

September 11, 2013

President Barack H. Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

The Center for Policy Analysis on Trade and Health (CPATH) together with the American Academy of Family Physicians (AAFP), American Academy of Pediatrics (AAP), American College of Physicians (ACP), and the American Congress of Obstetricians and Gynecologists (ACOG) respectfully request your leadership to assure that tobacco control measures and tobacco products are “carved out” of existing and future trade agreements, including the Trans-Pacific Partnership (TPP), a 12-nation agreement currently under negotiation.

Tobacco use is the leading preventable cause of death in the United States¹ and worldwide, and the only legal substance that, when used as intended, kills people, causing 6.3 million deaths a year. In addition, cigarette smoking is responsible for about one in five deaths annually² and a major contributor to the global pandemic of tobacco-related non-communicable diseases. All of our organizations support the WHO Framework Convention on Tobacco Control, notably Article 5.3 on the protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry.

Curtailing tobacco use must be a central element of policies to reduce preventable childhood,³ adolescent and adult tobacco-related morbidity and mortality, a key goal of the Administration.

Trade agreements and trade rules offer the tobacco industry powerful tools to undermine and supersede local, state, and national measures to implement and enforce tobacco control measures. Tobacco companies have recently accelerated their use of trade rules to attempt to delay and reverse tobacco control measures in the U.S., Australia, Uruguay, Norway, and Ireland. Eliminating these loopholes is of the utmost urgency.

We call on the United States to support a trade proposal in the TPP negotiations that will safeguard public health, advance tobacco control measures that contribute to reducing the enormous burden of disease related to tobacco use, and prevent incursions by the tobacco industry against those measures. Trade agreements must guarantee nations’ rights to protect public health from tobacco use. A country's own standards should be determinative, as they currently are in the case of national security.

The TPP must not undermine the right and ability of participating countries from exercising their domestic sovereignty in order to adopt or maintain measures to reduce tobacco use and to prevent the harm it causes to public health.

We are aware that Malaysia, one of our TPP trading partners, has announced its commitment to carving out tobacco.

Our organizations have consistently supported removing tobacco control measures and tobacco products from trade agreements and want assurance that tobacco control measures will not be subject to challenge through the TPP and all future trade agreements.

We urge the U.S. to exercise leadership in diplomacy and in public health by agreeing to carve out tobacco control measures and tobacco products from the TPP.

Sincerely,

Center for Policy Analysis on Trade and Health (CPATH)
American Academy of Family Physicians (AAFP)
American Academy of Pediatrics (AAP)
American College of Physicians (ACP)
American Congress of Obstetricians and Gynecologists (ACOG)

cc:

Ambassador Michael Froman, U.S. Trade Representative
Secretary Kathleen Sebelius, U.S. Department of Health and Human Services
Secretary Penny Pritzker, U.S. Department of Commerce
Commissioner Margaret A. Hamburg, U.S. Food and Drug Administration
Director Thomas Frieden, U.S. Centers for Disease Control and Prevention

¹ Centers for Disease Control and Prevention. Smoking-Attributable Mortality, Years of Potential Life Lost, and Productivity Losses—United States, 2000–2004. *Morbidity and Mortality Weekly Report* 2008.

² U.S. Department of Health and Human Services. *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease*. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.

³ Remarks by the President in the State of the Union Address, February 12, 2013. <http://www.whitehouse.gov/the-press-office/2013/02/12/remarks-president-state-union-address>