



Steve Troxler  
Commissioner

## North Carolina Department of Agriculture and Consumer Services

May 18, 2012

Dear Friends,

I am writing to ask you to join me in taking action regarding the Trans Pacific Partnership (TPP), a multinational trade agreement the Administration is negotiating with eight other countries (Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore and Vietnam). As you know, international trade agreements such as the TPP can have a significant impact on the agricultural sector. Our farmers are dependent on the existence of fair, comprehensive, reciprocal trade agreements, and I hope that with your help we can preserve those principles in the TPP.

Because you and many of our partners have already been engaged in the negotiation of the TPP, we have, so far, successfully prevented tobacco from being completely carved out of the agreement. This is a good start, but the negotiators now appear to be set on another troubling path.

From stakeholder discussions with the U.S. Trade Representative on the tobacco language in the TPP, it appears that the negotiated language may include a "safe harbor" provision that allows our trading partners to exclude certain products from the requirements of the agreement by using the guise of "science-based restrictions" designed to "safeguard public health." My fear is that by including such language, countries in the TPP may use any argument to exclude tobacco or other North Carolina commodities from trade by making scientific claims that may take years to prove or disprove. As this wrangling over the truth or falsity of any particular scientific claim plays out, our farmers and allied industries are left out of the market.

The safe harbor principle appears to be aimed specifically at tobacco today, but it could easily move to other agricultural commodities in the future. The most obvious risk to this approach is that it establishes any new exception at all. Future exceptions could undermine anti-trade discrimination, investment and intellectual-property rights protections for other categories of U.S. products and services. Other countries' protectionist motivations could be disguised as genuine efforts to regulate environmental protection, climate change and other public health concerns.

I would appreciate it if you reached out to your U.S. Representative and ask him or her to request that the U.S. Trade Representative, Ambassador Ron Kirk, drop the tobacco text regarding the "safe harbor" from the TPP. This is an agricultural issue – not just a tobacco issue – and your voice will have a significant impact on how it is resolved.

Sincerely,

Steven W. Troxler  
Commissioner

