October 8, 2015

The Honorable Barack Obama  
President of the United States of America  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear President Obama:

We write today to express concerns about the potential conflict between free trade rules and the urgency to address climate change. Climate change is an enormous threat to our nation and our planet, and the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change in Paris is a key opportunity for the global community to agree to a strong framework to combat the crisis. As the administration pushes towards an agreement in Paris, we must not let trade rules, including those incorporated in the Trans-Pacific Partnership (TPP), undercut the prospects for or implementation of a strong climate deal.

In recent years we have witnessed an alarming rise of international trade and investment disputes related to renewable energy and climate policies. Foreign investors and corporations are increasingly using investment rules in free trade agreements and bilateral investment treaties to challenge climate and clean energy policies. Recently there has been a significant increase in investor-state dispute settlement (ISDS) cases in which corporations bring legal action against governments with policies contradicting the parameters of a trade agreement. In fact, since 2011 the number of ISDS cases, which often target environmental regulations and standards, has exploded to an average of nearly fifty cases each year.

In order to combat the climate crisis every nation will need to transition to a new, low carbon future. There are many ways this can be accomplished, but countries and localities will need flexibility to realize this goal. All countries should be incentivized to implement policies to combat climate change. For this reason, we cannot adopt trade rules which empower foreign investors to challenge state and federal renewable energy programs.

The Paris climate deal and free trade agreements cannot be discussed in silos. Further, the United States must not perpetuate the ability of foreign companies to undermine sovereign governments’ efforts to combat climate change. We urge the administration to ensure no provisions within any trade agreement under consideration by the United States undermine the ability of countries to reach or implement a strong agreement to address climate change.

Sincerely,

Mark Pocan  
Member of Congress

Raul M. Grijalva  
Member of Congress
James P. McGovern
Member of Congress

Jerry McNerney
Member of Congress

Jerrold Nadler
Member of Congress

Eleanor Holmes Norton
Member of Congress

Bill Pascrell, Jr.
Member of Congress

Charles B. Rangel
Member of Congress

John Sarbanes
Member of Congress

Robert C. "Bobby" Scott
Member of Congress

José E. Serrano
Member of Congress

Jan Schakowsky
Member of Congress

Brad Sherman
Member of Congress

Louise McIntosh Slaughter
Member of Congress
Paul Tonko
Member of Congress

Niki Tsongas
Member of Congress

Chris Van Hollen
Member of Congress

Maxine Waters
Member of Congress

Bonnie Watson Coleman
Member of Congress

John Yarmuth
Member of Congress