



STATE OF VERMONT
GENERAL ASSEMBLY

COMMISSION ON INTERNATIONAL TRADE AND STATE SOVEREIGNTY

MINUTES

Monday, November 17, 2008

Draft 11/20/2008

Members Present: Rep. Kathleen Keenan, Co-chair; Sen. Ginny Lyons, Co-chair; David Anger; John Boomhover; Lawrence Bruce; Daniel Brush; Elliot Burg; Dana Eidsness (by phone)

Members Absent: None

Also Present: Robin Lunge, Forum on Democracy & Trade; Jeff Munger, Outreach Representative, Senator Sanders' Office; Mark Oettinger, International Trade Lawyer; Al Boright, Carlton Mayers, Michael O'Grady, and Rosalind Daniels, Legislative Council

Recording: CDs 2008 – 04, 05, 06

Convene

The Commission convened at 3:45 pm in the Board Room of Greater Burlington Industrial Corporation in Burlington.

Overview of Technical Barriers to Trade Agreement Issues

Robin Lunge, Forum on Democracy and Trade, reviewed the Technical Barriers to Trade (TBT) issues that were clarified at the regional meeting in Manchester, New Hampshire: what is the appropriate way for the U.S. Trade Representative (USTR) to notify other World Trade Organization countries under the TBT about state and federal legislation and regulation; what types of state laws or regulations trigger notification under TBT; when a country is notified about a regulation or law that it wishes to respond to, what is the appropriate process for response?

The Commission agreed that it would like Robin to develop educational materials (in conjunction with Dana and the trade commissions in Maine and New Hampshire) for state agencies and the public.

IGPAC Letter

Dana Eidsness, Director of International Trade, Agency of Commerce and Community Development, explained the contents of the draft letter to Kay Wilkie, Chair of the Intergovernmental Policy Advisory Committee (IGPAC,) asking for her help with ongoing issues and with making requests known to the incoming administration.

The commission unanimously agreed that Robin should revise the draft letter to: remove the reference to the Bush Administration; to insert "including the necessity test" after "issues"; to put more emphasis on substantive issues; and to add "more transparency" to the third recommendation.

Annual Report

The Commission unanimously approved the August version of the Annual Report drafted by Dana Eidsness with no substantive changes but with the understanding that Dana and Roz will include editing changes recommended by Commission members. The report should be sent to: House Committees on Commerce; Agriculture; Natural Resources and Energy; Health Care; Senate Committees on Economic Development; Agriculture; Natural Resources and Energy; IGPAAC; Maine and New Hampshire Regional Trade Commissions; Forum on Democracy and Trade; NCSL; Council of State Governments; Professor Peter Teachout; the Harrison Institute for Public Law at Georgetown; and other states as suggested by Robin.

Process for Responding to USTR Changes

The Commission reviewed a draft letter to Susan Schwab of the office of the USTR. Robin will check wording of “demand” versus “complaint”. Elliot Burg suggested including a sentence noting “the state’s ongoing concerns about substantive issues like domestic regulations.”

NCSL Letter

The Commission formalized its agreement to send a letter to the National Conference on State Legislatures (NCSL) concerning the notification issue and how it may impact state sovereignty. Elliot Burg’s concern about substantive issues will also be included in this letter.

Bill of Rights

Carlton Mayers presented the draft Preamble to Northern New England’s Statement of Principles on International Trade. Then Al Boright reviewed the draft Principles. The Commission members will continue to comment on the draft via e-mail, will circulate it to the other states, and will plan to finalize the Principles at the next meeting.

Report on Manchester, N.H. Regional Trade Meeting

Rep. Keenan, Al Boright, and Robin Lunge reported on the Regional Trade Meeting. Robin reported that several models of state and federal consultation were discussed in Manchester and could also be reviewed at the next Commission meeting.

Future Public Hearings

The Commission discussed the possibility of having a public hearing on groundwater issues. Robin will ask Maine if it is interested in participating. Suggestions included having a regional hearing by interactive television, inviting other states such as Massachusetts, and beginning the hearing with a presentation by an expert, possibly Maude Barlow or Peter Riggs.

Next Meeting

The next meeting will be scheduled for the week of December 16th.

Sincerely,

Rosalind S. Daniels
Legislative Council