

United States Senate
WASHINGTON, DC 20510

February 2, 2006

Ambassador Rob Portman
U.S. Trade Representative
600 17th Street, N.W.
Washington, DC 20508

Dear Ambassador Portman:

We are writing to express our concerns about news reports indicating that Chevron Corporation is trying to use the Andean Free Trade Agreement negotiations to eliminate a legal claim against Chevron by roughly 30,000 Ecuadorians who reside in a remote area of tropical forest.

The plaintiffs in the case argue that Texaco (which merged with Chevron in 2001) dumped billions of gallons of toxic waste water into unlined pits and waterways in Ecuadorian forests while drilling for oil. Indigenous residents complain that the pollution has caused severe health and environmental problems. An expert for the plaintiffs estimated clean-up costs topping \$6 billion.

Chevron is reportedly lobbying Members of Congress and your office to use the leverage of the Andean Free Trade Agreement to pressure Ecuador to dismiss the case. A Chevron spokesman expressed the company's "present opposition to the inclusion of Ecuador in the Andean Free Trade Agreement until the government of Ecuador honors its existing contractual obligations and respects and upholds the rule of law with respect to our interests."

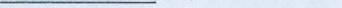
According to news reports, your office responded to questions about the Chevron case by saying free trade agreements often serve as leverage when it comes to disputes between countries.

We are writing to seek your assurances that the U.S. Trade Representative will not allow negotiations over the Andean Free Trade Agreement to interfere with a case involving Chevron that is under consideration by the Ecuadorian judiciary, particularly one involving environmental, health and human rights issues that have regional importance. While we are not prejudging the outcome of the case, we do believe the 30,000 indigenous residents of Ecuador deserve their day in court.

Expanding trade and breaking down barriers between countries is good for our economy and for our security, for American consumers and American workers. Unfortunately, environmental and labor rights are too often the first bargaining chips that are traded away during free-trade negotiations. As you continue negotiating the Andean Free Trade Agreement, we urge you not to interfere in the Chevron case. We also urge you to give adequate consideration to environmental and labor standards as you negotiate. We will not be able to support an Andean Free Trade Agreement unless it contains strong labor and environmental protections, meaningful assistance for American workers who are not reaping its benefits and a plan to equip American workers with the skills and support they need to succeed in a 21st Century economy.

We thank you in advance for your consideration of this critical issue.

Sincerely,

Sincerely,
 
Barack Obama Patrick Leahy