



January 8, 2014

The Honorable Michael C. Geraghty
P.O. Box 110300
Juneau, Alaska 99811

The Honorable George Jepsen
55 Elm Street
Hartford, Connecticut 06106

The Honorable Lawrence G. Wasden
700 West Jefferson Street
Boise, Idaho 83720

The Honorable Tom Miller
1305 East Walnut Street
Des Moines, Iowa 50319

The Honorable Janet T. Mills
6 State House Station
Augusta, Maine 04333

The Honorable Bill Schuette
525 West Ottawa Street
Lansing, Michigan 48909

The Honorable Tim Fox
P.O. Box 201401
Helena, Montana 59620

The Honorable Wayne Stenehjem
600 East Boulevard Avenue, Dept. 125
Bismarck, North Dakota 58505

The Honorable Eric T. Schneiderman
Office of the Attorney General, The Capitol
Albany, New York 12224

The Honorable Marty J. Jackley
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501

The Honorable Dustin McDaniel
323 Center Street, Suite 200
Little Rock, Arkansas

The Honorable Joseph R. Biden, III
820 North French Street
Wilmington, Delaware 19801

The Honorable Greg Zoeller
302 West Washington Street, 5th Floor
Indianapolis, Indiana 46204

The Honorable Jack Conway
700 Capitol Avenue, Suite 118
Frankfort, Kentucky 40601

The Honorable Douglas F. Gansler
200 St. Paul Place
Baltimore, Maryland 21202

The Honorable Lori Swanson
445 Minnesota Street
St. Paul, Minnesota 55101

The Honorable Jon Bruning
2115 State Capitol
Lincoln, Nebraska 68509

The Honorable Gary King
P.O. Drawer 1508
Santa Fe, New Mexico 87504

The Honorable Mike DeWine
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

The Honorable William H. Sorrell
109 State Street
Montpelier, Vermont 05609

The Honorable Mark Herring
900 East Main Street
Richmond, Virginia 23219

The Honorable Bob Ferguson
P.O. Box 40100
Olympia, Washington 98504

The Honorable J.B. Van Hollen
P.O. Box 7857
Madison, Wisconsin 53707

Mr. Jim McPherson, Executive Director
2030 M Street NW, 8th Floor
Washington, DC 20036

Re: Letter concerning the impact of the proposed Trans-Pacific Partnership on State's Rights

To: Attorney General McDaniel, Attorney General Jepsen, Attorney General Biden, Attorney General Wasden, Attorney General Zoeller, Attorney General Miller, Attorney General Conway, Attorney General Gansler, Attorney General Schuette, Attorney General Swanson, Attorney General Fox, Attorney General Bruning, Attorney General Stenehjem, Attorney General King, Attorney General Schneiderman, Attorney General DeWine, Attorney General Jackley, Attorney General Sorrell, Attorney General Herring, Attorney General Ferguson, Attorney General Van Hollen, and Mr. McPherson

As state legislators, we are concerned by reports suggesting that the Trans-Pacific Partnership (TPP) currently being negotiated by the U.S. Trade Representative threatens the rights of states to act in the public interest. We support international trade treaties based on fair trade principles that allow States to be active participants in the global economy, maximizing the benefits of open trade while minimizing any negative impacts.

We request that you, on behalf of our individual states, and the National Association of Attorneys General, in behalf of all the states, analyze the TPP's potential impact on state and local governments.

We request that you work together to advocate for your clients and your constituents to ensure that the right of states under our Constitution to enact and enforce statutes to protect the safety, health and welfare of our citizens is not compromised by this and other treaties.

As members of the National Caucus of Environmental Legislators, we are particularly interested in understanding how the language of the draft agreement may effectively pre-empt local control and empower entities outside our jurisdiction to limit our ability to legislate with respect to affairs such as:

- 1) Natural resource preservation and restoration;
- 2) Clean energy jobs and investment;
- 3) Pharmaceutical access;
- 4) Government procurement;
- 5) Tobacco use and reduction;
- 6) Toxic chemical management;
- 7) Water quality and availability;
- 8) Consumer protection;
- 9) Food safety;
- 10) Carbon emissions.

We are familiar with past investor challenges to state laws and regulations pursuant to existing trade agreements, including challenges to tobacco rules and to regulation of the gasoline additive MTBE. We are aware that a NAFTA challenge was recently filed challenging hydraulic fracturing laws enacted by the Province of Quebec – laws that are similar to legislation that has been adopted in localities and states across the United States. We fear that proposed language in the TPP related to investor-state dispute resolution, especially as the disputes relate to so-called “non-tariff barriers,” will likewise subject state sovereignty to the authority of judicial forums unaccountable to U.S. state or national court review.

We understand that this agreement is in the final stages of negotiation, so we ask for your urgent attention. If you have any questions or need additional information, please contact State Rep. Sharon Treat of Maine at satreat@gmail.com or State Rep. Chuck Isenhart of Iowa at charles.isenhart@legis.iowa.gov.

We thank you for your consideration and look forward to both your individual and collective responses.

Sincerely yours,

Rep. Charles Isenhart
Iowa

Rep. Sharon Treat
Maine

Rep. Paul Seaton
Alaska

Rep. Greg Leding
Arkansas

Rep. Mary Mushinsky
Connecticut

Rep. Diana Urban
Connecticut

Rep. John Kowalko
Delaware

Senator Elliot Werk
Idaho

Rep. Phylis King
Idaho

Rep. Matt Pierce
Indiana

Rep. Dan Kelley
Iowa

Rep. Marti Anderson
Iowa

Rep. Curt Hanson
Iowa

Senator Joe Bolkcom
Iowa

Senator Bill Dotzler
Iowa

Rep. Mary Lou Marzian
Kentucky

Rep. Roberta Beavers
Maine

Delegate James Hubbard
Maryland

Delegate Dan Morhaim
Maryland

Rep. Jon Switalski
Michigan

Rep. David Bly
Minnesota

Rep. Franke Wilmer
Montana

Senator Don Priester (Ret.)
Nebraska

Senator Steve Fischmann
New Mexico

Assemblywoman Michelle Schimel
New York

Rep. Frank Kloucek (Ret.)
South Dakota

Senator Barbara Favola
Virginia

Rep. John McCoy
Washington

Senator Bob Hasegawa
Washington

Rep. Melissa Sargent
Wisconsin

Rep. Gary Hebl
Wisconsin

Rep. Jill Billings
Wisconsin

Rep. Joe Mullery
Minnesota

Rep. Margaret MacDonald
Montana

Senator Tim Mathern
North Dakota

Assemblywoman Donna Lupardo
New York

Rep. Mike Foley
Ohio

Rep. David L. Deen
Vermont

Delegate Kaye Kory
Virginia

Senator Maralyn Chase
Washington

Rep. Janet Bewley
Wisconsin

Rep. Dana Wachs
Wisconsin

Rep. Brett Hulse
Wisconsin