

**Congress of the United States**  
**Washington, DC 20515**

March 12, 2019

The Honorable Wilbur Ross  
Department of Commerce  
1401 Constitution Ave. NW  
Washington, DC 20230

Dear Secretary Ross:

Section 232 of the Trade Expansion Act of 1962 authorizes the Secretary of the Department of Commerce (Secretary) to conduct investigations “to determine the effects on [US] national security” of imports of an article. This law allows any “interested party” to request Commerce initiate such an investigation to ascertain the effect of specific imports on the national security of the United States.

We write to request such an investigation into imports of carbon emissions and the threat they pose to U.S. national security. Climate change is an existential emergency that poses grave threats to our security, public health, and economic prosperity.

The Pentagon has already concluded that climate change poses “immediate risks” to national security and will have broad and costly impacts on the way the US military carries out missions.<sup>1</sup> The Department of Defense has reported that more than two-thirds of the military’s operationally critical installations are threatened by climate change. These include Army, Air Force, and Navy installations; which face increasing threats of flooding, drought, and wildfires.<sup>2</sup>

Major peer-reviewed studies have predicted increasing losses to American infrastructure and property, impeding economic growth and GDP over the next century.<sup>3</sup> Thirteen federal agencies issued a National Climate Report in November 2018 explaining the potential impacts of climate change on trade, health, the economy, and vulnerable populations. It outlined ways in which rising temperatures and sea levels will disrupt and “critically damage” infrastructure and labor productivity, impacting import and export prices. Extreme disasters could hinder production in both the U.S. and abroad that would cause crop prices to increase. Virtually every industry’s

---

<sup>1</sup>

[https://www.cna.org/CNA\\_files/pdf/National%20Security%20and%20the%20Threat%20of%20Climate%20Change.pdf](https://www.cna.org/CNA_files/pdf/National%20Security%20and%20the%20Threat%20of%20Climate%20Change.pdf)

<sup>2</sup> <https://www.militarytimes.com/news/your-military/2019/01/18/dod-majority-of-mission-critical-bases-face-climate-change-threats/>

<sup>3</sup> <https://nca2018.globalchange.gov/>

supply chains would be affected.<sup>4</sup> In fact, this U.S. government report concluded that climate change could shrink the U.S. economy by as much as 10 percent of GDP annually by century's end.<sup>5</sup>

Agricultural and food sources are already being threatened by the impacts of climate change, with previously irrigable land becoming arid and dry under increasingly warmer temperatures.<sup>6</sup> International organizations recognize these threats; climate change impacts on food security and agriculture are topics discussed at the meetings of the Asia-Pacific Economic Cooperation, or APEC, for example.<sup>7</sup>

These impacts are directly caused by greenhouse gas pollution, mostly caused by carbon dioxide, primarily in fossil fuels burned for energy. According to NOAA and the American Meteorological Society, global atmospheric carbon dioxide was 405 ppm in 2017, a new record high.<sup>8</sup> Modes of trade and shipping, whether air, maritime, rail or auto transportation, cause carbon pollution that contribute to global warming. This threat to our national security must be taken seriously and mitigated using all tools available to us, including trade enforcement. The carbon footprint of trade and shipping of goods has been studied in the past.<sup>9</sup> It is conceivable that such carbon pollution could be countered through trade remedies.<sup>10</sup>

According to the law, once a Section 232 investigation is requested in writing, Commerce must "immediately initiate an appropriate investigation to determine the effects on the national security" of the subject imports. After consulting with the Secretary of Defense, other "appropriate officers of the United States," and the public, if appropriate, Commerce has 270 days from the initiation date to prepare a report advising the President whether the targeted product is being imported "in certain quantities or under such circumstances" to impair U.S. national security, and to provide recommendations for action or inaction based on the findings.

The Bureau of Industry and Security (BIS) at Commerce is instructed to consider 1) existing domestic production of the product; 2) future capacity needed; 3) the manpower, raw materials, production equipment, facilities, and other supplies needed to meet projected national defense

---

<sup>4</sup> <https://abcnews.go.com/ABCNews/climate-change-severely-affect-us-economy-midwest-report/story?id=59378570>

<sup>5</sup> <https://www.ncdc.noaa.gov/sotc/national/201811>

<sup>6</sup> Ibid.

<sup>7</sup> <https://www.apec2018png.org/media/press-releases/2018-apec-food-security-week-all-set-to-go>

<sup>8</sup> <https://www.ametsoc.org/ams/index.cfm/publications/bulletin-of-the-american-meteorological-society-bams/state-of-the-climate/>

<sup>9</sup> <https://www.pnas.org/content/108/21/8903>

<sup>10</sup> The Environmental Protection Agency (EPA) has determined that six key greenhouse gas emissions endanger the public health, security, and welfare of current and future generations. These greenhouse gases included carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydroflouorocarbons (HFCs), perflurorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). Commerce may wish in its investigation to examine the threat posed by these pollutants. <https://www.epa.gov/ghgemissions/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a-clean>

requirements; 4) growth requirements, including the investment, exploration, and development to meet them; and 5) any other relevant factors.

Commerce in its investigation must consider the impacts of foreign competition on the domestic industry, the effects that the displacement of domestic products cause, including unemployment, decreases in public revenue, loss of investment, *and other relevant factors causing or that will cause a weakening in the national economy*. Following the BIS national security investigation, the President may choose to impose tariffs or quotas to offset the adverse effect, without any limit to the duration or amount.

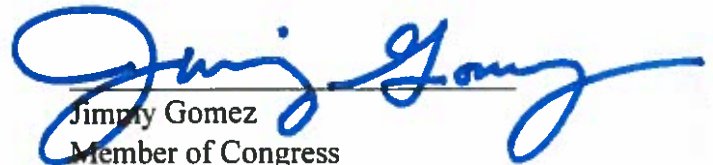
This Administration has undertaken Section 232 investigations into imports of steel and aluminum, automobiles, uranium, and titanium sponges. Prior to this Administration, 26 Section 232 investigations were initiated; of the positive recommendations by Commerce in these investigations, the President recommended action five times, all related to petroleum and crude oil.

Clearly, carbon dioxide emissions are exacerbated by international trade and imports to the United States. This carbon pollution threatens agricultural markets and infrastructure, among other sectors of our economy, which Commerce should investigate with the urgency and gravity that this emergency warrants.

Sincerely,



Bill Pascrell, Jr.  
Member of Congress



Jimmy Gomez  
Member of Congress



Judy Chu  
Member of Congress