Environmental Advocates Request “Climate Peace Clause” & Other Measures to Eliminate Trade Threats to Climate Action

Ambassador Katherine Tai
United States Trade Representative
Office of the U.S. Trade Representative
600 17th Street NW
Washington, DC 20006

May 10, 2022

Dear Ambassador Tai:

We appreciate the Biden administration’s commitment to making international trade policy more compatible with climate solutions, and write to ask that one of your initial steps include eliminating existing trade pacts’ threats to climate initiatives in the United States and around the world.

To avoid the worst outcomes from climate change, humanity has less than a decade to make substantial progress towards eliminating greenhouse gas emissions. We quite literally do not have time to try to twist climate initiatives to comport with the expansive rights that oil, gas, coal and other corporate interests have been awarded within existing trade agreements, nor to litigate such policies in extrajudicial trade tribunals.

Insofar as trade pacts empower corporations operating across borders to — either directly themselves or indirectly through governments — challenge policies they believe interfere with their trade and investment privileges, these pacts can jeopardize global progress on climate change in a myriad of ways and are thus extremely dangerous.

In July 2021, for instance, TC Energy formally announced it is launching a $15 billion suit under the North American Free Trade Agreement (NAFTA) over the United States’ refusal to grant operating permits for the Keystone XL Pipeline in an attempt not only to recover the company’s initial investment, but also its “loss of expected future profits.” This is just one of many cases brought by fossil fuel companies to attack climate policies in recent years.

These cases must serve as a wake-up call. If taxpayers are required to pay the fossil fuel industry to stop polluting, large scale policies that limit climate pollution will become even more difficult to enact on the timescale needed to assure a livable future. And policies that restrict fossil fuel projects aren’t the only ones at risk. Existing trade pacts have also been used to attack governments’ green energy projects both domestically and internationally.

The solution to these threats is straightforward: climate policies must be made immune to any and all attacks made through trade agreements.
We very much appreciate the president’s opposition to Investor-State Dispute Settlement (ISDS), as well as your own efforts to scale back ISDS provisions during the previous administration’s NAFTA renegotiation. It’s time to finish that work, while also eliminating other trade dispute resolution threats to climate action.

We ask that you please work with the president to remove ISDS in its entirety from the revised NAFTA pact and from all other Free Trade Agreements and Bilateral Investment Treaties — whether through renegotiation with other nations or through unilateral notice of withdrawal from those provisions.

We also ask that you please propose and secure an urgent “peace clause” at the World Trade Organization (WTO), under which all nations agree not to use WTO rules to attack one another’s climate policies. A WTO peace clause already exists for food security measures. Extending that precedent to climate initiatives is common sense.

We look forward to supporting your leadership in these areas in any ways we can. Please let us know how we can be of assistance moving forward.

Sincerely,

Trade Justice Education Fund
350.org
ActionAid USA
Center for International Environmental Law (CIEL)
Citizens’ Climate International
Food & Water Watch
Friends of the Earth U.S.
Greenpeace USA
Justice Is Global
Natural Resources Defense Council (NRDC)
Oil Change International
Rainforest Action Network
Sierra Club
Sunrise Movement
The Democracy Collaborative
Witness for Peace Solidarity Collective

32nd LD Democrats (WA)
350 Chicago (IL)
350 Eastside (WA)
350 Kishwaukee (IL)
350 New Hampshire (NH)
350 New Mexico (NM)
350 New Orleans (LA)
350 Pensacola (FL)
350 Sacramento (CA)
350 Seattle (WA)
350 Tacoma (WA)
350 West Sound Climate Action (WA)
50by40 (KS)
Acadia Center (MA)
Alachua Audubon Society (FL)
Alaska Marine Conservation Council (AK)
Alianza Nacional de Campesinas (CA)
Alliance of South Asians Taking Action (ASATA) (CA)
Amigos De Los Rios (CA)
APACE (WA)
Arkansas Ozark Waterkeeper (AK)
Asian Pacific Environmental Network (CA)
Atchafalaya Basinkeeper (LA)
Athens County’s Future Action Network (OH)
Bold Alliance (NE)
Breach Collective (OR)
Campus Leaders for Energy Action Now (CLEAN) (WI)
Center for Sustainable Economy (WA)
Chico for Climate Action (CA)
Citizens’ Climate Lobby, Bainbridge Island Chapter (WA)
Clean Up the River Environment (MN)
Climate Action Alliance of the Valley (VA)
Climate Action Iowa (IA)
Climate Action Rhode Island - 350 (RI)
Climate Health Now (CA)
Climate Innovation at Movement Strategy Center (CA)
Climate Jobs PDX (OR)
Climate Reality Project Massachusetts Southcoast (MA)
Climate Smart Missoula (MT)
Colorado Native Plant Society (CO)
Columbia Gorge Climate Action Network (OR)
Community Alliance for Global Justice (WA)
Conservation Council for Hawaii (HI)
Cosmic Poetry Sanctuary (MS)
CT District 4 CCL Chapter (Greater Bridgeport/Norwalk/Stamford) (CT)
Delaware Audubon (DE)
Dogwood Alliance (NC)
E-Town Sunrise (IL)
Eco Active 101 (CA)
Education, Economics, Environmental, Climate and Health Organization (EECHO) (MS)
Ella Baker Center for Human Rights (CA)
Endangered Habitats League (CA)
Environmental Confederation of Southwest Florida (FL)
Environmental Health Coalition (CA)
Extinction Rebellion Baltimore (MD)
Extinction Rebellion Kentucky (KY)
Extinction Rebellion New Orleans (LA)
Extinction Rebellion San Francisco Bay Area (CA)
Extinction Rebellion Western Massachusetts (MA)
Faith Action Climate Team (WA)
Faith Action Network (WA)
Farmworker Association of Florida (FL)
FLOW (MI)
Fossil Free California (CA)
Friends of Hurricane Creek (AL)
Friends of Merrymeeting Bay (ME)
Friends of the Los Angeles River (CA)
Georgia Conservation Voters (GA)
Global Exchange (CA)
Great Old Broads for Wilderness (CO)
Greater Boston Physicians for Social Responsibility (MA)
Green Faith New York (NY)
Guadalupe Regional Group of the Sierra Club (CA)
Hawai‘i Wildlife Fund (HI)
Health Alliance International (WA)
Health Equity Circle (WA)
Hip Hop for Change Inc. (CA)
Hoosier Environmental Council (IN)
Indivisible Eastside (WA)
Indivisible Hawaii (HI)
Indivisible Northern Nevada (NV)
Indivisible Owls LV (NV)
Indivisible Skagit (WA)
Indivisible Stillwater Oklahoma (OK)
Indivisible Tacoma (WA)
Indivisible Vashon (WA)
Interfaith Center on Corporate Responsibility (NY)
Just Strategy (WA)
Kentucky Environmental Foundation (KY)
Local Clean Energy Alliance (CA)
Mazaska Talks (WA)
Metro Justice (NY)
Midcoast Maine Earth Protectors (ME)
Missouri Coalition for the Environment (MO)
Mountain Lion Foundation (CA)
Mt. Diablo Audubon Society (CA)
Native Conservancy (AK)
NC-CAN (CA)
New Energy Economy (NM)
New Hampshire Youth Movement (NH)
New York Trade Justice Coalition (NY)
New York Yearly Meeting (Quakers) (NY)
Newark Water Coalition (NJ)
NJPIRG (NJ)
Northern Arizona Climate Change Alliance (AZ)
Olympic Climate Action (WA)
One Voice (MS)
Orange County Coastkeeper (CA)
Organizacion en California de Lideres Campesinas, Inc. (CA)
Our Climate (WA)
Our Revolution Texas (TX)
OVEC-Ohio Valley Environmental Coalition (WV)
Park Slope Food Coop (NY)
Partner Organization Clean Air Muscatine (IA)
Peace & Justice Center (VT)
Physicians for Social Responsibility Pennsylvania (PA)
Planting Justice (CA)
Power Past Fracked Gas (OR)
Pueblo Action Alliance (NM)
Puget Sound Advocates for Retirement Action (WA)
Puget Sound Sage (WA)
RE Sources (WA)
River Guardian Foundation (NC)
Roanoke Chapter of Citizens Climate Lobby (VA)
San Luis Valley Ecosystem Council (CO)
Sandoval County Indivisible (NM)
Santa Clara Sunrise (CA)
Santa Cruz Climate Action Network (CA)
Save Our Illinois Land (SOIL) (IL)
Seattle Indivisible (WA)
Show Me Solar (MO)
Sierra Club Lone Star Chapter (TX)
Sierra Club Northwest Cook County Group (IL)
SoCal 350 Climate Action (CA)
Solidarity Committee of the Capital District (NY)
South Seattle Climate Action Network (WA)
Southern Oregon Climate Action Now (OR)
Steps Coalition (MS)
Sunflower Alliance (CA)
Sunrise LA Youth (CA)
Sunrise Lewisburg (PA)
Sunrise Middlesex County (NJ)
Sunrise Movement DC (DC)
Sunrise Movement Endicott College (MA)
Sunrise Movement Franklin County ME (ME)
Sunrise Movement Grinnell Hub (IA)
Sunrise Movement LUC (IL)
Sunrise Movement Martha’s Vineyard Youth (MA)
Sunrise Movement Stockton University (NJ)
Sunrise Pittsburgh (PA)
Sunrise Spokane Movement (WA)
Texas Drought Project (TX)
The Resilient Activist (MO)
The Tennessee Environmental Council (TN)
Thurston Climate Action Team (WA)
Toxic Free North Carolina (NC)
Trailnet (MO)
Trustees for Alaska (AK)
Utah Rivers Council (UT)
Virginia Clean Cities (VA)
Wallingford Indivisible (WA)
Washington Physicians for Social Responsibility (WA)
Whatcom Democratic Socialists of America (WA)
Whidbey Environmental Action Network (WA)
Wild Idaho Rising Tide (ID)
Wisconsin Student Climate Action Coalition (WI)
YES! (CA)
Youth United for Climate Crisis Action (YUCCA) (NM)
Youth Vs. Apocalypse (CA)