



May 7, 2012

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

Dear Ambassador Kirk:

While our organizations urge the complete exclusion of tobacco products from trade agreements, including the Trans-Pacific Partnership (TPP) Agreement the United States is currently negotiating with eight other countries, we are writing to support what has been reported as the Administration's effort to take a major step forward to protect public health. Published reports indicate that at next week's round of TPP negotiations in Dallas, the United States Trade Representative (USTR) will propose language that has been described as protecting the authority of countries to enact measures to reduce tobacco use. If this description is correct, this proposal rightly recognizes that tobacco products are uniquely lethal, that there is a global consensus that nations should act to reduce tobacco use, and that trade agreements should not undermine the authority of governments to do so.

We strongly support language stating that nothing in the agreement shall prevent the countries involved from adopting or maintaining measures to reduce tobacco use and the harm it causes to public health. We urge the U.S. and the other countries involved to fight for this principle as the minimum that should be included in the TPP agreement with regard to tobacco products.

There is an urgent need for this action in the Trans-Pacific Partnership. Tobacco companies increasingly have abused existing trade and investment agreements to challenge legitimate tobacco control measures adopted by the United States, Australia, Uruguay and other countries. A USTR proposal that would protect tobacco control measures from challenges from private tobacco companies as well as governments under the Trans-Pacific Partnership Agreement would be a major step forward to address the unique harms caused by tobacco. Such a proposal would recognize the sovereignty of nations to determine how to best protect their citizens against tobacco and can be done without undermining the broader trade goals of the Trans-Pacific partnership. If published reports are accurate, we applaud the Administration for standing up to the tobacco industry and supporting worldwide efforts to reduce tobacco use and save lives.

Tobacco products are unlike any other legal consumer product as they are highly addictive, cause disease and death, and are the number one preventable cause of death in the world. There is a global consensus that governments should be doing everything possible to reduce consumption of tobacco products and the resulting harms from that consumption. This consensus is reflected

in the world's first public health treaty, the World Health Organization's Framework Convention on Tobacco Control, under which 173 countries, have made legally binding commitments to enact effective tobacco control measures. Thus, the global goal with regard to tobacco is in contrast to the usual free trade goal of expanding access to and consumption of products.

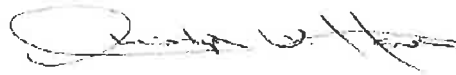
The tobacco industry and its allies will no doubt attack the U.S. proposal because it threatens their relentless efforts to defeat tobacco control measures and maximize sales of their deadly and addictive products. They have already falsely argued that excluding tobacco products from trade agreements will hurt U.S. tobacco farmers. As we understand it, while we would have preferred otherwise, the Administration's proposal addresses only manufactured tobacco products, and not tobacco leaf. It will not have any impact on the export or import of tobacco leaf.

Tobacco products killed 100 million people in the 20<sup>th</sup> century and will kill one billion people in the 21<sup>st</sup> century unless governments take urgent action. Trade agreements should not promote or increase use of these deadly products, nor should they stop any nation from taking effective action to reduce tobacco use and save lives.

Sincerely,



Nancy Brown  
Chief Executive Officer  
American Heart Association



Christopher W. Hansen  
President  
American Cancer Society Cancer Action Network



Matthew L. Myers  
President  
Campaign for Tobacco-Free Kids



Charles D. Connor  
President and Chief Executive Officer  
American Lung Association