

# THE SOCIETY OF THORACIC SURGEONS

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May 15, 2012

The Honorable Ron Kirk  
United States Trade Representative  
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Washington, D.C. 20508

JEFFREY B. RICH, MD  
President

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Dear Ambassador Kirk:

The Society of Thoracic Surgeons (STS) urges 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. I also write 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 the upcoming 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

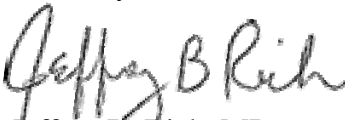
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which 174 countries have made legally binding commitments to enact effective tobacco control measures. Thus, the global goal with regard to tobacco is in contrast to the usual free trade goal of expanding access to and consumption of products.

Tobacco products killed 100 million people in the 20th century and will kill one billion people in the 21st century unless governments take urgent action to stop adults and children from smoking. 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.

Thank you for your intelligent consideration and for supporting our future generations. If you have any questions regarding our position in this matter, please contact Phil Bongiorno at 202-787-1221 or [pbongiorno@sts.org](mailto:pbongiorno@sts.org).

Sincerely,



Jeffrey B. Rich, MD