



Immediate Release

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Contacts:

Maya K. van Rossum, the Delaware Riverkeeper, 215 369 1188 ext 102 (rings to office and cell)

New Trade Deal Threatens to Undermine Legal Protections for Delaware River and Rivers Across the Nation Delaware Riverkeeper Urges U.S. Trade Representative to Take Corrective Steps

Wash, D.C.: In an effort to avert the undermining of environmental protection laws for the Delaware River and across the nation, the Delaware Riverkeeper Network sent an urgent letter to the United States Trade Representative, Ambassador Michael Froman, to urge corrective language be inserted in the Trans-Pacific Partnership Trade Agreement under negotiation.

“As it currently stands, this new trade deal called the Trans Pacific Partnership could undermine and/or override federal, state and local environmental laws and regulations, as well as laws passed pursuant to interstate compacts such as the one that guides the actions of the Delaware River Basin Commission. This deal is set to unravel lawfully enacted legislation from the local level up to the federal level if it passes without modification. The deal is currently believed to include a dispute resolution provision that would allow foreign interests to sue the United States government for hundreds of millions of dollars if they perceive environmental laws as impeding their ability to make profits,” said **Maya van Rossum, the Delaware Riverkeeper**.

The new trade agreement called the Trans-Pacific Partnership (TPP) is being negotiated in secret between the United States and 12 nations from the Pacific Rim including Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam. While China is not currently party to this secret dealmaking, it is believed that they and others will eventually become a part of the pact.

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
drm@delawareriverkeeper.org
www.delawareriverkeeper.org

Neither the public nor Congress can gain access to the draft provisions under negotiation. It is reported that there are 29 Chapters to the agreement, many of which have nothing to do with regulating trade but instead focus on limiting environmental, food safety, health and other laws.

There have been some leaks that have given a glimpse into the deal. WikiLeaks secured and released the Intellectual Property Rights Chapter (<http://wikileaks.org/tpp/>) being negotiated.

The TPP is expected to include an Investor-State Dispute Resolution provision which will allow corporate entities and investors to bring claims for significant monetary payouts against any signatory-country who they feel have interfered with their corporate/investor benefits under the treaty – that includes the United States. So if there is a law that prevents a corporation from pursuing a toxic waste facility, dangerous development, or a fracking and drilling project, under the TPP that corporation/investor could bring a claim against the signatory-country before an international arbitration tribunal and have millions of dollars in damages leveled against them. (for specific stories go to: <http://www.citizen.org/documents/fact-sheet-tpp-and-environment.pdf>)

The North American Free Trade Agreement (NAFTA) includes an Investor-State Dispute Resolution provision. As a result of this provision in NAFTA, a private drilling company is about to sue Canada for \$250 million because of a ban on fracking passed by the Province of Quebec which was enacted to allow them to study the dangerous process. (To see a copy of the Nov 8 Notice of Intent to Submit a Claim to Arbitration: <http://www.international.gc.ca/trade-agreements-accords-commerciaux/assets/pdfs/disp-diff/lone-01.pdf>)

“It is easy to see similar suits being filed based on local bans in New York, Colorado and elsewhere,” says van Rossum.

van Rossum adds: “Environmental protection is not an impediment to healthy and vibrant trade – to the contrary, healthy environments support economic growth, trade and vitality while at the same time ensuring the health of our communities. For example, a healthy Delaware River is not only the drinking water supply for 15 million people, but it also contributes \$22 billion in annual economic activity. Removing the federal, state, local and/or Delaware River Basin Commission laws, regulations and/or standards that protects this river puts everyone who depends upon it or benefits from it in jeopardy.”

For a copy of the Delaware Riverkeeper Network letter go to:
http://www.delawariverkeeper.org/resources/Letters/DRN_Let&memo_US_Trade_Rep_re_TPP.pdf

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