May 11, 2012

The Honorable Ron Kirk
United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508

Dear Ambassador Kirk:

We are writing to request that, as you continue to move forward with the Trans-Pacific Partnership (TPP) negotiations in Dallas, Texas, you refrain from proceeding with proposed text regarding tobacco until a more careful review of the implications of the text with the relevant stakeholders can be undertaken.

We appreciate the need to continue to make progress on this important trade agreement, but we are concerned that hastily moving forward with text regarding tobacco is contrary to the goal of the TPP negotiations to create a high-standard trade agreement. We have heard from those in the industry and organizations that they have not had sufficient time to properly review the text and evaluate the potential impact. Without input from the industry after a thorough review of relevant text, we do not believe the TPP can incorporate high-standards on a provision that could greatly impact our constituencies.

We were pleased to learn that you intend on proceeding with tariff elimination with respect to tobacco and tobacco products in the TPP. Inclusion of these products in the tariff elimination schedule is critical for tobacco producers in our States and around the country. However, we are concerned about the potential impacts of a general exception on tobacco products. We understand that the Administration’s view is that the proposed language regarding tobacco is important to implementing the Family Smoking Prevention and Tobacco Control Act of 2009. Yet, it is our understanding that trade agreements already allow governments substantial latitude to adopt sound science-based regulation in the public interest, and that establishing a new precedent for general exceptions for a specific product is not necessary and can have effects that have yet to be evaluated.

In short, we are concerned that the vetting process for the proposed tobacco language for the TPP has not provided stakeholders the needed time or clarity to accurately assess the potential impacts to an important industry in our States. We have a great appreciation for your hard work to shape the TPP into a 21st Century regional trade agreement and that is why we ask you delay tabling text specific to tobacco until stakeholders have had additional time to evaluate the proposal. Thank you for your consideration.

Sincerely,

Rep. Geoff Davis
Member of Congress

Rep. Mike McIntyre
Member of Congress
Rep. Walter B. Jones
Member of Congress

Rep. Virginia Foxx
Member of Congress