

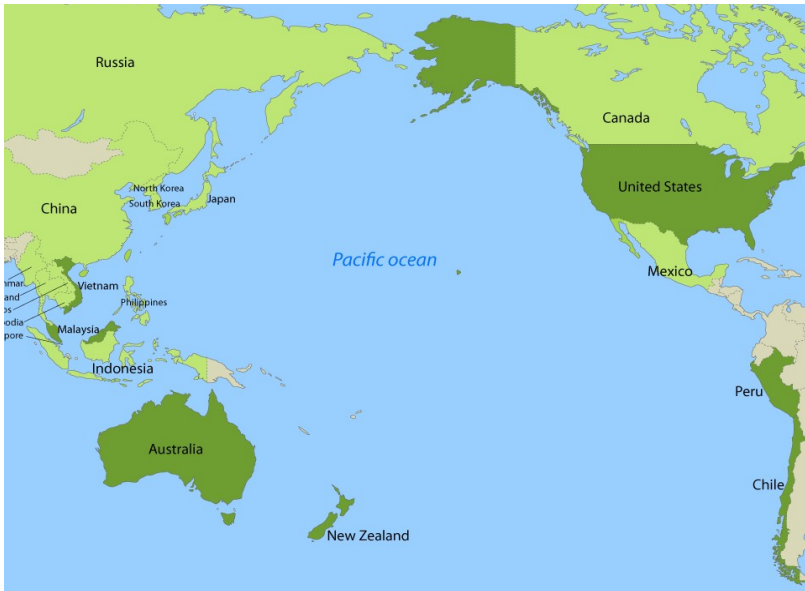


# The Trans-Pacific FTA and the Environment

The Trans-Pacific Free Trade Agreement (FTA) is a massive new international trade pact being pushed by the U.S. government at the behest of transnational corporations for completion in 2012. If it continues on its current course, the Trans-Pacific FTA will accelerate “rip-and-ship” resource extraction throughout the Pacific Rim, encourage unhealthy global consumption patterns and significantly limit the steps that communities can take to address climate change and other pressing environmental concerns.



The Trans-Pacific Partnership threatens to increase the destruction of Malaysian rainforests, driving the endangered orangutan towards extinction.



Legend: ■ Trans-Pacific Partnership ■ Pacific countries

The Trans-Pacific FTA is currently being negotiated between the United States, Vietnam, Brunei Darussalam, Singapore, Malaysia, New Zealand, Australia, Peru and Chile — and Japan, Mexico and Canada have also indicated their intentions to join. It is also intended as a “docking agreement” that other Pacific Rim countries would join over time, including Taiwan, the Philippines and possibly China.

Corporations pushing the Trans-Pacific FTA include a who’s who list of Big Oil, Big Ag and Wall Street power brokers. The Trans-Pacific FTA has been questioned — if not outright opposed — by environmental, consumer, indigenous, family farm, labor and other social justice groups on four continents.

## Providing Corporations with New Tools to Challenge Environmental Protections

At the behest of large and influential industry groups, U.S. trade negotiators are pushing hard for the Trans-Pacific FTA to include so-called “investor-state” provisions that would grant transnational corporations the power to challenge virtually any environmental law, regulation or court decision that negatively affects their expectation of profits as a “regulatory taking” through international tribunals that circumvent domestic judicial systems. Consumer safety rules, banking regulations and a host of other public interest policies would also be subject to attack. Within the World Trade Organization (WTO), portions of the Clean Air Act, Endangered Species Act and Marine Mammal Protection Act have already been successfully rolled back under similar “trade” provisions that grant this type of power to foreign governments. The Trans-Pacific FTA would go beyond the WTO by giving individual corporations the power to challenge democratic policymaking through a tribunal system that takes precedent over domestic courts and legislatures. (Meanwhile, of course, these tribunals remain completely inaccessible and unaccountable to local businesses and ordinary citizens.)

Right now a number of smaller Free Trade Agreements and Bilateral Investment Treaties already grant corporations these special rights in certain countries — and those so-called “rights” are being used by transnational corporations to attack clean air rules in Peru, anti-mining laws in El Salvador and a court decision against the oil giant Chevron in Ecuador, among many other cases. That said, corporations have thus far primarily (although not exclusively) use “investor-state” to attack the laws, regulations and court decisions of developing countries. By extending this system throughout the Pacific Rim, the Trans-Pacific FTA would not only put the environmental protections of additional developing countries at risk, but could also extend these powers to corporations based in capital exporting nations such as Japan, increasing the likelihood that more federal and state-based environmental rules will be challenged in the United States.

## Further Heading Off the Precautionary Principle

If like past agreements, the Trans-Pacific FTA’s sanitary and phytosanitary chapter will also require that countries can only enact “scientifically justifiable” food safety regulations. While crafted in the name of increased trade, the clear effect of such a provision is to make it harder for countries to restrict the use of pesticides, food additives or genetically-modified organisms based on the precautionary principle. Beyond just food safety regulations, however, a leaked draft of the U.S. proposal for a so-called “regulatory coherence” chapter would also impose a



When Pacific Rim Mining Company sued El Salvador under the Central America Free Trade Agreement for preventing a mining project that risked contaminating the nation's drinking water with arsenic and cyanide, protesters held a satirical product launch for Pacific Rim Mineral Water – bottled water containing arsenic and cyanide.

structure and set of procedures for domestic decisions on almost all forms of regulation. While some elements of the draft text are conducive to well-informed policymaking, allowing a “trade” agreement to dictate how countries must structure their regulatory agencies creates a substantial bias in favor of light-handed regulation — a problem not just for consumer safety and the environment, but areas such as financial regulations.

### Encouraging More “Rip and Ship” Resource Extraction

A variety of provisions of Trans-Pacific FTA, including “investor-state,” quota prohibitions and more, are likely to encourage the increased export of raw materials throughout the Pacific Rim. That spells more logging, drilling and mining in some of the most biodiverse ecosystems left on Earth. The rainforests of Malaysia and Brunei are already under attack by the palm oil industry, which is converting rainforests into plantations to produce palm oil for food and biofuel use, driving orangutans and other endangered species towards extinction.



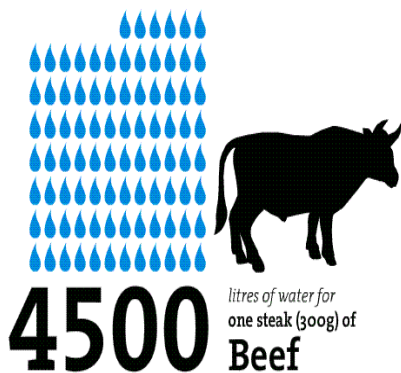
Malaysia's endangered rainforests face expanded logging as a result of the Trans-Pacific Partnership.

### Expanding Pollution Offshore and Enabling Unhealthy Consumption Patterns at Home

One of the reasons manufacturers are pushing for the Trans-Pacific FTA is to seek out “low cost labor alternatives” to Chinese sweatshops in countries like Vietnam. In addition to cheap labor, however, many developing countries also offer manufacturers cheap energy and lax environmental enforcement. As such, the carbon footprint and other environmental impacts associated with producing a good overseas is often much higher than it would be producing the same good in the United States. While typically not as high as the production-related emissions, the pollution associated with then also shipping a finished product across the Pacific Ocean to reach the U.S. market is by no means inconsequential.

Access to lax environmental enforcement, cheap energy and sweatshop labor overseas also effectively subsidizes the production of certain consumer products — including, particularly, consumer electronics — thus enabling the sale of short lifecycle products that contribute massively to e-waste. The throw-away culture that is encouraged in the United States would be a considerably less popular lifestyle option if manufacturers couldn't as easily avoid commonsense labor and environmental rules by simply moving their production abroad.

### Promoting Unsustainable Food Production and Consumption



The US beef industry strongly supports adding Japan to the Trans-Pacific Partnership in order to eliminate Japan's high important tariffs on beef. This will allow US beef to enter the Japanese market at low cost, which the beef industry believes will trigger an upsurge in beef production.

According to the Environmental Working Group, beef production is a major contributor to climate change., “generating 27.1 kilos (59.6 lbs) of CO2e per kilo consumed. That’s more than twice the emissions of pork, nearly four times that of chicken and more than 13 times that of vegetable proteins such as beans, lentils and tofu.” According to the journal New Scientist, “Methane, a potent greenhouse gas, is released from flatulent cows and by manure as it decays. Furthermore, to produce a kilogram of beef (2.2 pounds), farmers also have to feed a cow 15 kg of grain and 30 kg of forage. Grain requires fertiliser, which is energy intensive to produce.”

### Keeping the Public in the Dark

For years, the Trans-Pacific Free Trade Agreement negotiations have taken place behind closed doors. Since negotiations began in 2008, none of the negotiating documents have been officially released for public review (although some have been leaked). In the United States, approximately 600 corporate lobbyists have been named as official advisors, granting them steady access to the negotiating texts, as well as the negotiators. Most environmental groups, journalists and those whose lives will be affected by the negotiators’ decisions have no right to see the texts until the negotiations have concluded — at which point, it is more or- less impossible to change them. An international “Release the Texts” campaign has, thus far, not been answered.



### The Dracula Strategy

Besides a stake to the heart, what’s the best way to kill a blood-sucking vampire? Exposing it to the light of day. Organizers have repeatedly stopped secretive trade negotiations over the years by dragging them out of the shadows and into public scrutiny:

- 1998: The Multilateral Agreement on Investment (MAI) •
- 1999: The “Millennial Round” of the World Trade Organization (WTO) •
- 2003: The Free Trade Area of the Americas (FTAA)

### What You Can Do

Contact President Obama and let him know that you are outraged that he is negotiating another anti-environmental free trade agreement. Urge him to drop TPP and to fulfill his campaign promise to renegotiate or end US participation in free trade agreements like NAFTA that have contributed to unemployment and damage to the environment: President Barrack Obama, The White House, 1600 Pennsylvania Avenue, Washington, DC 20500 Phone (202) 456-1111 Webform: <http://tradejustice.net/obama>

Global Justice for Animals and the Environment  
219 Carlton Terrace, NJ 07666 \* Phone: (718) 218-4523 \* Email: [info@gjae.org](mailto:info@gjae.org) \* Email: <http://gjae.org>

*This flyer was adapted in part from a flier by Citizens Trade Campaign (<http://citizenstrade.org>.)*