

**Congress of the United States**  
Washington, DC 20515

April 22, 2021

The Honorable Katherine Tai  
United States Trade Representative  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

Dear Ambassador Tai,

Congratulations on your recent confirmation as the United States Trade Representative. We applaud your commitment to advancing a trade agenda that prioritizes workers and the environment, and we look forward to partnering with you on this effort.

For too long the international trading system has failed to provide effective enforcement mechanisms to fully protect our environment. Forests have been leveled, ecosystems have been compromised, flora and fauna have been taken illegally, and our ocean has been overfished and is polluted with up to 15 million metric tons of marine debris annually. And provisions to address the greatest existential threat of our lifetimes, climate change, have routinely been excluded from key agreements.

Our effort to advance improved international environmental protections could begin with our closest trading partners, Mexico and Canada. In 2019, Congressional Democrats, under Speaker Pelosi's leadership, negotiated with the previous Administration to vastly improve the proposed United-States-Mexico-Canada Agreement (USMCA). The final deal included a strengthened Environment Chapter with enhanced environmental obligations and a first-of-its-kind customs enforcement agreement to better address trade in illegally taken fauna and flora. Critically, the accompanying implementing legislation, the United States-Mexico-Canada Agreement Implementation Act (P.L. No. 116-113), provided robust tools and funding to meet these obligations and ensure successful implementation, monitoring, and enforcement of the agreement.

The USMCA Agreement Implementation Act's Interagency Environment Committee for Monitoring and Enforcement (Interagency Environment Committee) will help our government, under USTR's leadership, coordinate our efforts to address environmental harm and set clear priorities for engagement. Further, among the many tasks assigned to the Interagency Environment Committee, it is required to review and respond to all factual records of Commission for Environmental Cooperation (CEC) submissions. The CEC was established at the time NAFTA entered into force, and serves as a repository for allegations that a country is failing to meet its environmental obligations. The USMCA Implementation Act requires those submissions be reviewed within 30 days to determine whether an enforcement action is necessary. We encourage you to use this capability to engage in robust enforcement. The legislation also provided for three environmental attachés to Mexico, one each from the Environmental Protection Agency, the

National Oceanic and Atmospheric Administration, and Fish and Wildlife Service, to assist the Interagency Environmental Committee's enforcement efforts. We urge you to immediately fill the positions and empower those individuals to work with the Government of Mexico to finally address and act on longstanding environmental concerns.

Successful enforcement of the USMCA will also require collaboration with other agencies, including the U.S. Customs and Border Protection (CBP). The agreement includes a customs verification enforcement tool to engage the Mexican government in the important function of addressing the trade or transshipment of illegally taken wild flora and fauna. The CBP has existing authorities to help stem the tide of these illegal shipments, and we encourage you to partner with them in this effort. We also encourage you to use the enforcement mechanisms provided by the Lacey Act, and to work with the Department of Agriculture to combat illegal trade in timber and wood products. Additionally, the USMCA includes new seafood obligations which, when enforced adequately, will help end illegal, unreported and unregulated (IUU) fishing, harmful fisheries subsidies, and other practices that damage our ocean and allow for illegal fish to enter our supply chains. A new report by the US International Trade Commission found that, in 2019, China, Russia, Mexico, Vietnam, and Indonesia were relatively substantial sources of IUU wild-caught seafood imported to the United States.

Climate change is the greatest existential threat of our lifetimes, and your stated commitment to combating climate change through trade policy is commendable. As members of Congress who are working tirelessly to advance climate change legislation, we stand ready to work with you to incorporate the Paris Agreement as a covered multilateral environmental agreement (MEA) in our trade agreements, including the USMCA, and use all additional tools available to center climate goals in our trade policy.

As you stated during your confirmation hearing before the Senate Finance Committee, "too often in the past, Congress and the administration came together to finalize and pass a trade agreement. But then other urgent matters arose and we all moved on. The United States-Mexico-Canada Agreement is a uniquely bipartisan accomplishment that must break that trend....We must all continue to prioritize its implementation and success." The environmental protections and enforcement mechanisms secured in the USMCA must not be overlooked, and we are ready to support USTR's implementation and enforcement efforts.

Thank you for your ongoing work to use trade as a tool to protect our environment. We look forward to working with you.

Sincerely,



Suzanne Bonamici  
Member of Congress



Earl Blumenauer  
Member of Congress

## **ADDITIONAL SIGNATORIES**

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