



AMERICAN ACADEMY OF
FAMILY PHYSICIANS
STRONG MEDICINE FOR AMERICA

September 22, 2011

The Honorable Ron Kirk
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Re: Exclusion of Tobacco Products from Negotiations on the Trans Pacific Partnership (TPP) Trade Agreement

Dear Ambassador Kirk:

The American Academy of Family Physicians (AAFP), which represents 100,300 physicians and medical students, would like to take this opportunity to comment on the proposed Trans Pacific Partnership Agreement (TPP), an Asia-Pacific regional trade agreement currently being negotiated among the United States and eight other partners. The United States' TPP negotiating partners are Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam. It is our understanding the Administration's objective is to expand this initial group to include additional countries throughout the Asia-Pacific region. We also understand that these negotiations began on September 6, 2011, in Chicago with a goal of reaching the outlines of an agreement before leaders of the Asian-Pacific Economic Cooperation later this year.

The AAFP strongly urges you to ensure that all tobacco products, including tobacco, cigarettes, cigars, smokeless tobacco, and other tobacco products are excluded from all provisions of this and any other Free Trade Agreement (FTA), and specifically that tobacco control measures be exempted from any trade rules protecting intellectual property including trademarks and also exempted from any investor-state dispute resolution processes, and that our trading partners' current applied tariffs on these products not be reduced or eliminated. US trade negotiators should not ask any nation to weaken its current anti-smoking strategies that would jeopardize the health of millions of people.

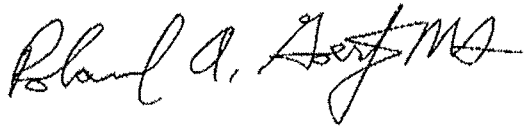
The AAFP supports the WHO Framework Convention on Tobacco Control and given the urgency of the issue at hand agrees with Article XX (b) of The General Agreement on Tariffs and Trade (GATT 1947) which states that "nothing in the agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures *necessary to protect human health* [emphasis added], subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade."

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Thank you for the opportunity to comment on this negotiation and we are happy to respond to questions. Please contact Pam Rodriguez, Tobacco Control Manager, at 913-906-6000 or prodriguez@aafp.org. The American Academy of Family Physicians appreciates the Administration's efforts to bring greater attention to the need for vigorous strategies to prevent and eliminate tobacco use, even in the context of robust trade agreements.

Sincerely,

A handwritten signature in black ink, appearing to read "Roland A. Goertz, MD, FAFMP". The signature is written in a cursive, flowing style.

Roland A. Goertz, MD, FAFMP
Board Chair