

STATEMENT OF
CARROLL MUFFETT
PRESIDENT AND CEO
CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW (CIEL)
ON BEHALF OF CIEL, FRIENDS OF THE EARTH AND SIERRA CLUB

AS DELIVERED TO THE HOUSE ENERGY AND COMMERCE COMMITTEE
SUBCOMMITTEE ON MANUFACTURING COMMERCE AND TRADE

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Thank you, Chairman Terry, Ranking Member Schakowsky, and members of the subcommittee, for the opportunity to appear before you today on a matter of profound importance for the people of the United States, Europe and the world.

I am Carroll Muffett, President of the Center for International Environmental Law (CIEL), a nonprofit organization that uses the power of the law to protect the environment, promote human rights, and ensure a just and sustainable society. For over twenty years, CIEL has worked with partners around the world to support a positive trade agenda, where increased market access does not undermine environmental protections or human rights. I offer this testimony on behalf of CIEL, Friends of the Earth and the Sierra Club.

I have submitted a full statement for the record and would like to briefly summarize my testimony here.

The current system for regulation of chemicals in the United States is wholly inadequate to meet the challenge posed by the modern chemicals economy. The rate of cancer and other adverse effects continues to increase among Americans. The amounts of synthetic chemicals in our bodies have also increased and are among the highest in the world. Absent greater regulatory action, they will continue to increase. This is an international public health problem that *remains*

unsolved. Public health is one of the core responsibilities of a government to its citizens, and this responsibility is not being met with regard to chemicals.

The limited information on TTIP, particularly from the United States, makes assessments of its eventual impact inherently speculative. While TTIP *could* offer an opportunity to increase protections in the U.S. and the EU, experience with other trade agreements, industry submissions on TTIP, and the parties' explicit goal of reducing perceived regulatory barriers to trade, make it far more likely that TTIP will hinder progress on chemical safety and potentially move us backward. Of particular concern is this risk that TTIP will be used to weaken the stronger chemicals standards that already exist in the EU and in some U.S. states, rather than to raise U.S. standards to achieve higher levels of protection.

To reduce this risk, TTIP must respect and protect the right of citizens in the United States and Europe, through their governments, to choose their own levels of environmental protection and to set the standards needed to achieve those levels.

- TTIP must avoid measures likely to delay or dilute the creation of new rules for the protection of human health or the environment, including stronger chemicals laws.
- TTIP should not include provisions for mutual recognition for the chemicals sector and other sensitive sectors that reduce domestic regulatory control in crucial public health and safety matters.
- TTIP must not elevate the narrow interests of private corporations above the public good through provisions for investor-state dispute resolution.

- TTIP should not preempt or impede the rights of state and local governments, or of governments outside the United States and E.U., to adopt new initiatives on toxic chemicals and other environmental threats, including their right to choose higher levels of protection for their citizens, and to innovate new and better approaches to achieving that protection when the federal government is unwilling or unable to do so.
- TTIP should not impede regulatory efforts to address emerging threats, such as nanotechnologies, endocrine disrupting chemicals or hydraulic fracturing, which have profound implications for our health and environment.
- Finally, TTIP must be negotiated in an open, transparent and participatory manner that safeguards the universal and fundamental public interest in the outcome of the negotiations. In recent years, the United States has conducted trade negotiations with a secrecy and lack of transparency wholly inconsistent with basic principles of good governance in a constitutional democracy, and inconsistent with the public's right to informed, meaningful participation in a public policy dialogue of profound national consequence on both sides of the Atlantic. Both parties should commit to broad public access to negotiating documents and positions, to facilitate informed public debate regarding the negotiations and any resulting agreement.

To protect the environmental health and safety of consumers, workers and children around the world, what is needed is not *free* trade agreements, but *better* trade agreements. Agreements that see public protection not as a competing goal but the highest goal, and leverage the power of markets to serve the global good. Agreements that enhance trade by strengthening and advancing environmental health and safety standards rather than viewing them as irritants to be reduced and eliminated.

We look forward to an open, transparent and inclusive dialogue on whether and how such an agreement can be achieved.

Thank you, again, for the opportunity to testify on this critical issue.