceutical industries but does not necessarily represent what would be in the public interest; and
- The USTR position can likely be attributed to its close ties to the entertainment and pharmaceutical industries.

Baucus Staff Vague on Timing of Potential Fast-Track Bill, Link to TAA (Inside US Trade; 11/21/13)

- Staff for US Senator Max Baucus, Chair of the Senate Finance Committee, have not provided much public information about when President Obama's Fast Track proposal will be introduced for consideration;
- It is unlikely that any such bill can be considered by December 16th;
- Some sources speculate that Fast Track legislation may be withheld until success has been achieved through the latest TPP round of negotiations which took place from November 12th through November 26th;
- Additional sources speculate that the Fast Track proposal is likely to be opposed by Congressional Republicans and supported by Democrats which is a reversal of past positions; and
- Business sources suggest that recent congressional opposition to the TPP and Fast Track in the form of signed letters to President Obama may not signify steadfast opposition and that support is likely to increase as time draws nearer for actual votes.

House, Senate Members Demand Froman Remove Footwear Tariffs in TPP (Inside US Trade; 11/26/13)

- 14 Senators and 32 House members have signed several letters to President Obama demanding that footwear tariffs be removed from the TPP;
- The letter claims that removing footwear tariffs will open market access to Vietnam for American farmers, manufacturers and service providers; and
- The congressional backers of these demand claim that Vietnamese footwear products will displace Chinese footwear as opposed to domestic footwear products.

Monsanto, the TPP, and Global Food Dominance (Common Dreams; 11/26/13)

- This article asserts that global food control has almost been completely achieved with the advent of GMO seeds which reduce seed diversity and are controlled by a few large international corporations like Monsanto;
- If the TPP is approved, international corporations will effectively control global policies pertaining to food, health, environment and financial systems;
- Domestic food production in the US is becoming increasingly dependent on the use of GMO food products paired with the use of Glyphosate-based herbicides which indiscriminately kills plants by denying plant access to needed nutrients;
- The article alleges that the use of Glyphosate products and other toxic chemicals has had a significant negative effect on public health in the U.S. as well as causing great harm to the environment;
- The article also claims that USDA currently allows corporations like Monsanto to self-determine whether GMO and other products are safe; and
- Monsanto and other large international corporations are strongly supporting President Obama's Fast Track proposal and the TPP as a means of stripping sovereign governments of the power to regulate transnational corporate activities.

Greens win greater transparency on secret trade deal (Australian Senator Peter Whish-Wilson; peter-whish-wilson.greensmps.org.au/ ; December 2103)

- The Australian Senate has passed legislation that requires that the complete TPP text be made public “well before it is signed”.

Vatican criticizes Trans Pacific Partnership: Holy See statement to 9th WTO Ministerial Conference in Bali (Knowledge Ecology International; 12/5/13)

- The Vatican has released a public statement which heavily criticizes the TPP and the TTIP;
- The liberalization of trade through FTAs like the TPP and TTIP have had the effect of widening the worldwide gap between the wealthy and the vast majority of the world’s population;
- The TPP and the TTIP will have the effect of “enhancing the monopoly on life-saving medicines, which reduce access and affordability...”; and
- The Vatican statement also criticized these FTAs for their efforts to “provide excessive legal rights to foreign investors, limiting the policy space for nations to promote sustainable and inclusive development”.

European Commission Desperately Tries To Justify Inclusion Of Corporate Sovereignty In TAFTA/TTIP; Fails Dismally

(<http://www.techdirt.com/articles/20131206/08270425482/european-commissions-desperately-tries-to-justify-inclusion-corporate-sovereignty-taftattip-fails.shtml>; 12/5/13)

- The European Commission has made a significant effort to justify the inclusion of Investor-State Dispute Resolution (ISDR) provisions in the TTIP;
- The article suggests that the issue boils down to a debate of corporate sovereignty or ISDS vs. national sovereignty;
- The article disputes the notion there is an equivalence between state regulation and the need to protect investors; and
- The article suggests that “without corporate sovereignty, US investors will be reluctant to put their money in Europe, and visa versa”.

Bali trade agreement: WTO set the bar high but has achieved little (The Guardian; 12/5/13)

- The article holds that the Doha Development Round launched and signed by 159 members of the WTO 12 years ago can be largely regarded as a failure;
- The original agenda set goals of freer trade in agriculture, manufactured goods and services and sought to prohibit the dumping of low cost products; and
- The only substantive accomplishment to date has been the improvement of customs procedures to ensure the flow of trade goods in and out of the signatory nations.

Obama Trade Deal Faces Backlash Over New Corporate Political Powers (Huffington Post; 12/8/13)

- This article reports that there is almost no international support for US proposals in the TPP which would:
 - Grant significantly increased political powers to international corporations;
 - Significantly increase the cost of prescription medicines; and
 - Restrict the regulation of banks and the financial industry;
- The opposition to these US TPP proposals was outlined in several leaked TPP documents.

Letter from 6 US Congressmen to President Obama regarding affordable prescription drugs in the TPP (12/9/13)

- 6 members of the US House of Representatives, including Maine Congressman Mike Michaud, have signed a letter to President Obama urging that the TPP should not include any provisions which would reduce the availability of low cost prescription drugs.

Article notes: November 15, 2013
Citizen Trade Policy Commission

Investor-State Dispute Resolution: The Monster Lurking Inside Free Trade Agreements; Glyn Moody, Techdirt.com, 4/16/13)

- Recent FTA's have included provisions authorizing the use of the Investor-State Dispute Resolution (ISDR) process as a means of resolving trade disputes between international corporations and sovereign nations;
- However, the current WTO agreement does not provide for the same type of ISDR mechanism as do more recent FTAs. Instead of empowering corporations to unilaterally bring trade disputes to a ISDS arbitration panel, the current WTO agreement stipulates that a corporation must first convince a sovereign nation that it has a legitimate trade grievance before it can be brought to the WTO for resolution;
- Originally, the use of current day ISDRs was justified by the perceived need to protect corporations from weak government structures in developing nations. But in recent years, ISDS has been used to challenge laws and regulations in highly developed countries when an alleged trade violation has occurred;
- The article quotes Lori Wallach of Public Citizen's Global Trade Watch as saying, "*The dirty little secret about [the negotiation] is that it is not mainly about trade, but rather would target for elimination the strongest consumer, health, safety, privacy, environmental and other public interest policies on either side of the Atlantic. The starkest evidence ... is the plan for it to include the infamous investor-state system that empowers individual corporations and investors to skirt domestic courts and laws and drag signatory governments to foreign tribunals.*"
- A recent report from the UN Conference for Trade and Development stated that 62 ISDR cases were initiated in 2012 which is the most ever. In total, by the end of 2012, 244 ISDR cases had been concluded and of those 42% were decided in favor of the State, 31% were resolved in favor of the investor and 27 % were settled;
- Although these statistics suggest that nations are winning more of the ISDR cases, the article points out that the legal costs to the nations can be significant and when a nation loses, the potential fines can be enormous; in 2012, an investor was awarded \$1.77 billion in a dispute with Ecuador.

A Transatlantic Corporate Bill of Rights: Investor privileges in EU-US trade deal threaten public interest and democracy (Seattle to Brunswick Network, Corporate Europe Observatory and Transnational Institute; October 2013)

- Written from a European perspective, this 12 page report warns against the dangers of negotiating the TTIP to authorize ISDRs which could be used by US corporations to overturn and undermine EU laws and regulations. The report also points out that this same process can be used by European corporations to subvert US laws;
- Recently, the threat of cases being brought up through ISDRs has often resulted in the back tracking or repeal of important legislation in the fields of environmental protection and public health and safety;

- Recent ISDR cases have involved investor challenges regarding:
 - Green energy policy;
 - Pharmaceutical policy;
 - Anti-smoking legislation;
 - Toxic chemical bans;
 - Environmental restrictions on mining;
 - Health insurance policies; and
 - Economic policy.
- Corporate lobbying groups have worked hard to push for inclusion of ISDR provisions in the TTIP; the US Chamber of Commerce has suggested that inclusion of ISDR in the TTIP should be considered as the “gold standard” for future “investment agreements”;
- Many nations are steering away from the use of ISDRs because they are perceived as contrary to the public interest;
- Inclusion of ISDRs in the TTIP will encourage international energy corporations like Chevron to challenge EU restrictions on the practice of fracking as a means of shale gas development;
- ISDRs are strongly supported by many prominent law firms which have a vested interest in the high legal fees that they receive from corporations in the ISDR process;
- Many public interest and citizen groups are mobilizing to oppose inclusion of ISDR in the TTIP; and
- A number of EU member states are beginning to question why ISDR is needed in the TTIP when both the US and the EU have highly developed and functioning judicial systems.

Letter to President Obama about treatment of pharmaceutical and medical device pricing in the TPP (numerous public interest organizations; 11/8/13)

- Fifteen national organizations, including the AARP, Consumers Union and AFSCME, wrote a letter to President Obama on 11/8/13 expressing their grave reservations about USTR proposals for the TPP which will limit the ability of federal and state governments to use programs like Medicare, Medicaid and the Affordable Care Act to effectively moderate increasing costs for prescription drugs and medical devices;
- The letter also expresses concerns about TPP provisions which would bind the US 12 year exclusivity period for brand name biologic drugs; an
- In addition the letter strongly urges that the TPP negotiating process be made much more transparent and points out that the current process excludes health care advocates while allowing access to pharmaceutical corporations.

This transatlantic trade deal is a full-frontal assault on democracy (George Monbiot, The Guardian, 11/4/13)

This EU-US trade deal is no “assault on democracy” (Ken Clarke, The Guardian, 11/11/13)

These two columns, which appeared in recent issues of The Guardian, provide contrasting perspectives on the desirability of the TTIP.

- In his column arguing against the need for the TTIP, George Monibut makes the following points:
 - The avowed purpose of the TTIP is to remove regulatory trade barriers between Europe and the US;
 - The TTIP will accomplish the removal of regulatory trade barriers through the use of ISDRs which undermine a nation state's sovereignty;
 - Recently ISDRs have been used to sue:
 - Australia for certain tobacco regulations ;
 - Argentina for restrictions on utility bills;
 - El Salvador for certain mining regulations; and
 - Canada for enforcement of certain pharmaceutical patent restrictions;
 - ISDRs can't be used by citizens for protection against corporate excesses;
 - ISDRs have a powerful chilling effect on potential legislation in both the US and the EU; and
 - The TTIP proposes to usurp functional and effective US and EU judicial systems with the imposition of a new "extrajudicial" system in the form of ISDRs.
- In his column responding to the previous piece, Ken Clarke advocates for the TTIP by making the following points:
 - The TTIP is an trade deal of unprecedented scope between the US and the EU which will create a free market for 800 million people living in the US and in the EU with a potential to increase the combined GNP by £180 billion (British pounds);
 - Adoption of the TTIP could reduce or eliminate expensive export tariffs and protect current liberal trading rules used by the British government;
 - The threat of ISDRs is completely overblown and their use can be appropriately regulated and adjusted in the TTIP negotiating process; and
 - The TTIP cannot be accurately described as a boon for large corporations and in fact will tend to favor smaller businesses through the harmonization of industrial and manufacturing standards.

Letter to USTR and NSA on surveillance in the realm of international trade policy (38 national organizations; 11/12/13)

- 38 diverse national organizations, including Food & Water Watch, Friends of the Earth U.S., Greenpeace, Public Citizen and U.S. PIRG, sent a letter dated 11/12/13 to the USTR and the National Security Agency (NSA) asking for a full disclosure as to whether the NSA has spied on domestic trade advocacy groups on behalf of the USTR.

KEI analysis of Wikileaks leak of TPP IPR text, from August 30, 2013 (James Love, <http://keionline.org/node/1825>; 11/13/13)

- Knowledge Ecology International (KEI) has published the complete copy of the negotiated text regarding the Intellectual Properties (IP) Chapter for the TPP. This document, dated 8/30/13, was leaked to Wikileaks who then passed it on to KEI for publication on their website;
- The IP Chapter is 95 pages in length, contains 296 footnotes and 941 instances of bracketed text with considerable detail on the negotiating positions of the TPP countries;
- In general, the negotiated text has the potential to expand the reach of intellectual property rights by;
 - increasing the duration of patents,
 - making patents easier to obtain;
 - creating the concept of intellectual property rights for data;
 - expanding right holder privileges; and
 - increasing penalties for copyright and patent infringement.
- KEI suggests that the IP chapter is detrimental to efforts to access knowledge, creating access to medicine and for efforts to innovate;
- KEI also maintains that the US appears to have the most anti-consumer and anti-freedom negotiating positions and that other TPP countries are willing to follow the hard-line US position in negotiating the IP chapter of the TPP;
- The KEI blog piece also points out that the TPP is being negotiated in near total secrecy but that nearly 700 corporate advisors have been cleared to review the text and provide advice to the USTR;
- From the KEI perspective, the leaked IP chapter demonstrates that the USTR position will result in *“new global legal norms that would allow foreign governments and private investors to bring legal actions and win huge damages, if TPP member countries does not embrace anti-consumer practices. “*

WikiLeaks publishes secret draft chapter of Trans-Pacific Partnership (Alex Hern and Dominic Rushe, The Guardian; 11/13/13)

- The Guardian’s story on the Wikileaks publication of the leaked IP Chapter of the TPP focuses on the extreme secrecy and lack of transparency used so far to negotiate the TPP;
- Wikileaks founder Julian Assange claims that the leaked IP chapter proves that the US is trying impose a highly restrictive view of intellectual property on the world and stated that *“If you read, write, publish, think, listen, dance, sing or invent; if you farm or consume food; if you're ill now or might one day be ill, the TPP has you in its crosshairs.”*;
- The Guardian article also mentions that a US foreign policy lobbying organization, Just Foreign Policy, has offered Wikileaks a \$70,000 reward for publication of the entire TPP text. The publication of the single leaked IP chapter does not yet meet the criteria for the reward.

House Stalls Trade Pact Momentum (Annie Lowrey, New York Times, 11/12/13)

- The Obama administration’s efforts to rush through the congressional approval of the TPP is hitting some significant roadblocks;

- 151 House Democrats (including Maine Representatives Chellie Pingree and Mike Michaud) have signed a letter opposing the administration's Fast Track Authority proposal regarding approval of the TPP;
- In addition, 22 House Republicans have also signed a separate letter to the President indicating similar opposition to the Fast Track proposal, thereby raising the total of House members who oppose Fast Track Authority to 173;
- Lori Wallach of Public Citizen commented, "*This could be the end of T.P.P. All these other countries are like, 'Wait, you have no trade authority and nothing you've promised us means anything? Why would we give you our best deal?' Why would you be making concessions to the emperor who has no clothes?*";
- USTR Michael Froman continues to defend and promote the effort to have Fast Track approved by Congress before the end of the year. Ambassador Froman maintains that Fast Track represents an opportunity for Congress to codify an approach for negotiation of trade agreements like the TPP and that the TPP is important as a "*longstanding tool for shaping U.S. trade policy on behalf of the American people.*"; and
- Many members of Congress are concerned about issues surrounding food safety, intellectual property, privacy and the continued health of the US automobile industry. In addition, there is great concern among members of Congress regarding the level of secrecy that has been used by the administration to negotiate the TPP.

Article notes: November 5, 2013
Citizen Trade Policy Commission

AARP warns trade deal could lock in high drug prices

(<http://thehill.com/blogs/regwatch/healthcare/330199-trade-agreement-could-lock-in-high-drug-prices-aarp-warns#ixzz2iaOTF72Z> ; 10/24/13)

AARP letter to USTR Michael Froman (10/22/13)

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- Nancy LeMond, the Executive Vice President of the American Association of Retired People (AARP), sent a letter to USTR Froman urging him not to support inclusion in the TPP of a 12 year market exclusivity period for brand-name biologic drugs (*Staff Note: biologics are drugs developed through biological processes*);
 - The AARP maintains that such a provision would lock in high prices for these increasingly popular drugs and would represent a huge and unnecessary burden for federal programs like Medicare and Medicaid;
 - Biologics are extremely expensive and are used to treat many common diseases including multiple sclerosis, rheumatoid arthritis and several different types of cancer;
 - The 12 year exclusivity period will discourage the development of lower cost generic versions; and
 - Current U.S. law establishes a 12 year market exclusivity period for brand-name biologic drugs and is strongly supported by drug manufacturers; however, in his 2014 budget, President Obama is calling for a reduction from 12 years to a 7 year exclusivity period and claims that this change will save billions of dollars for federal health care programs.

Froman pushing Congress to finalize trade deals (Politico; 10/29/13)

- Contrary to previous perceptions that the Obama administration had moved too slowly on trade issues during the president's first term, USTR Froman is urging Congress to quickly approve the Trade Promotion Authority (aka Fast Track) legislation that has been proposed;
- However, there appears to be little momentum in Congress at the present time for quick approval of Fast Track authority;
- Congressional Republicans claim that the President has not made a serious effort to have the Fast Track legislation approved; in addition, it is clear that other major issues such as the budget have sidetracked Congress from focusing on Fast Track authority or the TPP and TTIP negotiations;
- USTR Froman is urging approval of Fast Track authority so the TPP can be finalized by the end of the year; Froman also pointed out that Fast Track authority establishes an opportunity for partnership between the executive and legislative branches to establish trade policy, provides the chance for developing negotiating objectives for major trade agreements and establishes a procedure for moving trade deal approvals through Congress; and

- USTR Froman is also hoping to attract greater support from Congressional Democrats than in the past for Fast Track authority and approval of the TPP.

U.S.-EU trade deal: Friends of the Earth decries efforts to weaken regulation of chemicals, “fracking” and food safety (Friends of the Earth; 10/30/13)

- A recent blog from Friends of the Earth (FOE) maintains that the stated negotiating objectives for the TTIP have little or nothing to do with “free trade”. Instead, FOE ascertains that the TTIP is focused on removing perceived regulatory trade barriers and could result in the deregulation of many environmental, climate and public health safeguards;

Congressional letter to President Obama on treatment of tobacco in the TPP (10/30/13)

- A total of 56 members of Congress, including Maine Representatives Chellie Pingree and Mike Michaud, signed a 10/30/13 letter to President Obama expressing their significant disappointment regarding the latest tobacco provisions proposed by the USTR for inclusion in the TPP. The specific points made in the letter include:
 - The most recent proposal is a major retreat from the previous “safe harbor” provision offered by the USTR last year which would have protected tobacco regulations which seek to protect the public health;
 - The current USTR tobacco proposal would likely to result in the greater consumption of tobacco products, particularly in developing countries;
 - International tobacco companies have a long history of using FTAs like the TPP to challenge and undermine tobacco control measures;
 - The current USTR tobacco proposal contains weak language which allow tobacco control measures to be analyzed under a general provisions chapter of the TPP which would allow for measures that “protect human health” and lack the specificity and relative strength of the earlier USTR proposal; and
 - The current USTR tobacco proposal may violate the spirit and intent of the Doggett Amendment which prohibits the U.S. government from promoting tobacco exports; if the weak language of the USTR proposal is adopted within the TPP, in effect, the TPP would be promoting an increase in the use of tobacco products.

The Top Secret Trade Deal You Need to Know About (Web Broadcast, Moyers & Company, <http://billmoyers.com/episode/full-show-the-top-secret-trade-deal-you-need-to-know-about/>; 11/1/13)

- On 11/1/13, Bill Moyers & Company broadcast a story about the TPP. The introduction to the story included the following information:
 - The TPP is currently being negotiated among most prominent Pacific-rim nations;
 - The TPP is being negotiated in secret; President Obama wants the TPP to be approved by Congress in the very near future through the use of Fast Track Authority which only allow members of Congress to vote the treaty up or down;

- Although the TPP is being negotiated in secret, major domestic and international corporations have access to the negotiations and are likely to be the prime, if not the only, benefactors of the treaty;
- The anticipated TPP is likely to have the authority to overturn domestic laws protecting the environment, public safety and investment; and
- The TPP negotiations are being monitored by a number of independent watchdog organizations.
- The broadcast features two prominent guests from independent watchdog organizations:
 - Yves Smith is an expert on investment banking who is President of Aurora Advisor and authors the Naked Capitalism Blog page; and
 - Dean Baker is the Co-Director of the Center for Economic Policy and Research;
- Mr. Baker made the following points:
 - The negotiating process used for the TPP is peculiar in that the different subject chapters (environment, procurement, public health etc.) are being negotiated by the industries most affected by each chapter;
 - What is known about the TPP at the present moment is based on several prominent leaks of proposed text;
 - Elected members of Congress to not have current access to negotiated text of the TPP;
 - The efforts to extend patent terms will effectively discourage the availability of cheaper generic drugs; the current annual price of prescription drugs is approximately \$300 billion and it is estimated that without patent protections this cost would be closer to \$30 billion;
 - The impact of the TPP is contrary to the notion of “free trade”; patent protection is the opposite of creating true free trade;
 - The TPP is not really concerned with traditional trade barriers like tariffs; instead it is primarily concerned with an effort for widespread deregulation;
 - When asked about what benefits the TPP might offer, he stated that the method by which the TPP is being negotiated is largely counter to creating benefits for the population of the U.S. as a whole or for the population of any other signatory;
 - The exclusion of China from the TPP runs counter to the notion of trade integration and may actually impede free trade with that country; and
 - FTAs like NAFTA and the TPP tend to have serious enforcement provisions for chapters on investment and the flow of capital but weak, virtually unenforceable provisions on subjects like workers rights and environmental protection.
- Ms. Smith made the following points:
 - The TPP is also peculiar in that the negotiations are so completely secret;
 - Only 5 of the known 29 chapters are actually about trade. Therefore, it is a mistake to call it a trade agreement and instead should be called an agreement to weaken nation-based regulation and to strengthen intellectual property protections;
 - One prominent watchdog group, Public Citizen has gained access to TPP text that would allow an increase in drug prices, extend the terms of patents, restrict efforts to buy locally, prohibit GMO labeling requirements, and weaken food safety regulations;

- Both the TPP and the TTIP appear to have significant restrictions on the copying and distribution of artistic, film and written products;
- The U.S. and other prominent TPP nations are suggesting that if the participants don't ratify the treaty, that they will be left out from benefiting from the economic development and increased trade that the treaty is purported to result in;
- Her biggest concerns with possible TPP outcomes is in the decreased availability of affordable prescription drugs and the deregulation of the financial services industry and investment sector;
- Signatories of the TPP will be clearly required to make their laws and regulations subordinate to the provisions of the treaty;
- Like NAFTA, the TPP will feature the expanded use of arbitration panels (aka Investment Dispute Resolution) which corporations can use to sue a government for an alleged loss of profit due to a particular law or set of laws;
- One of the purposes of the TPP is to isolate China which has not been included in the negotiations; ironically, many of the major corporations involved in the TPP negotiations have major trading relationships with China and may not have fully thought out the implications of excluding China from the treaty; and
- NAFTA ended up benefiting corporations and hardly did anything for workers and the TPP is likely to follow the same course but even more so.

Article notes: October 23, 2013
Citizen Trade Policy Commission

Will Obama Fast-Track the Trans-Pacific Partnership?
(<http://infojustice.org/archives/30881> 10/7/13)

- President Obama is pressing Congress for Fast-Track authorization of the TPP;
- Fast-Track authority will determine to what extent Congress reviews the TPP and other Free Trade Agreements;
- The U.S. Chamber of Commerce strongly supports ratification of a comprehensive TPP with the goals of enhancing intellectual property rights and the investment rights of corporations;
- There are growing concerns in Congress and the larger U.S. society about the impact of the TPP on certain aspects of our society:
 - *Democracy-* As a prominent critic of the TPP, Senator Elizabeth Warren (MA), Senator Warren has stated her grave concerns about the transparency used to negotiate the TPP, *“If transparency would lead to widespread public opposition to a trade agreement, then that agreement should not be the policy of the United States”*. Senator Warren opposed the nomination of Michael Froman to be USTR because of his relative lack of commitment to transparency and public debate. In addition, Lori Wallach of Public Citizen also has serious reservations about the secrecy used to negotiate the TPP by stating that the TPP is a Trojan Horse for transnational corporations and that very little of the TPP is about trade; only 5 of the 29 TPP chapters are explicitly about trade, the other 24 chapters deal with topics like limiting food safety, environmental standards, financial regulation and energy and climate policy. Finally, Ms. Wallach also expressed her concern about the fact that the TPP has been negotiated in secret yet more than 600 corporate advisors have access to the negotiated text;
 - *Workers’ Rights-* Many individuals and organizations are concerned as to whether the TPP will undermine jobs and working conditions for Pacific Rim nations. In particular, James Hoffa, President of the International Brotherhood of Teamsters, asserts that FTAs like NAFTA have *“led to the outsourcing of American Jobs, downsizing of our wages and loss of environmental protections”*. Celeste Drake, Trade Specialist for the American Federation of Labor and Congress of Industrial Organizations, warns that the TPP will undermine workers’ rights, *“global firms that use the United States as a flag of convenience are once again substituting their interests for the national interest in the TPP negotiations.”* Also, members of Congress have significant concerns that the TPP would negatively impact Buy American procurement policies and thus adversely impact American jobs, workers and manufacturers;
 - *The Environment and Climate Change-* Many environmental organizations have serious concerns about the TPP’s effect on the environment and climate change. Allison Chin, President of the Sierra Club, *“The Trans-Pacific Partnership (TPP) trade pact could subject environmental and public interest laws and safeguards to attack by foreign corporations, threaten our air and water with toxic pollution,*

and lead to more American jobs being shipped overseas' Other environmentalists such as Ilana Solomon of the Sierra Club worry about the increasing trend of international corporations to use state-investor clauses of FTAs to challenge and overturn domestic regulations on the environment. Others are concerned that the USTR has been using trade negotiations in the TPP to promote tar sands, the Keystone XL Pipeline and the export of fossil fuels;

- *Public Health*- Many public health organizations have concerns that the TPP will be used to undermine tobacco control measures and point to the “backsliding” of the USTR in their various proposals for the treatment of tobacco in the TPP;

Viewpoints: legislation could hurt California's crusade to reduce toxic chemicals; (Erich Pica, Friends of the Earth U.S.; Sacramento Bee, 10/17/13)

- The author of this column opines that the Federal Toxics Substances Control Act (TSCA) has almost completely failed in controlling the approximately 80,000 chemicals that are currently in use in the U.S. The EPA has only been able to ban 5 chemicals since TSCA has enacted in the 1970s;
- A number of states (including Maine) have initiated their own legislation to effectively regulate toxic chemicals. Most recently, California has enacted the Green Chemical Initiative which encourages the substitution of non-toxic chemicals for more toxic chemicals that are used in everyday products;
- A recent initiative in Congress known as the Chemical Safety Improvement Act would effectively gut state-level regulation of toxic chemicals. This chemical safety legislation compliments the USTR's efforts in the TTIP to weaken the EU's highly effective chemical regulatory system known as REACH which makes use of the precautionary principle;

Stop fast track authority for Trans Pacific trade deal; (Bill Waren, Friends of the Earth, U.S. Blog; 10/17/13)

- The Obama administration is expected to collaborate with Congressional Republicans to seek Fast Track authorization to approve the TPP;
- This opinion piece states that the TPP will effectively gut current U.S. environmental laws and regulations and that Fast Track authority will significantly diminish Congress's authority to review and approve international trade treaties like the TPP;
- The author maintains that Fast Track authority hands over congressional authority to the Executive Branch;
- The Friends of the Earth criticisms of the TPP includes the following:
 - Excessive secrecy and lack of transparency;
 - A lack of enforceable environmental obligations;
 - The danger of a further extension of the use investor-state dispute resolution tribunals;
 - Possible constraints on the use of green criteria in government procurement, environmental labeling, food safety and clean air regulation.

Article notes: October 9, 2013
Citizen Trade Policy Commission

Chemical Safety Bill Could Smooth U.S.-EU Efforts, But Faces Tough Road (Inside U.S. Trade: Daily News; 9/24/13)

- The U.S. Congress is currently considering legislation regarding the safety of chemicals that would replace current law known as the 1976 Toxic Substances Control Act (TSCA);
- The proposed law, known as the Chemical Safety Improvement Act (CSIA), would bring the U.S. approach to chemical safety much closer to the approach used by the EU, and would allow the EPA to screen all chemicals for potential danger;
- The topic of chemical safety and the need for regulatory harmonization is a primary source of negotiation for the TTIP but is not likely to be resolved through the TTIP; and
- A primary objection to the CSIA is that it would supersede any more stringent state regulations.

Senators Collins, King Sign Letter Concerning Foreign Currency Manipulation in Trans-Pacific Partnership (Press Release; 9/25/13)

- Senators Susan Collins and Angus King jointly signed a letter to USTR Froman urging that the TPP and future FTAs include strong and enforceable language regarding “foreign currency manipulation disciplines”.

US business groups warn against compromises in Pacific Rim trade talks (Financial Times; 9/26/13)

- Key national business groups are urging the USTR not to compromise on key intellectual and investment provisions in the TPP negotiations; and
- A widely held fear among proponents of strong intellectual property protections in TPP is that a weakened intellectual properties provision will significantly reduce the ability to sell generic drugs in underdeveloped countries.

USTR Weekly Newsletters

USTR Weekly E-Newsletter (USTR; 9/26/13)

- This edition of the weekly USTR newsletter included the following articles:
 - **United States and Japan Streamline Organic Trade Across the Pacific-** The U.S. and Japan have agreed to allow the sale of certified organic farm products in either nation;
 - **Readout of this week's Trans-Pacific Partnership discussions in Washington, DC-** As of September 23rd, the USTR reports progress among TPP negotiators on resolving chapters in trade, cross border services, technical barriers to trade,

customs, telecommunications, sanitary and phytosanitary issues and labor with further discussions on how to resolve other major trade topics;

- **Ambassador Froman Highlights TPP and TPA, Participates in President's Export Council Meeting at White House-** At a recent meeting of the President's Export Council, USTR Froman advocated for passage of the president's proposed Trade promotion Authority ("Fast Track") and further called for approval of the TPP and TTIP as essential pillars for future growth, jobs and economic stability.

Froman Calls On EU Regulators To Be More Like Their U.S. Counterparts (Inside U.S. Trade Daily News (9/30/13)

- USTR Froman has urged EU nations to adopt a regulatory approach which is similar to that used in the US;
- USTR Froman also criticized the strong role that EU member state governments have in establishing standards;
- Many believe that one of the goals of the TTIP is to give the EU more power in setting standards for all EU member nations; and
- Regulatory cooperation is seen to leading to a much greater degree of regulatory harmonization which is a position favored by the USTR.

American Public Health Association letter to USTR (APHA; 10/2/13)

- The American Public Health Association sent a letter to USTR Froman urging that strong tobacco control measures be included in the TPP and endorsed the Malaysian proposal for a complete tobacco "carve out" in the TPP.

Massive international trade agreement could boost business, slash regulations (vtdigger.com; 10/2/13)

- A recent blog post from a Vermont organization suggested that recent and soon to be negotiated FTAs like the TTIP could significantly increase the volume of business activity within the state but also pose a threat to existing state law and various regulations designed to protect the public health and safety.

Proposed International Treaty Could Hamper State Policy (Vermont Public Radio; 10/2/13)

- A recent story on Vermont Public Radio reiterated the threat posed by the TPP and other FTAs to existing state laws dealing with public health and safety; and
- CTPC Chair Representative Sharon Anglin Treat was quoted as warning that the TPP's non-tariff provisions could give corporations the right to challenge existing state regulations.

Court Grants Four Groups' Right to Defend COOL; Farm, Ranch and Consumer Groups Allowed to Defend Merits of Commonsense Labels (Food & Water Watch; 10/3/13)

- A US District Court has granted a motion from several state and national organizations to defend federal Country of Origin Labeling (COOL) law against a lawsuit filed by the international meatpacking industry.

Quebec Fracking Ban Lawsuit Shows Perils Of Free Trade Deals: Critics (Canadian Press; 10/3/13)

- Quebec's moratorium on fracking is being challenged by a \$250 million law suit brought by a energy developer which alleges that the moratorium is arbitrary and capricious;
- The lawsuit is being brought under the investor-state dispute provisions of NAFTA; and
- Many in Canada are suggesting that FTAs like NAFTA effectively inhibit a member state from enacting effective environmental protection laws and regulations.

Eyes On Trade: Obama Cancels Trip to Asia Trade Summit as Elected, Labor and Business Leaders Detail TPP Trade Pact Problems (gtwinfo@citizen.org; 10/4/13)

- Because of the federal shutdown, President Obama has cancelled his planned trip to Asia which would have dealt in part with negotiations for the TPP;
- Congressional, labor and business leaders warned of significant threats to US jobs, food safety and affordable medicines if the TPP is approved and announced their opposition to the president's proposal for Fast Track authority; and
- President Obama had hoped to announce a final TPP agreement however significant disagreement exists among TPP member nations over issues like procurement, intellectual property, and market access and final resolution of the TPP does not appear to be imminent.

Cheaper imports haven't delivered promised growth (Kennebec Journal; 10/7/13)

- The Kennebec Journal editorialized that FTAs have not resulted in promised economic growth and in fact have resulted in the significant loss of manufacturing jobs in Maine and in other states and urges that the TPP be carefully considered with the need to retain textile tariffs.

Five reasons you should care about one very big trade agreement (<http://blogs.ft.com/the-world/2013/10/five-reasons-you-should-care-about-one-very-big-trade-agreement/> ; 10/8/13)

- This free trade blog expounded upon 5 reasons why the public and our elected officials should be concerned about the TPP:
 1. The TPP has turned into a very large international trade deal;
 2. Many informed individuals believe that the TPP could still be expanded significantly to include other countries;

3. The TPP is really about China and its economic power even though China is not yet a member of the TPP;
4. The scope and purpose of the TPP expanded significantly when Japan joined and opened up the possibility of world access to Japan's agricultural sector;
5. Congressional approval of the TPP is not a sure thing and significant opposition exists both to the treaty and the proposed fast track authorization.

Article notes: August 26, 2013
Citizen Trade Policy Commission

Tobacco in the TPPA

Protest by Tobacco State Politicians, Business groups May Snuff Out Obama Administration Trade Move; (Fair Warning, 8/13/13)

- After strong opposition from various business groups and members of Congress from tobacco producing states, the Obama administration appears to be backing off from a previous trade proposal which would have prevented tobacco companies from using the TPPA to attack tobacco control measures that exist in many countries;
- Business groups such as the U.S. Chamber of Commerce, the National Association of Manufacturers and the American Farm Bureau Federation had strongly objected to special treatment for tobacco in the TPPA and apparently were successful in convincing the TPPA to back off from its original proposal;
- Public health advocates are concerned about the USTR change in position regarding tobacco and note that whatever is decided for the TPPA is likely to be replicated in the upcoming TTIP negotiations;
- Public health advocates also note that FTAs like the TPPA have been increasingly used by tobacco companies to derail tobacco control measures in several different countries including Australia; and
- Tobacco proponents have waged a very successful, behind the scenes effort to stop the original USTR tobacco proposal for the TPPA and among others, enlisted the support of former USTR Mickey Kantor to voice his opposition to special treatment for tobacco in the TPPA;

Letter from five U.S. Senators to USTR Froman regarding tobacco provisions in the TPPA; 8/15/13)

- Five U.S. senators [Blumenthal (CT), Durbin (IL), Markey (MA), Heitkamp(ND) and Harkin (IA)] sent a letter dated August 15, 2013 to USTR Michael Froman stating their concerns about the status of tobacco-specific language in the TPPA. Their letter included the following points:
 - They prefer an exclusion of all tobacco products from the TPPA;
 - They maintain that the TPPA must allow nations to “fully implement and enforce strong nondiscriminatory tobacco control language”;
 - The US has been a strong leader in the effort to reduce illness and death caused by tobacco use;
 - Tobacco use kills 400,000 people in the US each year and 6 million people across the world;
 - Tobacco is a unique consumer product which when used as intended kills one out of every 2 consumers;

- As evidenced by the ratification of the World Health Organization Convention on Tobacco Control ratified by 177 nations, tobacco is the only consumer product reflecting a global consensus to reducing harmful tobacco use; and
- Tobacco companies should not be able to use the TPPA to legally challenge national tobacco control regulations.

USTR Prepares to Table TPP Tobacco Proposal, Briefs Congress; (Daily News, 8/15/13)

- The USTR has substantially changed its previous draft proposal regarding tobacco control in the TPPA. The proposed changes have two essential elements:
 - The TPPA will reference provisions in the General Agreement on Tariffs and Trade (GATT) which establish that nations may establish measures “necessary to prevent or reduce tobacco use or its harms”. Many public health advocates are concerned that this provision is ambiguous at best and certainly increases the chances that the TPPA will be used to challenge national measures to control tobacco use; and
 - The TPPA will stipulate that a consultation requirement will be mandated for any challenges to tobacco control measures. Again, many public health advocates view this element of the proposal as having no real significance and likely to be ignored by ISDR tribunals;
- The new USTR tobacco proposal does not recognize tobacco as a unique consumer product that is a significant threat to public health;
- The previous USTR draft proposal on tobacco provided a “safe harbor” for tobacco control measures developed on a federal level and had been fiercely opposed by the tobacco industry and certain members of Congress. The objections to the previous USTR tobacco proposal held that permitting “origin-neutral, science-based restrictions” on tobacco regulations represented a lowering of the bar when compared to the standards expressed in the GATT;

USTR Abandons Plan to Protect Tobacco Control measures under Trans-Pacific Partnership Trade Agreement (Campaign for Tobacco-Free Kids; 8/19/13)

- Disappointing that USTR has abandoned its previous proposal that would have made it difficult for tobacco companies to challenge tobacco control measures under the terms of the proposed TPPA;
- Previously, the USTR had backed a proposal which would have created a “safe harbor” in the TPPA for national tobacco control measures and had stated that the proposed tobacco “carve out” would “...explicitly recognize the unique status of tobacco products from a health and regulatory perspective”; and
- As an alternative, the USTR is proposing a weaker measure whereby the TPPA would make reference to existing language in the General Agreement on Tariffs and Trade (GATT) which recognizes the authority of nations to enact health and safety measures; this proposal would not halt tobacco companies from suing countries for tobacco control measures which allegedly violate the provisions of an international trade treaty such as the TPPA.

OBAMA GOES TO BAT FOR BIG TOBACCO IN TPP (Action on Smoking and Health; 8/19/13)

- The Obama administration has backed down from their previous TPPA proposal to protect public health from the harmful effects of tobacco;
- The new TPPA tobacco proposal from the USTR "...benefits tobacco companies with zero tariffs, expanded investor rights and greater limits on regulation of tobacco advertising and other services" (Professor Robert Stumberg);
- The draft USTR proposal will make it easier for international tobacco companies to directly sue TPPA nations;
- The previous USTR tobacco proposal featured a "safe harbor" provision which would have protected certain national tobacco control measures and was regarded by many in the public health filed as a good starting point for negotiations;
- Non-tobacco corporations supported the tobacco industry's position that no exception should be made in the TPPA for tobacco control measures;

TOBACCO CONTROL AND TRADE AGREEMENTS: STRATEGIES FOR POLICY CHANGE IN THE 21ST CENTURY (Center for Policy Analysis on Trade and Health; undated)

- This paper reflects the positions of the Center for Policy Analysis on Trade and Health (CPATH) and the Center for Tobacco Control Research and Education (CTCRE) established at a meeting held on 2/19/13;
- International trade treaties such as the TPPA are increasingly being used to challenge the tenets of federal, state and local tobacco control measures;
- The TPPA represents an opportunity for the US to become a leader in the effort to protect public health and safety through the reduced use of tobacco;
- Iterated concerns include the following:
 - Tobacco is the only legal consumer product that "kills when used as intended" causing 6 million deaths per year;
 - Curtailing tobacco use is an essential element of public policy that seeks to reduce childhood mortality and illness;
 - International trade agreements offer tobacco companies a strong vehicle to combat tobacco control measures;
 - International trade treaties like the TPPA are negotiated in secret and offer no meaningful participation by the public or the democratic process; and
 - The proposed TPPA and TTIP offer significant threats to public health;
- Suggested strategies include the following:
 - Trade agreements must guarantee a nation's right to protect public health from tobacco use;
 - Each trade agreement must incorporate specific language from the WTO Doha Declaration on countries' rights to protect public health and this language must single out and identify tobacco control;
 - TPPA must not undermine a nation's ability to use tobacco control measures to reduce tobacco use and its threat to public health; and
 - Trade policy needs to be negotiated and agreed upon in a manner that is transparent to the public.

USTR Weekly Newsletters

USTR Weekly E-Newsletter (USTR; 8/1/13)

- This edition of the weekly USTR newsletter included the following articles:
 - USTR Michael Froman urged continuation of the 37 year old Generalized System of Preferences (GSP) which promotes trade for developing nations by providing duty-free importation of up to 5,000 products from a preferred list of 127 countries;
 - USTR representatives will be visiting Japan for high level bilateral negotiations on TPPA related provisions dealing with autos, insurance and non-tariff measures;
 - USTR Michael Froman met with the U.S. chamber of Commerce CEO Tom Donahue to discuss the TPPA, TTIP, Trade Promotion Authority (aka Fast Track Authority) and the WTO

USTR Weekly E-Newsletter (USTR; 8/8/13)

- This edition of the weekly USTR newsletter included the following articles:
 - USTR won a case at the WTO with a ruling that Chinese tariffs on certain chicken products was unjustified under international trade rules;
 - USTR Michael Froman will be attending TPPA negotiations in Asia; and
 - USTR Michael Froman announced an agreement with the EU allowing high-quality, non-hormone treated beef to be sold in the EU with no tariffs

USTR Weekly E-Newsletter (USTR; 8/15/13)

- This edition of the weekly USTR newsletter included several articles about African trade developments:
 - USTR Michael Froman recently attended the 3 day meeting of the African Growth and Opportunity Act Forum in Ethiopia and pledged U.S. support to strengthen the AGOA and its role in international trade; and
 - USTR Froman also announced U.S. efforts to strengthen the East African Community (EAC) through the use of a proposed Trade Facilitation Agreement which will parallel the existing US-EAC TIP with a focus on sanitary/phyto-sanitary measures and technical barriers to trade;
- The office of the USTR also held high level meeting with Peruvian officials on the need for participation in international standards development processes and involvement in the regulatory development system;

Other International Trade Topics

Who's at the Table/ Demanding Answers on Agriculture in the Trans-Pacific Partnership
(Institute for Agriculture and Trade Policy; February 2013)

- As of 2011, the 11 countries participating in the TPPA represent 30% of the world's agricultural exports and 20% of the agricultural imports;
- Despite the potential of the TPPA becoming the largest and most comprehensive FTA to date, there has been relatively little publicity about the potential implications and even less disclosure from the USTR and other negotiating partners about the text being considered ;
- TPPA is not just about lowering tariffs; more fundamentally, the TPPA could expand protections for investors over those for consumers and farmers and significantly restrict the efforts of governments to develop and implement public policy to reshape food systems;
- As currently proposed, there is no separate food chapter in the TPPA. Instead, provisions that significantly affect food policy are woven throughout the other chapters;
- The Investor-State Resolution Mechanism (ISDR) included in a leaked text of the TPPA Investment chapter would result in the ability of investors to challenge public policy decisions in agriculture and other trade topics and potentially receive millions of dollars in damages from TPPA participating governments;
- ISDRs have already been used successfully under NAFTA to challenge a ban on high-fructose corn syrup in Mexico (to the preference for native cane sugar); Mexico was forced to pay \$169.18 million in damages;
- Several countries (Australia, Bolivia, Ecuador and Venezuela) have begun to question the wisdom of including ISDRs in FTAs;
- The leaked TPPA chapter on Investment also propose to ban performance requirements which will effectively limit a nation's ability to limit volatility to international markets and to build integrated food systems;
- Industry advocates are pushing that the TPPA be made a "comprehensive undertaking"; i.e. that the agreement will apply to all sectors of trade and the economy, further meaning that all TPPA countries would be subject to ISDRs and would be unable to exclude (or protect) certain agricultural products;
- Food safety is a primary topic of concern relative to the TPPA; for example, the importation of Vietnamese shrimp may be exempt from current U.S. food safety standards;
- It is anticipated that food safety standards in the TPPA would be reduced to the lowest common denominator (i.e. "regulatory harmonization") so as to increase food exporting markets;
- The use of ractopamine in cattle to accelerate growth is allowed in the US but banned in many other countries; the TPPA could be used to allow the use of ractopamine in all TPPA countries;
- Food safety policy should be governed by the Precautionary Principle as opposed to waiting for exhaustive and comprehensive scientific proof- which is a goal of the food industry;
- Procurement rules in the TPPA should be developed to exempt national, state or local anti-hunger programs from a ban on procurement requirements to buy locally grown food;
- The potential removal of agricultural import tariffs under the TPPA also threatens the viability of local food systems and national food policies;

- The excessive concentration of corporate agricultural enterprise is a significant issue in many TPPA countries as well as around the world. Some examples include:
 - In the US, 4 companies control 83.5 of the meat industry;
 - In New Zealand, one company (Fonterra) controls 90% of the dairy industry;
 - 3 companies (Monsanto, DuPont and Syngenta) control 57% of the international seed market; and
- In previous FTAs, competition policy has been limited to attempts to rein in the perceived advantages enjoyed by state-owned enterprises (SOEs);
- Competition policy as it pertains to agriculture policy in the TPPA should also include a focus on reining in the monopolistic power of huge international agribusinesses;
- The TPPA should be negotiated with the benefit of an informed public debate with the need for increased transparency.

New England shoe companies push for elimination of shoe tariffs; (Kennebec Journal, 8/23/13)

- Six New England based shoe companies recently wrote to the USTR expressing their opposition to the inclusion of tariffs on footwear in the TPPA;
- The opposition of the six companies (Converse, Adidas, Saucony, Sperry Top-Sider, Clarks Americas and Black-Diamond Group) is in reaction to USTR Froman recent trip to the New Balance facility in Maine. During that visit, New Balance officials maintained that the retention of existing tariffs on shoes is crucial to the preservation of more than 1,000 manufacturing jobs in New England;
- The letter to the USTR from the other leading shoe companies disputes the New Balance assertions and states that high tariffs have largely failed to preserve manufacturing jobs and instead have led to artificially high shoe prices that have the effect of depressing retail employment across the country;
- New Balance reacted to the letter by stating that none of these companies make shoes in the US and that it is inaccurate to compare manufacturing jobs with those in the retail sector. New Balance also stated that the removal of shoe tariffs will definitely result in the loss of the 1,000 New England manufacturing jobs and have little of no effect on the creation of other jobs.

Textiles in the News; selected articles (Textiles in the News; 8/19/13)

The following articles appeared in the 8/19/13 edition of Textiles in the News; a very brief summary of each article is provided:

- **Froman Says TPP in 'End Game;' Ministers To Provide Political Direction at Next Round** (Daily News, August 9, 2013)
 - USTR Froman announced that TPPA is nearing final agreement and that most important trade issues have been resolved;
- **Trade Agreement a Bad Deal for Maine** (SunJournal.com, August 8, 2013)
 - The Sun Journal editorialized against adoption of the TPPA citing their concerns about ISDRs, lack of transparency, and fast track authority;

- **Elections In Australia, Chile, Malaysia Could Impact TPP Negotiations** (Inside U.S. Trade, August 15, 2013)
 - Upcoming elections in Australia, Chile and Malaysia have the effect of creating caretaker governments in each of these countries thereby reducing their ability to negotiate effectively;
 - Of particular interest in Australia is the fact that ISDRs are an issue in the parliamentary elections; the ruling party opposes them and the opposition party would consider their use on a case-by-case basis;
- **TPP Members Commit To Tariff Offers on All Products in Coming Months** (Inside U.S. Trade, August 9, 2013)
 - The various TPP member nations are committed to a first step of offering “goods market access offers” which could conceivably lead to reduced tariffs for any market item. This negotiating stance is considered to be vital for such issues as US/Vietnam footwear trade and US/Japan auto trade;
- **Textile, Garment, Leather and Footwear Sector Offered TPP Opportunities** (TalkVietnam, August 16, 2013)
 - TPP negotiations offer a big opportunity for Vietnam trade in textiles, garment, leather and footwear with current tariff rates possibly being reduced to zero;
- **News Analysis: Imported Raw Materials the Biggest Challenge for Vietnam to Enter TPP** (Xinhua News, August 14, 2013)
 - The biggest challenge to the Vietnamese garment industry will be a TPP requirement that TPP members use TPP member-produced yarn in textiles to qualify for tariff free access;
- **Malaysian Textile and Apparel Exports to Rise 20 Percent Apparel Views** (August 16, 2013)
 - Malaysian textile and apparel exports are expected to increase by 20% as a result of the TPP;
- **China Debates Membership in US-Led Trans-Pacific Partnership** (Asia Pacific Defense Forum, August 7, 2013)
 - China is seriously considering the pros and cons of attempting to join the TPP;
 - China is currently the second-largest economy in the world which casts some doubt about the effectiveness of the TPP without such a major Pacific trading partner;
- **Froman Expects 'Real' TTIP Negotiations to Begin at October Round** (Inside U.S. Trade, August 2, 2013)
 - USTR Michael Froman expects the real, more substantive TTIP negotiations to begin in October

Article notes: July 26, 2013
Citizen Trade Policy Commission

DeLauro: Food Safety Critical Issue in Upcoming Trade Talks (Congresswoman Rosa DeLauro, CT, letter to USTR; 9/7/11)

- In a past letter to former USTR Ron Kirk, US Congresswoman Rosa LeLauro from CT, raised significant concerns about the issue of food safety concerns and urged that these issues be adequately addressed in the TPPA;
- Congresswoman DeLauro stated that at the time the US joined the WTO in 1994, 50% of the seafood consumed in the US was imported; in 2011, that figure stood at 84%;
- In spite of the increase in consumption of imported seafood, US regulatory efforts for food safety have been relatively static and have fallen significantly behind that of other countries;
- In 2011, the FDA tested only 0.1 % of all seafood imports for 16 different drugs whereas other countries test for up to 57 drug residues;
- Transshipment of food and seafood products is a common practice designed to circumvent existing US import regulations pertaining to food and seafood safety;
- Past FTAs have resulted in significant increases of imported seafood and agricultural products without a concomitant increase in food safety regulation and inspection efforts;
- Past FTAs have also resulted in a harmonization of food safety standards to the detriment of the efforts to safeguard the US food supply; and
- Past FTAs have also made extensive use of ISDR mechanisms to the detriment of food safety regulations in the US.

U.S., Europe Trade Deal A Challenge for Agriculture (Farmfutures.com; 7/18/13)

- As the first round of the Transatlantic Trade and Investment Partnership (TTIP, aka TAFTA) negotiations begin, prominent agricultural trade experts are predicting that this potential agreement could be the largest trade deal in history;
- Currently, the US and EU have about \$2.7 billion in daily trade with about \$4 trillion in investments in each other's economies;
- The current breadth of the existing trade relationship provides a unique opportunity for an expansion of agricultural trade;
- Current obstacles to an expansion of agricultural trade include the regulation of biotech crops, food safety issues, and differences in agricultural production and processing methods. Each of these obstacles could be described as non-tariff barriers to trade;
- The elimination of tariffs and regulatory barriers are the primary goals of the dairy industry;
- The use of biotech in US agriculture is growing with more than 17 million farmers using some form of biotech agriculture; this statistic demonstrates the need for an accommodation in international agricultural trade; and
- Differences in agricultural technology from one trading partner to another create the need for a management of the global regulatory process.

TAFTA: Corporations Express Fear of Democracy (Public Citizen; 7/19/13)

- Although TAFTA (aka TTIP) negotiations have only just begun, multinational corporations are likely to have a disproportionate influence on the proposed trade treaty, resulting in an agreement which will "favor the interests of corporations over consumers";
- Large international corporations tend to favor the use of "science-based regulation" over "political", regulatory based standards;

- The use of the word “political” by international corporations in the context of international trade agreements tends to impute the following statement, “...the “political” bodies the corporations fear are the democratically elected representatives of the people”; and
- The formulation of regulations designed to protect the public should never be dictated solely by the use of science; instead, science should be used as one tool to help inform the proper regulatory standards adopted by elected representatives of the people in a democracy.

Statement on the 18th Round of Trans-Pacific Partnership Negotiations (USTR; 7/25/13)

- USTR reports progress on latest round of TPP negotiations which concluded on 7/25/13 in Malaysia;
- The various negotiating groups on such areas as market access, rules of origin, technical barriers to trade, investment, financial services, e-commerce and transparency have reached agreement on a large list of technical issues; further progress has been made on issues pertaining to intellectual property, competition and the environment;
- Additional progress has been made regarding market access for industrial, agricultural, textiles, services and government procurement;
- The negotiations were temporarily suspended on 7/20 to allow input and information exchanges with more than 200 TPP stakeholders;
- On 7/23, Japan was welcomed as the 12th nation member in the TPP negotiations; and
- The next round of TPP negotiations will be held from August 22 to August 30 in Brunei.

United States and Vietnam Agree to Intensify TPP Engagement. Aim to Reach Comprehensive Agreement This Year; (USTR; 7/25/13)

- USTR Michael Froman met with Vietnamese President to Truong Tan Sang and both confirmed the mutual commitment of their nations to finalizing the TPP in 2013; and
- Both leaders anticipate that the TPP will strengthen economic ties, promote economic growth and result in the creation and retention of jobs for both countries.

Article notes: July 1, 2013 CTPC agenda

China Hints at Softening on Trade Talks (5/30/13)

- Contrary to a previous stance, China has officially indicated that it would be willing to consider participating in the TPPA;
- Previously, China had been quite wary of the TPPA negotiations, feeling that the TPPA might be aimed at curbing China's growing international trade presence;
- In an official statement, the Chinese government indicated that it hoped that the "TPP negotiations are able to increase transparency"; and
- Potential obstacles to China's participation in the TPPA include potential rules regarding state-owned enterprises and currency trading; both of which are staples of China's unique brand of "state-led capitalism".

Worlds Apart: Making Sure Trade Policies Improve Global Health | Commentary (5/31/13)

- This opinion piece is authored by U.S. Congressman (D) and physician Jim McDermott who lives in the State of Washington. Congressman McDermott expresses his deep reservations about the current USTR negotiating stance on intellectual property issues as they affect the availability of generic drugs;
- Current international trade agreements contain strong rules on intellectual property that properly protect innovations for the development of new drugs while at the same time providing adequate access for poorer, undeveloped nations to acquire generic drugs to fight current health threats such as AIDS;
- The current USTR stance for the TPPA advocates for very rigid and restrictive intellectual property rules which would significantly inhibit the availability of generic drugs that are critically needed by underdeveloped countries; and
- The USTR proposal disrupts the current status quo by significantly extending monopoly protections for newly developed drugs, requires patents for new versions of old medicines that do not do anything different and outlaws the practice of "pre-grant opposition" which allows doctors and patients to provide information about drug patents that do not meet national rules.

Obama's Covert Trade Deal (6/2/13)

- This article is an advocacy piece that maintains that President Obama and the USTR are flouting past traditions of relative transparency and adequate congressional oversight when it comes to the review and approval of the TPPA;
- Contrary to past practice of President George W. Bush, who released online the full draft text of the 2001 Free Trade of the Americas, the USTR has not released a draft of the nearly complete TPPA agreement. Instead, access to the draft treaty has been limited to a group of approximately 600 trade "advisers" – many of whom are representatives of big business;
- Big business has a vested interest in ensuring that the TPPA protect their interests to the detriment of the greater good of the American public and international free trade in general;
- There are numerous parts of the TPPA that could circumvent state and federal law and result in the restriction of the availability of generic medicines, more restrictive rules regarding patents and copyrights and the inclusion of incentives which would hasten the further relocation of domestic manufacturing to offshore sites;
- Members of the Senate have been denied access to the TPPA draft documents and are likely to have to pass judgment on the draft treat in an up or down vote which will be mandated by the co-called "fast-track authority" that president Obama is seeking for approval of the TPPA; and

- Former USTR Ron Kirk previously stated that his opposition to making the draft TPPA agreement public was because he felt that to do so would result in opposition sufficient to defeat the treaty.

Over Two-Thirds of Democratic House Freshmen Tell Party Leadership They Oppose Transferring Their Constitutional Trade Authority to the President (6/11/13)

- More than 2/3rds of freshmen Democrats in the U.S. House of Representatives have sent a letter to Representative Sander M. Levin, Ranking Member of the Ways and Means Committee and to Representative Nancy Pelosi, House Minority Leader, expressing their opposition to the proposal from President Obama to have Congress approve the TPPA through use of “fast track” authority which would require Congress to vote yes or no on the treaty in its entirety;
- The signees of the letter noted that after three years of TPPA negotiations that there have been no authorized releases of any of the TPPA draft sections and the few sections that have been leaked have stirred significant controversy; and
- The participating congressmen strongly object to the lack of adequate congressional oversight regarding the details of the TPPA and are opposed to the inappropriately broad delegation of Congress’s constitutional trade authority via use of fast track authority.

Business Groups Urge Congress To Oppose Wave Of Buy American Requirements (6/12/13)

- Fifteen U.S. trade associations have asked Congress to oppose legislation that includes “Buy American” requirements;
- These groups include the Water and Wastewater Equipment manufacturers Association (WWEMA), U.S. Chamber of Commerce and the National Foreign Trade Council;
- “Buy American” legislation is opposed for several reasons including the reality that much of wastewater technology is comprised of components made outside of the United States. In addition, “buy American” requirements often result in retaliatory legislation in other countries thereby significantly hampering the ability of U.S. companies to engage in significant international trade opportunities; and
- In addition, “Buy American” requirements are opposed because of the real possibility that such requirements could undermine various international trade agreements such as the upcoming U.S.– European Union free trade agreement.

Obama trade dilemma: Scant support from Democrats (6/15/13)

- President Obama’s efforts to promote free trade agreements such as the TPPA and the Trans-Atlantic Trade and Investment Partnership are likely to run into significant opposition from Congressional Democrats as well as some Republicans;
- Free trade agreements such as the TPPA usually have the support of Republicans but a number of congressional Republicans may oppose the upcoming trade agreements simply because they are opposed to the President;
- On the other hand, traditional democratic constituency groups such as labor unions, human rights and environmental groups have often opposed free trade agreements like NAFTA in the past and are likely to have significant reservations about the TPPA and the upcoming European Union agreement. The reservations from these groups centers on the possible loss of American jobs and various workplace and environmental abuses that often occur in foreign countries;
- Japan’s inclusion in the TPPA was also opposed by lawmakers from auto manufacturing states which object to Japan’s restrictions on auto imports; and
- In general, business in the U.S. tends to support free trade agreements while labor tends to oppose them.

Article notes: July 18, 2013
Citizen Trade Policy Commission

Deregulatory Disappointment: Transatlantic Free Trade Negotiations (Friends of the Earth; 7/8/13)

- Because tariffs are already low in both Europe and the US, TAFTA negotiations are likely to focus on lowering regulatory barriers to trade; these barriers are likely to be public safety and environmental standards;
- Friends of the Earth (FOE) position on TAFTA:
 - End of secrecy in negotiations;
 - TAFTA should only apply to environmental measures that are clearly identified in treaty text; and
 - TAFTA should not prohibit sovereign governments from making and enforcing environmental regulations.
- FOE recommendations:
 - ISDRs are not necessary to include in TAFTA; both the US and EU nations have robust legal systems;
 - Include an environmental chapter modeled on US law;
 - Do not include the most liberalized (i.e. unregulated) version of a chapter on services;
 - Oppose the inclusion of a Sanitary and phytosanitary chapter which deregulates standards for food and GMO safety;
 - Oppose a technical barriers to trade approach which is a serious threat to toxic chemicals regulation;
 - Oppose the inclusion of a regulatory cohesion chapter which works against environmental and health regulations;
 - Intellectual property chapter should not include patent protection for plants, animals and other life forms;
 - Government procurement chapter should not require governments to buy goods and services solely on product cost and performance; and
 - Chapter on trade in goods should discourage green energy trade wars, fossil fuel exports and privatization of water.

After long build-up, US – EU free trade talks finally begin (Reuters; 7/8/13)

- TTIP negotiations finally started on July 8th;
- Allegations of NSA spying on EU nations have cast a pall over the start of the talks;
- The proposed TTIP could be the world's largest FTA covering 50% of global economic output, 30% of global trade and 20% of global foreign direct investment;
- The anticipated reduction of tariffs and regulatory barriers could boost EU-US economic growth by more than \$1 billion per year;
- Beginning round of talks in July is mostly for organizational purposes;
- TTIP talks could last until sometime in 2015; and

- US companies like Google and Facebook want an easing of EU privacy and protection rules.

Treaty Disputes Roiled by Bias Charges (Bloomberg; 7/10/13)

- A Swiss law professor simultaneously sat on the board of UBS AG (an international financial corporation) and sat on an ISDR judging whether an USB help company should be awarded damages of \$105 million from Argentina from an investment dispute;
- Argentina sought to have the judgment overturned because of potential bias and conflict of interest charges and failed;
- ISDR power is growing and is being used by corporations to challenge government actions that affect their interests;
- No one code exists for ISDRs which are generally authorized by various international trade treaties;
- 15 individuals have served on 55% of all known ISDRs; and
- Most ISRD cases concern nonwestern countries but 68% of ISRD panel members come from EU countries or the US.

Environmental Groups Urge USTR To Not Back Down From TPP Proposal (IUST; 7/11/13)

- In the face of strong opposition from other TPPA countries, eight environmental groups have urged USTR Michael Froman not to back down on the original environmental proposals made by the US during the TPPA negotiations;
- Little is known about the current status of the USTR environmental proposals in the TPPA negotiations; notably these proposals include support for “a normal TPP dispute settlement mechanism” and allowing countries to enforce their environmental laws and regulations;
- USTR is also supporting inclusion in the TPPA of “voluntary market mechanisms” which allow governments to use mechanisms to support voluntary action to protect the environment often through the use of business partnerships and market-based incentives; and
- New TPPA member Japan is likely to oppose any move for limits on fishing subsidies.

Consumer groups fret as first round of European trade talks nears end (Charlotte Observer; 7/11/13)

- New USTR Michael Froman urges TAFTA negotiators to be flexible and think outside of the box;
- However, many consumer groups in the EU and US fear TAFTA will result in the deregulation and subsequent lessening of environmental and safety standards ;
- Karen Hansen-Kuhn, from the Institute for Agriculture and Trade Policy, fears that a lowest common denominator approach to regulation will significantly lower environmental and safety regulatory efforts on both sides of the Atlantic;
- USTR approach is to try and minimize historically different approaches to safety regulation that exists between the US and EU nations; and

- Chemical safety is likely to be a huge issue with the EU approach of REACH which require proof of chemical safety before use in contrast to the reactive US model of TOSCA.

TTIP FAQ – Negotiation phase (various blogs; 7/12/13)

- Upcoming meetings and events include:
 - On 7/18/13 the House Ways and Means Committee will have a hearing on the US Trade Policy Agenda which might include more information on the President's request for Trade Promotion Authority (i.e. Fast Track Authority); and
 - Second TTIP (aka TAFTA) round of negotiations is scheduled for mid-October 2013 in Brussels.
- Past meetings and events include:
 - first round of TTIP negotiations occurred in Washington DC from July 8 through July 11th; talks focused on technical issues, exchange of information, structure of talks and identification of probable issues;
- The article includes valuable detailed information regarding likely topics for the TTIP, references and a history of the TTIP.

Article notes: 3/22/13 CTPC agenda:

Senate Finance Committee holds Hearing on the President's Trade Agenda, Asks Questions on TPP and Trade Promotion Authority

- Senate Finance Committee held a hearing on the President's Trade Agenda on 3/20/13
- Sole witness was Acting USTR Deetrios Marantis
- Senate Chair Baucus supports renewal of the Trade Promotion Authority (TPA) and urges ratification of TPPA in 2013
- USTR Marantis stated that TPPA negotiations are intensifying, Trans Atlantic Free Trade Agreement negotiations are about to begin, and stated his intent to work with the committee on TPA

USTR Announcement: Obama Administration Notifies Congress of Intent to Negotiate Transatlantic Trade and Investment Partnership

- USTR sent a notification to Congress on 3/20/13 of its intent to negotiate TATIP agreement with leaders of the European Union
- TATIP to address issues of mutual job creation, growth and increased competitiveness

Japan to Join the Trans-Pacific Partnership – Finally!

- After nearly 2 years of discussions, Japan has agreed to become part of the TPPA

From Negotiation to Policy: the Power of a Trade Pact

- Useful overview of the process used to negotiate international trade treaties
- Advantages of trade agreements like TPPA include useful environmental, consumer and trade protections
- Disadvantages of trade agreements like TPPA include usurpation of meaningful Congressional oversight through the use of "Fast Track Authority" and the possibility of having trade agreements override federal, state and local laws for any participating nation

Article notes: September 19, 2013
Citizen Trade Policy Commission

USTR Weekly Newsletters

USTR Weekly E-Newsletter (USTR; 9/12/13)

- This edition of the weekly USTR newsletter included the following articles:
 - United States Welcomes New Zealand’s Decision to Join U.S. Challenge to Indonesia’s Import Restrictions on Horticultural Products, Animals and Animal Products – USTR Michael Froman announced that New Zealand will join the US in challenging certain trade restrictions imposed by New Zealand under the dispute resolutions provisions of the WTO. The Indonesian trade restrictions include import licensing requirements and quotas on horticultural products, animals and animal products;
 - Ministerial Guidance Energizes Negotiator’s Work During 19th Round of TPP Negotiations- TPP negotiators were instructed to close negotiating gaps for the TPP in the areas of market access, rules of origin, investment, financial services, intellectual property, competition and the environment. It is hoped that these directives will help finalize important chapters within the TPP;
 - USTR, SBA Launch New Effort to Help U.S. Small Businesses Export to the European Union- The USTR and SBA are initiating roundtable forums encouraging small businesses to air their concerns about existing barriers to trade that they experience with EU nations. The intent of these roundtables is to use the resulting feedback to help shape the negotiations for the TTIP;
 - Readout of TPP Call with U.S. Stakeholders- USTR Michael Froman recently initiated a conference call which included more than 170 stakeholders from across the U.S. to air their concerns about the ongoing TPP negotiations.

Trans-Pacific Partnership: U.S. Negotiating “Biologics” Proposal, Marking End to “Period of Reflection” (Len Bracken; 8/28/13)

- The USTR has begun final negotiations for the provisions in the TPP which will deal with the intellectual property protections for bio-pharmaceutical medicines which are also known as “biologics”;
- More specifically, these negotiations will address issues surrounding the use of biosimilar medicines which are cheaper, generic versions of biologics;
- The USTR seeks to strike a balance between the costs of innovation and the availability of these drugs for TPP member nations; and
- At issue are the terms of data exclusivity which protect unique biologic drugs developed by different manufacturers.

TPP Countries Will Consult Internally on Tobacco Proposals, Official Says (Inside U.S. Trade; 9/6/13)

- The U.S. and Malaysia have tabled [put forth] competing proposals for tobacco control measures to be included in the TPP;
- TPP negotiators view these competing proposals as different approaches to ensuring that member nations will have greater flexibility to enact and enforce tobacco control measures;
- The Malaysian proposal is seen as more far reaching in that it would could completely carve out tobacco control measures from the TPP; and
- In contrast, the USTR proposal is considered to be much more restrained and simply reaffirms existing FTA provisions which provide that tobacco control measures are already excepted under measures necessary to protect human life or health.

FDA Takes More Active Role in TTIP, TPP Talks; Establishes Trade Team

- The FDA has taken a significantly different stance in current negotiations for the TPP and the TTIP;
- Formerly, the FDA took a “defensive” or reactive position on the negotiation of certain trade provisions in past FTAs;
- The current FDA stance is to proactively advocate for provisions which safeguard tobacco control measures and protect intellectual property rights for pharmaceuticals;
- The change in FDA’s advocacy role is most directly manifested in the formation of a special public health and trade team to stake out positions on these issues; a role which was formerly handled solely by the USTR; and
- It appears that the FDA position is an endorsement of the effort of TTIP negotiators on both sides to achieve a greater degree regulatory harmonization.

The Hazard of Free-Trade Tobacco (New York Times; 8/31/13)

- In a recent editorial, the New York Times lauded the Malaysian proposal to carve out tobacco control measures from the provisions of the TPP;
- In endorsing the Malaysian approach, the editorial cited the enormous public health benefits that are realized from meaningful tobacco control measures; and
- The editorial strongly criticized the current U.S. proposal which seeks to reaffirm the existing provisions of other FTAs that allow exceptions for public health.

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