

April 22, 2004

The Honorable Robert B. Zoellick
United States Trade Representative
Executive Office of the President
Washington, D.C. 20508

Dear Ambassador Zoellick:

Pursuant to Section 2104 (e) of the Trade Act of 2002 and Section 135 (e) of the Trade Act of 1974, as amended, I am pleased to transmit the report of the Industry Sector Advisory Committee – Paper and Paper Products for Trade Policy Matters (ISAC 12) on the U.S.-Dominican Republic Free Trade Agreement, reflecting majority and additional advisory opinion(s) on the proposed Agreement.

Sincerely,

Michael G. Brummer
Chair
ISAC 12

The U.S.-Dominican Republic Free Trade Agreement (FTA)

Report of the
Industry Sector Advisory Committee for Paper and Paper Products
(ISAC 12)

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Industry Sector Advisory Committee for Paper and Paper Products (ISAC 12)

Advisory Committee Report to the President, the Congress and the United States Trade Representative on the U.S.-Dominican Republic Free Trade Agreement (FTA)

I. Purpose of the Committee Report

Section 2104 (e) of the Trade Act of 2002 requires that advisory committees provide the President, the U.S. Trade Representative, and Congress with reports required under Section 135 (e) of the Trade Act of 1974, as amended, not later than 30 days after the President notifies Congress of his intent to enter into an agreement.

Under Section 135 (e) of the Trade Act of 1974, as amended, the report of the Advisory Committee for Trade Policy and Negotiations and each appropriate policy advisory committee must include an advisory opinion as to whether and to what extent the agreement promotes the economic interests of the United States and achieves the applicable overall and principle negotiating objectives set forth in the Trade Act of 2002.

The report of the appropriate sectoral or functional committee must also include an advisory opinion as to whether the agreement provides for equity and reciprocity within the sectoral or functional area.

Pursuant to these requirements, the Industry Sector Advisory Committee for Paper and Paper Products (ISAC 12) hereby submits the following report.

II. Executive Summary of Committee Report

ISAC 12 supports the U.S.-Dominican Republic FTA. The majority of ISAC 12 believes that the Dominican Republic FTA, taken as a whole, is a positive development, which will advance the economic and trade interests of the United States and the Dominican Republic. Thus, we find it notable that the Dominican Republic agreed to significant liberalization measures, including the ultimate elimination of tariffs on pulp and paper products, albeit over a longer staging period than we would prefer for all products in the sector.

The Committee recognizes that the achievement of our principal objective – the immediate elimination of tariffs on all paper products – was especially difficult in light of the Dominican Republic’s status as a developing country. For this reason, this agreement should be viewed as a unique case and should not be considered as a template for the treatment of paper tariffs in future trade agreements.

However; the membership strongly recommends that the USTR pursue all available means to expedite the reduction of extended time periods for tariff reductions to be phased in. ISAC 12 encourages the governments to utilize the provision in the agreement allowing for acceleration of tariff cuts between parties. We hope and expect that as the benefits of tariff reductions begin to take effect, the Dominican Republic Government will move to accelerate reductions on products subject to longer phase-outs.

Furthermore; ISAC 12 must reiterate that its long standing position of "Zero-for-Zero" on tariff reductions (upon entering into any future trade agreements) be noted. Particularly in the case of agreements where the Committee has identified specific requirements, it will be difficult for ISAC 12 to support future FTA's which do not take into consideration the fact that long term phase in periods are not acceptable to the Committee's membership, and are counterproductive to the immediate needs of our industry for a fair and level trade environment.

ISAC 12 strongly urges that the market access provisions of other FTAs (e.g., U.S.-Chile FTA, U.S.-Singapore FTA, U.S.-Australia FTA) serve as the template for future FTAs. In order for subsequent agreements to achieve sectoral equity and reciprocity, it is absolutely essential that they provide for the elimination of tariffs on all paper and paper products immediately upon implementation. In the pulp and paper products sector, many developing nations are already world-class competitors to the United States and do not require lengthy periods of tariff protection to develop their domestic industry.

Finally; ISAC 12 welcomes the opportunity to work closely with USTR to insure that the Pulp and Paper Industry's strategic objectives are integrated into future FTA's.

Dissenting Opinion – Any further FTA negotiations on tariff elimination should be done on a case-by-case basis, considering the potential negative and positive environmental impacts in specific contexts.

III. Brief Description of the Mandate of the Industry Sector Advisory Committee (ISAC 12) on Paper and Paper Products

The Industry Sector Advisory Committee (ISAC) on Paper and Paper Products is comprised of industry and environmental representatives from the paper sector that include paper manufacturing and allied products (except insulation board), as well as distributors. Companies represented include integrated firms—with their own forestry resources as well as non-integrated companies. Member companies use both virgin and recycled fiber in varying proportions to produce their products. The trade association representing the U.S. paper industry is also represented on the Committee. Representatives serving on the Paper and Paper Products ISAC provide advice on trade policy matters

The Committee reports to the Secretary of Commerce and the USTR, or their designees, through the Commerce Under Secretary for International Trade and the Assistant Secretary for Trade Development (the Assistant Secretary), and USTR's Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Liaison (AUSTR).

IV. Negotiating Objectives and Priorities of the Industry Sector Advisory Committee (ISAC 12) on Paper and Paper Products

In terms of market access, the elimination of global tariffs on paper and paper products remains the overarching priority for the U.S. paper industry. ISAC 12 supports any bilateral, regional or multi-lateral trade negotiations that would advance the core objective of eliminating tariffs on all paper and paper products. The Committee has urged U.S. trade negotiators to avail themselves of the authority provided in the Uruguay Round Agreements Act to pursue the elimination of paper tariffs as an urgent matter whenever opportunities arise.

Without agreements in the WTO multilateral trade organization or in regional and bilateral trade agreements to achieve total tariff elimination, equitable market opportunities will continue to be denied due to tariff escalation in the paper sector.

Tariff reduction or elimination can have environmental consequences. The environmental impact of tariff modification should be considered on a case-by-case basis and analyzed in accordance with Executive Order 13141. ISAC 12 supports measures to avoid or mitigate negative environmental impacts of tariff changes.

ISAC 12 has initiated ongoing discussions regarding the process, effectiveness, and implications of environmental reviews of FTAs. The committee remains concerned about illegal logging and pertinent land management practices as global issues.

In addition to tariff elimination, the elimination of many non-tariff barriers is essential to ensure that existing or new non-tariff barriers do not offset the market access benefits of tariff concessions. This industry supports efforts to ensure that other countries do not apply lower safety, labor, and environmental standards than those which are upheld by American manufacturers.

Additional ISAC 12 negotiating objectives include:

Eliminating subsidies for capacity building. Subsidies not only give competitors price advantages, they also contribute to building uneconomic/unsustainable capacity which further distorts markets for forest products and increases pressure on forest resources. ISAC 12 data indicate that some governments--in both developed and developing countries--are providing substantial funding for building paper production capacity in the absence of normal market justification.

Financing from Multilateral Finance Institutions, such as the World Bank Group and Export Credit and Investment Insurance Agencies, can also contribute to uneconomic/unsustainable capacity that can simultaneously distort markets and contribute to environmental harm. The extent to which such public financing represents a real or de-facto subsidy should be assessed and these subsidies should be eliminated.

Eliminating lower environmental standards, and especially illegal logging, as a basis for competition in the forest products industry. The Committee has expressed particular concern about illegal logging practices, associated illegal border trade, and the use of illegally obtained timber being used in the manufacturing of forest products.

V. Advisory Committee Opinion on Agreement

The majority opinion of the Industry Sector Advisory Committee for Paper and Paper Products (ISAC 12) is to support the agreement with the Dominican Republic as currently proposed. Opinions on relevant sections of the agreement follow.

Market Access

In comments submitted to USTR in April 2003 and June 2003, a majority of ISAC 12 urged the U.S. government to insist that all paper tariffs be reduced to zero immediately upon the FTA going into effect and be bound at that level. The committee noted that staging tariffs cuts over a period of years would be disadvantageous to the U.S. paper and paper products industry as this would delay and minimize the benefits of tariff reductions and further erode U.S. export competitiveness.

ISAC 12 notes the agreement does not call for tariffs to fall to zero immediately for all of Chapter 47 and 48 once the agreement goes into effect. In the market access agreement, tariffs will be reduced to 0 over a 5- or 10- year period. Current Dominican Republic tariffs on pulp and paper products range from 3-20%. ISAC 12 wants to make sure that its traditionally stated position of requiring zero tariffs upon entering into any new treaty/agreement is in no way undermined in the future.

Therefore; provisions in the U.S. agreement with the Dominican Republic on paper and paper product tariff elimination should not be seen as a precedent for other FTA negotiations, FTAA market access approaches, or for market access negotiations in the Doha WTO multilateral trade round.

Environment

It is the unanimous opinion of the members of ISAC 12 that equal application of environmental standards is enforced on a global basis and is consistent with WTO decisions and guidelines on Trade and Environment. Consistent with the 1994 Uruguay Round agreement, ISAC 12 supports the optimal use of the world's resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment. ISAC 12 believes that there should not be any policy contradiction between upholding and safeguarding an open, non-discriminatory multilateral trading system and acting for the protection of the environment and promotion of sustainable development of natural resources.

VI. Membership of the Industry Sector Advisory Committee on Paper and Paper Products (ISAC 12)

- 1) Michael Brummer, York Paper Company
- 2) Angel Diez, Pope and Talbot
- 3) Charles Greiner, International Paper Company

- 4) Douglas Norlen, Pacific Environmental Resource Center
- 5) Michael Onustock, Weyerhaeuser
- 6) David Paterson, Georgia-Pacific Corporation
- 7) Harold Rahn, Norcom Inc.
- 8) Maureen Smith, American Forest & Paper Association