

**United States-Trans-Pacific Partnership Trade Agreement Threatens Public Health
A Call for New Direction in Trade Talks
June 14, 2010**

Public health experts are calling for trade officials to reverse course and protect health. **Current trade agreements make life-saving prescription drugs more expensive, while deadly tobacco products become cheaper and easier to sell.** Trade officials from eight nations gather this week in San Francisco to set the terms for a new Trans-Pacific Partnership trade deal. Initial TPP negotiating partners include **Australia, Brunei Darussalam, Chile, New Zealand, Peru, Singapore and Vietnam**, with the objective of including additional countries throughout the Asia-Pacific region.

The Center for Policy Analysis on Trade and Health (CPATH) called on the U.S. Trade Representative to break with past trade policies immediately in at least three areas: 1. Support tobacco control measures. 2. Support affordable medicines. 3. Add public health experts to trade advisory committees.

1. Reverse Past Trade Deals That Undermine Tobacco Control

Tobacco use is the leading preventable cause of death and disease in the world. Globally, tobacco use is expected to kill over 10 million people by 2030. Seventy per cent of the deaths are expected to occur in low and middle income nations. Worldwide, tobacco use is more prevalent among the poor, the uneducated, and those least informed about the effects of tobacco use. According to the Pan American Health Organization (PAHO), lowering import tariffs on tobacco makes tobacco products cheaper, and therefore increasing the deadly consumption of tobacco. Past trade deals negotiated by the U.S. have intentionally lowered tobacco tariffs.

Singapore and Chile FTAs – Reduce Tariffs, Making Tobacco and Tobacco Products Cheaper
Singapore and Chile each previously negotiated a Free Trade Agreement (FTA) with the U.S. In the U.S.-Singapore trade deal, tariffs on tobacco are progressively lowered (Annex 2B-Schedule-83-85 of the Agreement). In the U.S.-Chile FTA, tariffs on tobacco are phased-out.

Peru FTA – Eliminates Tariffs on Tobacco Products

In the Americas, the number and percent of smokers has tripled in low-income countries since 1970. The previously negotiated U.S.-Peru FTA challenges Peru's public health efforts to reduce the five million tobacco-related deaths a year. **It eliminates tariffs on tobacco products. The Investment, Services and Intellectual Property chapters of the FTA permit challenges to tobacco control measures as "nontariff barriers to trade."**

2. Reverse Past Trade Deals That Protect High Drug Prices

The Australia Free Trade Agreement presents threats to future U.S. laws to reimport cheaper prescription drugs, and grants drug companies the right to undermine Australia's successful drug price controls. "We're looking to the new Administration for a new trade policy on access to affordable medicines," according to CPATH Co-Director Ellen Shaffer. "These intellectual property rules have no place in an agenda to improve and promote people's health."

3. Add public health voices to official U.S. trade advisory committees.

In 2009, 27 drug industry representatives and 6 from the tobacco industry provided official advice on trade policy and negotiations to the U.S. Government. One lone tobacco control representative provided trade advice.

Corporate Interests Monopolize U.S. Trade Advisory Committees

Industry Advisers	2005	2005	2009	2009
	# of U.S. Advisory Committees	No. of Industry Representatives	No. of Advisory Committees	No. of Industry Representatives
Tobacco	2	7	3	6
Pharma	6	20	7	27
Alcohol	4	6	5	8
Food	13	4	13	7
Health Insurance & Services	2	5	5	17
TOTAL:	27	42	33	65

To safeguard public health, CPATH recommends the following:

Public Health Objectives for the United States-Trans-Pacific Partnership Trade Agreement

1. **To exclude tobacco and tobacco products**, which are lethal, and for which the public health goal is to reduce consumption, from tariff and nontariff provisions of the TPP, including advertising, labeling, product regulation and distribution.
2. **To assure democratic participation by public health and transparency in trade policy:**
 - a. Appoint to all three tiers of trade advisory committees representatives of organizations that work to assure equitable access to affordable health-related services and products, and promote the health of individuals, communities and populations, who can provide formal advice to USTR from the public health and health care community to USTR.
 - b. Open all proceedings and documents of the trade advisory committees regarding the TPP to the public, and
 - c. Consult with all relevant committees of the House and Senate in the development, negotiation, implementation, and administration of trade negotiating objectives.
3. **To develop mutually beneficial trade relationships with TPP partners that create sustainable economic development** in an increasingly interdependent world.
4. **To recognize the legitimate exercise of national, regional and local government sovereignty to protect population health**, and to ensure that countries do not weaken or reduce, as an encouragement for trade, sound policies that contribute to health and well being, including laws on public health, the environment and labor.
5. **To exclude tariff and nontariff provisions that address vital human services** such as health care, water supply and sanitation, food safety and supply, and education, including licensing and cross-border movement of personnel in these fields.
6. **To exclude alcohol products**, which present serious hazards to public health. Policies designed to reduce the harm caused by alcohol products should not be subject to compromise in exchange for other trade benefits.
7. **To eliminate intellectual property provisions related to pharmaceuticals**, as these are more appropriately addressed in multilateral fora, **and promote trade provisions which enable countries to exercise all flexibilities provided by the Doha Declaration on Public Health**, including issuing compulsory licenses for patented pharmaceuticals, parallel importation, and other measures that address high prices and promote access to affordable medicines.