



MICHELLE SCHIMEL
16th Assembly District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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Environmental Conservation
Governmental Operations
Local Governments
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Veterans' Affairs

January 15, 2014

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

Dear Attorney General Schneiderman:

We are writing to express our concerns about recent reports that suggest that the Trans-Pacific Partnership (TPP), currently being negotiated by the U.S. Trade Representative, threatens the rights of states to enact and enforce statutes to protect the safety, health and welfare of our citizens. That is why we strongly urge you to analyze the TPP's potential impact on state and local governments.

The terms of the TPP could restrict state action in many areas. Given the supremacy of both federal law and international treaties over state law, the rules that the federal government agrees to in the TPP could limit the scope of a state's ability to legislate and regulate in the public interest. As state legislators and based on discussions some of us have participated in as members of the National Caucus of Environmental Legislators, we are particularly interested in understanding the potential that this trade agreement could have in limiting state and local control with respect to the following:

- Natural resource preservation and restoration
- Clean energy jobs and investment
- Pharmaceutical access
- Government procurement
- Tobacco use and reduction
- Toxic chemical management
- Water quality and availability
- Consumer protection
- Food safety
- Carbon emissions

We fear that proposed language in the TPP, related to investor-state disputes, will subject state sovereignty to the authority of judicial forums unaccountable to U.S. state or federal court review. In the past there have been investor challenges to state laws and regulations in accordance with existing trade agreements, including for example, challenges to tobacco rules and to the regulation of the gasoline additive MTBE. We are also aware that a NAFTA challenge was recently filed challenging hydraulic fracturing laws enacted by the Province of Quebec. These laws are similar to legislation that has been adopted by states and localities across the United States.

We understand that this agreement is in the final stages of negotiation, so we ask for your urgent attention to this matter. Our state legislative colleagues in many other states are also raising these issues with their state attorney general, and we would encourage you to reach out to them as well. Please feel free to contact Assemblymembers Michelle Schimel or Brian Kavanagh with any questions regarding this matter. Thank you for your consideration and we look forward to your response.

Sincerely,



Michelle Schimel
Member of the Assembly



Brian Kavanagh
Member of the Assembly

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