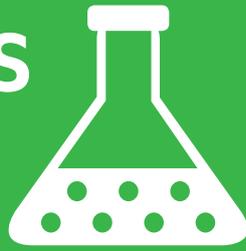


# Chemicals in TTIP



## Introduction

Consumers are exposed to a cocktail of chemicals which are present in the products we use, the food we eat, the water we drink and the air we breathe. Scientists have warned policy makers and the public<sup>i</sup> that an increasing number of health problems including severe and chronic diseases such as cancer, as well as obesity and fertility problems may be linked to exposure to harmful chemicals.

Against this background, the EU adopted the world's most ambitious chemical legislation, "REACH"<sup>ii</sup>, in 2006 with the goal of ensuring protection for human health and the environment. Previously, chemicals had been placed on the market without any proper assessment of their effects on human health or the environment. REACH was groundbreaking because it was based on the principle of "no data – no market". The US Toxic Substances Control Act (TSCA) does not share a similar approach to managing chemical risk. The EU is also more progressive in addressing new areas of concern such as chemicals which interfere with the hormone system and nanomaterials.

Despite REACH, there are still some major public health concerns linked to inadequate hazardous chemicals management. In this context, the EU and US have entered into the Transatlantic Trade Investment Partnership (TTIP) negotiations, where the focus is primarily on the removal of non-tariff barriers to trade (NTB) to increase market access<sup>iii</sup>.

As the main objective of TTIP is to prevent and minimise regulatory difference between the US and the EU, there is a risk that the implementation of REACH could be slowed down and future measures will be far less ambitious, rather than the negotiations being seen as an opportunity to ensure the highest level of safety to protect human health and the environment.

## What is on the table?<sup>iv</sup>

The EU Commission has said that it is not feasible to align the existing frameworks because they are too different, but it is seeking to achieve greater convergence in four areas<sup>v</sup>:

-  Co-operation in prioritising chemicals for assessment and assessment methodologies.
-  Aligning chemical classification and labelling.
-  Cooperation on new and emerging issues such as nanomaterials and endocrine disrupters.
-  Enhanced information sharing while protecting confidential business information.

i. UNEP/ WHO State of the Science of Endocrine Disrupting Chemicals Report, 2012,

[http://apps.who.int/iris/bitstream/10665/78102/1/WHO\\_HSE\\_PHE\\_IHE\\_2013.1\\_eng.pdf?ua=1](http://apps.who.int/iris/bitstream/10665/78102/1/WHO_HSE_PHE_IHE_2013.1_eng.pdf?ua=1)

ii. Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH),

<http://old.eu-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1907:20140410:EN:HTML>

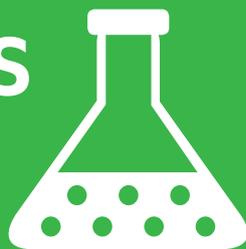
iii. Trans-Atlantic Consumer Dialogue (TACD): Resolution on better regulation of chemicals, including nanomaterials, in light of the Trans-Atlantic Trade and Investment Partnership: What should policy makers agree on in the interest of consumers? <http://test.tacd.org/wp-content/uploads/2013/09/TACD-NANO-03-13-Regulation-of-Chemicals-in-the-Transatlantic-Trade-and-Investment-Partnership.pdf>

iv. It is important to note that only the EU Commission made a position publicly available while the US did not provide this transparency to stakeholders.

v. [http://trade.ec.europa.eu/doclib/docs/2014/may/tradoc\\_152468.pdf](http://trade.ec.europa.eu/doclib/docs/2014/may/tradoc_152468.pdf)

vi. <http://www.endseurope.com/36617/ttip-pilot-projects-to-test-chemicals-cooperation>

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As a first step, the EU and US announced two pilots related to chemical screening and labelling in October 2014<sup>vii</sup>. A harmonised approach towards assessing hormone-disrupting chemicals might also be tested<sup>viii</sup>.

While the US has not disclosed their position on chemicals in TTIP to stakeholders, the United States Trade Representative's (USTR) annual report<sup>viii</sup> shows that the US has heavily criticised EU environmental and chemical legislation as being "Technical Barriers to Trade" (TBT). The 2014 report shows the US has objected to the EU process for developing scientific criteria for endocrine disrupting chemicals<sup>ix</sup> as well as to EU activities in implementing REACH<sup>x</sup>. The 2014 report also criticises some EU Member States for introducing national registers for nanomaterials.

Of even greater concern, the US wants the EU to depart from its hazard-based approach and to use a risk assessment approach for biocides and pesticides. But given that no safe levels can be set for some chemicals, prohibiting their use from the outset is the only way to minimise harmful exposure for consumers and the environment. The US also does not support proactive measures to substitute hazardous chemicals with safer alternatives.

## What does it mean for EU citizens/consumers?

Consumer and environmental NGOs have raised concerns about including the chemicals sector in TTIP and in particular about the way in which cooperation between EU/US regulators will slow down the speed of developing future legislation.

The EU is much faster at regulating chemicals. Because the US does not share the same "philosophy" (i.e. the precautionary principle and a hazard-based approach), European citizens gain nothing from closer cooperation. On the contrary, the US could misuse consultation requirements under TTIP as a way of slowing down more ambitious regulation in the EU.

## Our recommendations

- The European Commission should exclude chemicals from the scope of the horizontal and sectorial regulatory cooperation chapters of TTIP.
- Should chemicals remain within the scope of TTIP, it is paramount that the EU insists that future legislation to regulate chemicals is based on a hazard-based approach.

vii. <http://www.chemtrust.org.uk/eu-us-co-operation-on-endocrine-disrupting-chemicals-likely-to-lead-to-delay/>

viii. United States Trade Representative: 2014 REPORT ON TECHNICAL BARRIERS TO TRADE <http://www.ustr.gov/sites/default/files/2014%20TBT%20Report.pdf>

ix. USTR 2014 TBT report pp. 68-69.

x. USTR 2014 TBT report, pp. 70-73.

