

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC 20515

April 17, 2019

The Honorable Robert E. Lighthizer
U.S. Trade Representative
600 17th Street, NW
Washington, D.C. 20508

Dear Ambassador Lighthizer:

As our Committee prepares to consider the renegotiated trade agreement with Canada and Mexico (“the new Agreement”), we write to express our concerns regarding whether the new Agreement will lead to meaningful improvements in standards of environmental protection, particularly in Mexico.

More than 25 years ago, when Congress looked at taking up the North American Free Trade Agreement (NAFTA), House Democrats had serious concerns that the elimination of duties, coupled with a lack of environmental protections in Mexico, could lead to the deterioration of competitiveness and opportunities for American workers, producers, and manufacturers.

In response to those concerns, environmental cooperation provisions were negotiated in a side agreement, subject to a separate enforcement mechanism. Not a single arbitral panel has ever been convened under these provisions. Meanwhile, environmental protections in Mexico continue to lag significantly behind those in the United States and Canada.

As we evaluate the terms of the new Agreement, we question whether there is reason to believe that the new Agreement will lead to meaningful improvements for environmental standards in Mexico and transboundary collaboration between the two nations. The lack of consistent environmental standards in North America promotes the exportation of pollution between nations. For example, U.S. companies have been exporting and disposing of used lead batteries to Mexico to avoid U.S. restrictions on lead pollution. This practice has led to an increased risk of lead poisoning in Mexico and U.S. border communities. Further, increased human and industrial development in Mexico created by the original NAFTA, coupled with weak Mexican environmental standards, have led to toxic sewage filled with feces, industrial chemicals and other raw waste contaminating waterways like the New River, which flows from Mexico’s Mexicali Valley through Calexico, leaving neighboring towns subject to polluted air and water.

On May 9, 2018, Committee Democrats sent you a letter identifying the basic standards a renegotiated NAFTA needs to meet in order to garner sufficient Congressional support. The new