

# The Trans-Pacific Partnership (TPP) and Fast Track

## — Organizer Toolkit —

*The Trans-Pacific Partnership, or TPP, threatens the economy, environment, public health and democracy itself both at home and abroad. We cannot afford to allow the TPP to continue being negotiated in the shadows. Please use this toolkit to help drag the TPP into the light of day.*

Talking Points	p. 1
What is Fast Track?	p. 6
Fact Sheets	p. 7
Social Media	p. 7
Bird-Dogging	p. 7
Teach-In's & Town Halls	p. 8
Letters to the Editor	p. 9
Petitioning	p. 10
Template Resolution	p. 10
Points of Contact	p. 12

### **Talking Points**

#### ***What is the TPP?***

- The Trans-Pacific Partnership, or TPP, is a massive new trade and investment pact being pushed behind closed doors by the U.S. government at the behest of transnational corporations.
- U.S. negotiators have granted approximately 600 corporate lobbyists special “cleared advisor” status that enables them to review and comment on draft TPP texts, while flatly refusing to tell the public what they are proposing in our names. What we know about the TPP comes from leaked texts, discussions with negotiators from other countries and a handful of public statements and written testimony.
- If transnational corporations get their way, the TPP will serve two primary purposes:
  1. Making it easier to shift jobs throughout the world to wherever labor is the most exploited and environmental regulations are the weakest; and
  2. Putting checks on democracy at home and abroad by constraining communities’ ability to adopt new public-interest regulations.



- The TPP is currently being negotiated between the United States, Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam — covering approximately 40% of the global economy.
- The TPP is also specifically intended as a “docking agreement” that other countries throughout the world could join over time, with Thailand, the Philippines and others already expressing interest.
- U.S. negotiators are pushing to complete the TPP as quickly as possible, so the window of opportunity to prevent a bad deal it is closing fast.



### ***How Will the TPP Affect the Economy?***

- Since the North American Free Trade Agreement (NAFTA) was enacted in 1994, the U.S. Labor Department has individually certified more than 2.5 million American jobs as destroyed by either direct offshoring or displacement by imports. The Economic Policy Institute estimates that the true number of jobs lost is actually closer to 3.5 million.
- This job loss is obviously devastating to the livelihoods of the families who experience it directly. It also reduces the tax revenue available for schools, infrastructure and other vital public services, and it puts a significant downward pressure on the wages and benefits of the jobs that are left.
- Much of this trade-related job loss is result of corporations looking to exploit cheap labor abroad — often in countries where workers are violently suppressed for organizing in favor of better working conditions.
- The TPP is expected to accelerate the “global race to the bottom” in working conditions, and unless significant changes are made, would undercut labor standards in the United States and across the world.
- Vietnam is currently being marketed as the “low-cost labor alternative” for corporations who feel that Chinese sweatshop workers are overpaid. The U.S. State Department noted in 2010 that independent labor unions, and even opposition political parties, are illegal in Vietnam. Vietnamese workers are often paid only one-third to one-half of what Chinese workers are paid.
- Brunei has virtually no union activity, nor any legal basis for collective bargaining or strikes. While considerably better on paper, Mexico’s maquiladora are frequently controlled by company-run “ghost unions” insofar as there are any unions at all.

- Labor and human rights organizations across the world have called on the TPP to include clear and enforceable labor standards based on the International Labor Organization’s core conventions, but there is no indication that any TPP nations’ negotiating team is advocating this.
- Beyond just inadequate labor standards, the TPP is also expected to include a financial services chapter that would explicitly limit governments’ abilities to regulate banks, insurance companies and hedge funds.
- TPP provisions being advocated by Wall Street include prohibitions against limiting the size of financial institutions (ie, safeguards against “too big to fail”); prohibitions against firewalls between different types of financial institutions (ie, reinstating the Depression-era Glass-Steagall Act); prohibitions against bans on specific financial products (ie, banning the sale of toxic derivatives); and prohibitions against capital controls (ie, tools designed to stabilize the flow of speculative capital).
- The leaked investment chapter of the TPP also includes proposals that would grant banks and other transnational corporations the power to challenge any laws, regulations and even court decisions that they believe violate the pact through private tribunals that circumvent domestic judicial systems.

### ***How Will the TPP Affect the Environment?***

- Leaked documents show that the U.S. trade negotiators are pushing for the TPP to include so-called “investor-state” provisions that would grant transnational corporations the power to challenge virtually any new environmental or consumer safety law, regulation or court decisions that negatively affects their expectation of profits as a “regulatory taking” throughout private tribunals that circumvent domestic judicial systems.
- Within the World Trade Organization (WTO), portions of the Clean Air Act, Endangered Species Act and Marine Mammal Protection Act have already been rolled back under similar “trade” provisions that grant this type of power to foreign governments. The TPP would go beyond the WTO by giving individual corporations the power to initiate challenges.
- Right now, a number of smaller Free Trade Agreements and Bilateral Investment Treaties likewise grant these powers to transnational corporations — and they are being used to attack clean air rules in Peru, mining laws in El Salvador and a court decision against the oil giant Chevron in Ecuador, among many other examples. Expanding this system throughout the Pacific Rim would only increase the commonplace of these challenges.
- If like past agreements, the TPP’s sanitary and phytosanitary chapter will also require that countries can only enact “scientifically justifiable” food safety regulations, making it harder for countries to restrict the use of pesticides, food additives and genetically-modified organisms based on the precautionary principle.



- A leaked draft of the U.S. proposal for a new “regulatory coherence” chapter in the TPP would also impose new structures and procedures for domestic policymaking on almost all new forms of regulation.



- Beyond just heading off future environmental regulations, the TPP contains a variety of provisions — including investor-state, quota prohibitions and more — that are likely to encourage increased “rip and ship” export of raw materials throughout the Pacific Rim, meaning more logging, drilling and mining in some of the most biodiverse ecosystems left on earth.
- The offshoring of production enabled by the TPP would also have direct environmental consequences. The carbon footprint and other emissions of overseas factories and mills is often much higher than it is in the United States. While typically not as high as the production-related emissions, the pollution associated with shipping products across the Pacific Ocean to reach U.S. markets is also not inconsequential.
- More so, access to sweatshop labor, cheap energy and lax environmental enforcement overseas also effectively subsidizes the production of certain consumer products — including, particularly, consumer electronics — thus enabling the sale of short lifecycle products that contribute massively to e-waste and throw-away consumer culture.

### ***How Will the TPP Affect Public Health?***

- Leaked U.S. proposals for several chapters in the TPP reveal that U.S. negotiators have reversed hard-won reforms designed to enhance access to affordable medicines that were made during the George W. Bush administration.
- Affordable, generic medications are critical to saving lives. The first generation of HIV drugs has come down in price from roughly \$10,000 per patient per year to just over \$100 per patient per year thanks to increased access to generic versions. This reduction in price has helped to dramatically scale-up the number of people throughout the world who are now receiving treatment.
- The leaked U.S. intellectual property text for the TPP would roll back access to generic medications by effectively lengthening the term of current 20-year drug patents.
- Specifically, the U.S. proposal would broaden the scope of patentability by making it easier for pharmaceutical companies to patent new uses and minor variations of old medicines; slow the production of new generics when patents expire by expanding “data exclusivity” over clinical trials therefore forcing either the timely and costly replication of such trials or an additional three-year delay (beyond the current five) before such “exclusivity” ends; constrict safeguards against patent abuse by making it harder for public health advocates to challenge unjustified new patents; require new forms of drug

patent policing; and mandate that countries allow patents on plants, animals and surgical methods.

- The leaked drug formularies proposal by U.S. negotiators also shows them pushing new tools for drug companies to challenge countries' decisions regarding what they will and will not pay for medicine within government health programs.
- The TPP likewise contains a number of provisions that could make it more difficult for countries to implement effective tobacco controls.

### ***The Need for Transparency***

- The TPP is believed to include some 29 separate chapters that are likely to affect jobs, wages, agriculture, migration, the environment, access to medicine, consumer safety, banking regulations, indigenous rights, Internet protocols, government procurement and more. A pact this far-reaching should be negotiated in the most transparent and participatory manner possible — but, thus far, U.S. negotiators have refused to share their proposals with the American public.
- During the TPP negotiations outside of Dallas, Texas in May 2012, labor, environmental and consumer advocates led by Citizens Trade Campaign delivered over 42,000 petition signatures calling on the U.S. Trade Representative to release its TPP proposals.
- In June 2012, 133 members of the U.S. House of Representatives likewise delivered a letter to the U.S. Trade Representative calling for greater public and Congressional oversight, and pointing to the historical precedents for far-greater trade negotiation transparency. This includes that the WTO regularly publishes draft texts on its website and that even the Bush administration released draft text of the Free Trade Area of the Americas (FTAA) in 2001.
- For a while, even Senator Ron Wyden, who chairs the Senate Trade Subcommittee charged with overseeing U.S. trade policy, was being denied access to the TPP texts. Reportedly, any Member of Congress can now see them if they are persistent enough.
- While the public has been denied access to the TPP text, the U.S. Trade Representative has granted approximately 600 corporate lobbyists (and a handful of others) special “cleared advisor” status that enables them to review and comment upon specific negotiating drafts.
- U.S. negotiators have said they will not share text with the public until after negotiations are completed — at which point it is extremely difficult to make substantive changes.



## **What Is Fast Track?**

*Fast Track is a Nixon-era trade negotiating and approval process that strips power to influence the terms of trade agreements away from the public and our elected representatives, while maintaining and amplifying the influence of large corporate interests. If new Fast Track legislation were passed, the TPP could be rushed through Congress circumventing ordinary review, amendment and debate procedures.*

- The first time Congress handed its authority over to the White House in this manner was during the Nixon administration. The last time was during the George W. Bush administration, when at 3:28 in the morning on July 27, 2002, by just a one-vote majority, the U.S. House of Representatives voted for a Fast Track delegation they then called “Trade Promotion Authority.” That delegation of Fast Track expired on June 30, 2007. For new trade agreements, such as the Trans-Pacific Partnership (TPP), to be considered under Fast Track rules, Congress would first have to pass new Fast Track legislation.
- In concrete terms, Fast Track delegates five major elements of Congress’ constitutional authority to the executive branch: the power to select trading partners; the power to set the terms of trade agreements and to actually sign the agreements before Congress votes on them; the power to write implementing legislation, circumvent Congressional committee review and submit the legislation directly for a vote; the power to override Congressional leaders’ control of House and Senate floor schedules; and the power to override normal voting procedures, including a ban on all amendments and limits on debate. Under Fast Track, Congress does provide a list of “negotiating objectives” that the U.S. Trade Representative is supposed to try to meet, but these objectives are not enforceable.
- Fast Track is contrary to democratic principles like transparency, public participation and accountability in every way:
  - Under Fast Track, the U.S. Trade Representative negotiates the terms of trade agreements with other countries in secretive, behind-closed-door meetings.
  - While hundreds of corporate lobbyists are granted official trade advisor status, the general public has no right to see what is being proposed in our names until after negotiations have concluded, the agreement is signed and the opportunity for changes becomes all but impossible.
  - Fast Track also removes Congress’ exclusive constitutional authority to “regulate Commerce with foreign nations” by circumventing ordinary Congressional review, amendment and debate procedures.
- Because trade agreements take precedent over U.S. laws at the federal, state and municipal level, Fast Track enables an amazingly wide range of public interest policies to be rewritten without any of the typical public processes associated with democratic lawmaking.
- In 2012, U.S. Trade Representative Ron Kirk, the President’s cabinet-level trade advisor, said, “In order for us to conclude the [Trans-Pacific Partnership] agreement, we’re going to have to have [Fast Track] trade promotion authority.” Interest in acquiring Fast Track trade promotion authority is also referenced in President Obama’s published 2013 Trade Policy Agenda.

## **Fact Sheets**

The Trans-Pacific Partnership

<http://www.citizenstrade.org/ctc/wp-content/uploads/2012/03/TransPacificFactsheet.pdf>

Fast Track & the TPP

<http://www.citizenstrade.org/ctc/wp-content/uploads/2013/03/FastTrackFactsheet.pdf>

What Corporations Want with the TPP

<http://www.citizenstrade.org/ctc/wp-content/uploads/2012/03/TransPacificCorporations.pdf>

The TPP and the Environment

<http://www.citizenstrade.org/ctc/wp-content/uploads/2012/03/TransPacificEnvironment.pdf>

The TPP's Threats to Public Health

<http://www.citizenstrade.org/ctc/wp-content/uploads/2012/03/TransPacificPublicHealth.pdf>

The 21<sup>st</sup> Century Trade and Market Access Act

<http://www.citizenstrade.org/ctc/wp-content/uploads/2012/07/21stCenturyTradeAct.pdf>

## **Social Media**

**#TPPTuesday:** Help spread the word about TPP resistance over social media by signing up for the #TPPTuesday Social Media Action Team at:

<http://www.globalexchange.org/blogs/peopletopeople/2013/07/02/break-the-silence-on-the-tpp/>

**Twitter:** All tweets about the TPP should include the hashtag #TPP. Other hashtags can also be used for local and issue-specific differentiation, but please always include #TPP. You can also follow @citizenstrade for updates.

**Facebook:** Please post any humorous photos, stunt videos or stories to [www.facebook.com/TPPlulz](http://www.facebook.com/TPPlulz).



## **Bird-Dogging**

Elected officials are hearing from corporate lobbyists about the TPP; it's critical that they start hearing from constituents, too. Any time is a good time to communicate with Members of Congress, but it is particularly important that they hear face-to-face from constituents when they are at home "in district."

- You can learn about "Town Hall Events," "Congress on Your Corner" and other public events featuring your Congressperson by visiting their website, signing up for their email list and following them through social media. Joining state or regional political party email lists is also



sometimes helpful. When in doubt, simply call your Congressperson's local office and ask when they'll next be making a public appearance where you can ask them a question.

- Pay attention to the Congressional Calendar to get a sense of when they'll be in session in Washington, DC and when they'll be back home. (See, for instance, <http://thomas.loc.gov/home/ds/>). Most Members of Congress spend a good part of the month of August and early September in their home states, and often have public events then — but there are also specific weeks throughout the year when the House or Senate will be on recess.
- When you attend a “Town Hall” or other event, try to arrive early, so that you can get a good seat and in case they hand out numbers for people to ask questions. If you bring friends with you, you may want to spread out, rather than sitting next to one another, in order to increase the likelihood you get called for a question.
- Consider writing down your question before you get there. Think carefully about what you want to communicate to the Congressperson and the audience in a couple of sentences, and make sure you end with a clear “yes” or “no” question, rather than something more open-ended like “what do you think?” If the Congressperson doesn't give a clear “yes” or “no” feel free to follow up immediately after they've answered before they can call for the next question.
- Examples of “yes” or “no” questions include: “Congresswoman, will you call on TPP negotiators to tell the American public what they've been proposing in our names?” or “Senator, will you cosponsor the 21<sup>st</sup> Century Trade and Market Access Act?”
- Take notes on the Congressperson's response, and please email their answers to [tppaction@citizenstrade.org](mailto:tppaction@citizenstrade.org).

If after searching online and calling their office you find that your Member of Congress is one of the few who doesn't do “Town Halls” and other events with constituents, consider leafleting with one of the factsheets above outside one of their fundraisers (every Congressperson does those) or calling through your list of friends and family and urging them to call the Congressperson's office about the TPP. The less used to interacting with constituents they are, the more meaningful your persistence will be.

## **Teach-In's & Town Halls**

Corporate media isn't giving the TPP the attention it deserves, so it is up to us to spread the word. Organizing your own teach-in, town hall or community forum about the TPP is a great way to educate and mobilize your community about it.

- *Find a venue.* Union halls, churches, community centers and libraries are all great, low-cost venues. Choose a venue that is





convenient and familiar to the audience you're seeking to reach.

- *Recruit speakers.* You know your audience and what messengers will move them. Local labor, environmental and human rights organizations may be able to provide speakers — especially on the local impacts of *past* trade agreements such as NAFTA and the WTO — which you can supplement by speaking yourself about the TPP using the talking points above. You can also reach out to the points of contact listed in this toolkit for additional speaker suggestions.
- *Get cosponsors.* Ask trusted local organizations if you can list them as event cosponsors and if they will spread the word about your event to their membership.
- *Spend most of your time on turnout.* At minimum, create an email about the event that you circulate to as many people as you can — asking them to forward it to their lists. Other turnout strategies include: creating a Facebook event page for the event; leafleting other events; posting flyers at the venue and elsewhere; phonebanking your friends and other phone lists; and putting an event listing in newspapers and newsletters. Please also email [tppaction@citizenstrade.org](mailto:tppaction@citizenstrade.org) and we may be able to help promote it.
- *Invite Members of Congress.* Invite Members of Congress and their staff to attend your event. If they show up, they will learn something — and even if they don't, they'll at least know that constituents are talking about the TPP.
- *Circulate a sign-in sheet.* Have a sign-in sheet for the event, and have a volunteer hit up everyone as they enter and/or circulate it on a clipboard as people are seated. These are people who care about the TPP and you may want to communicate with them in the future. Be sure to get their names, email addresses and phone numbers.
- *Include an action step.* Circulate a poster-sized petition that you have people sign and then recruit volunteers to help deliver it to your local Congressional office; have people pull out their cell phones and call their Member of Congress right then-and-there; ask people raise their hands if they can help bird-dog at an upcoming Congressional town hall; or leave people with some other easy way to take action.
- *Spread the word about what you learn.* Recruit someone to videotape your presenters and post the videos online. You can share the videos with people who signed up on the sign-up sheet and encourage them to share them with friends who couldn't attend and to post them on social media. Also consider writing and circulating a press release about the event with short quotes about the TPP from each of your speakers. You can send it out to both the corporate media and over listserves to help spread the word.

## **Letters to the Editor**

*Letters to the Editor are a great way to get the word out about the TPP. Not only are they one of the most closely-read sections of any newspaper, but they are often monitored by politicians as a gauge of public opinion. Over time, letters can even influence the editorial positions and coverage decisions of a paper. Here are some tips for getting published...*

- Stick to one main point, such as “The Trans-Pacific Partnership is bad for our state because...” or “Our Senator should support the 21<sup>st</sup> Century Trade and Market Access Act because...”
- Keep it short. A short letter is more likely to be published and less likely to be edited down than a long one.
- Find a news hook. If possible, write in response to something the paper recently published (ie, unemployment figures, a factory closure, an article on global warming, etc.).
- Be opinionated, but polite. The Letters section is meant for opinions, but avoid insulting politicians, readers or the paper.
- Include your contact info. Include your full name, address and phone number along with your email address when you submit it. Some papers will want to confirm you really wrote the letter submitted.
- Personalize the letter. Use the taking points provided in this toolkit to help craft a personalized letter. Cookie-cutter letters are often detected.
- Please send copies of your published letters to [tppaction@citizenstrade.org](mailto:tppaction@citizenstrade.org).

## **Petitioning**

Some of the latest national petitions on the TPP are on the “Take Action” button at [www.citizenstrade.org](http://www.citizenstrade.org). For a PDF that you can print out and circulate at meetings and elsewhere, please email [tppaction@citizenstrade.org](mailto:tppaction@citizenstrade.org).

## **Template Resolution**

*Please consider passing the following resolution within your labor, environmental, faith or community organization — making any changes you deem appropriate. Please share passed resolutions at: [tppaction@citizenstrade.org](mailto:tppaction@citizenstrade.org).*

### **Resolution Opposing the Trans-Pacific Partnership**

Whereas, the North American Free Trade Agreement (NAFTA) and similar trade policies are directly responsible for approximately 3.5 million lost jobs in the United States, increasing unemployment, while also reducing tax revenue for schools, infrastructure and other critical public services and driving down the wages and benefits of the jobs that are left; and

Whereas, these trade agreements have also been devastating for working people in developing countries, forcing countless family farmers off their land and encouraging a global race to the bottom in working conditions; and

Whereas, the proposed Trans-Pacific Partnership (TPP) is poised to become the largest Free Trade Agreement in the world, with twelve countries already included, but also containing a “docking” mechanism that would allow new countries to join over time; and

Whereas, a number of the current TPP negotiating countries have atrocious labor standards, with some actually banning independent trade unions and even being promoted as low cost labor alternatives to China; and

Whereas, there is no indication that U.S. negotiators are pushing for the TPP to include enforceable labor standards based on core International Labor Organization conventions regarding child labor, forced labor, freedom from discrimination and the right to organize; and

Whereas, leaked TPP documents reveal U.S. negotiators pushing for provisions that would allow transnational corporations to challenge U.S. laws, regulations and court decisions, as well as those of other countries, as so-called “regulatory takings” through a private tribunal system that circumvents domestic judicial systems, thereby threatening future environmental, consumer safety, labor and financial rules and other democratically-enacted public interest regulations; and

Whereas, leaked TPP documents further reveal U.S. negotiators pushing for provisions that would extend the length of drug patents, thereby reducing access to affordable generic medications at home and throughout the world; and

Whereas, U.S. trade negotiators have granted approximately 600 corporate lobbyists access to the TPP negotiating texts, but have flatly refused to tell the American people what they are proposing in our names;

Whereas, various corporate lobby groups are calling for new Fast Track “trade promotion authority” legislation that would allow the TPP to circumvent ordinary Congressional review, amendment and debate procedures; and

Whereas, the world cannot afford a “NAFTA of the Pacific”;

Therefore, be it resolved, that our organization opposes the Trans-Pacific Partnership; and

Be it further resolved that our organization will seek out opportunities to work with others in our communities and throughout the world to oppose the TPP; and

Be it further resolved that our organization will question candidates for political office about their positions; and

Be it further resolved that our organization calls upon Congress to oppose Fast Track for the TPP: and

Be it finally resolved that our organization will submit a copy of this resolution to all Members of Congress in our region and to the President.



## **Points of Contact**

### *National:*

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### *Regional:*

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**For more info, please visit:**  
[www.citizenstrade.org](http://www.citizenstrade.org)