

Protecting Maine Water from International Trade Treaties

My name is Marga Huntington, and I'm here to ask the Maine Citizen Trade Policy Commission to look into how we in Maine can protect our fresh water—as well as services and investments relating to water—from international trade treaty rules.

Here are some questions I have:

How can we continue to regulate the extraction, distribution and use of fresh water in our state in environmentally sustainable ways?...

...in the long term public interest ...

without interference from global water companies using international trade treaty rules?

How can we ensure that democratic control over water in Maine is not subverted?

I'm not an expert – by any means, but the more I learn, the more concerned I become.

For example, I have heard about the potential for international trade treaties to affect bulk water exports. Many critics have pointed out that once opened, trade treaty rules would make it very difficult to turn off the tap.

My concern is far more serious than that.

I understand that global rules apply to municipal services such as water treatment, fresh water distribution, and wastewater treatment. I understand that global rules also apply to water investments, and this may affect us right here in Maine.

A colleague of mine asked a noted international trade lawyer to summarize some of the trade treaty issues that could affect the

contract the State of Maine has with Poland Springs to extract water from beneath the Range Pond State Park.

I'll provide that letter to the Commission.

But let me quote from it, to give you an idea about some of our concerns.

The trade lawyer, Steven Shrybman, states that this Maine water extraction contract (quote) "is subject to the requirements of ... international agreements....(and)... if a conflict arises between the provisions of the [water] Agreement and those of international trade law, the latter would prevail."

These statements aren't from me, they're from an eminent international trade lawyer.

So I have several more questions.

First, would the Commission assess, in greater detail, the risks of international trade treaties affecting the democratic control over water in Maine?... with special emphasis on global rules regarding services and investments relating to water?

Second, would the Commission investigate how the State could minimize its exposure to these risks in its day-to-day practices? Should the State be negotiating much tighter water contract provisions? Should it, for example:

- place strict caps on water extractions,
- stipulate the State's right to reduce the volumes that are extracted,
- make explicit the fact that there is no mandatory obligation to renew water extraction contracts, and
- shorten the terms of water licenses?

Third – and most importantly - would the Commission please look into methods for excluding local and State measures (relating to or affecting water) from the terms of these international trade treaties?

I am very concerned that the services and investment provisions of trade treaties extend farther than most of us could ever have imagined— that they essentially give global corporations new tools to attack our democratic laws and institutions – and not just in areas related water.

Would the Commission conduct a broader examination of these services and investment rules and their potential impact on State laws?

As part of that assessment, would the Commission study the potential for putting all State measures—in all sectors—outside the reach of these onerous treaties, in order to safeguard the long term interests of the citizens of Maine?

Thank you very much for the opportunity to present these concerns, and for your continuing efforts on our behalf.