

CIEL Statement on release of TTIP chemicals documents by European Commission

November 21, 2014

The negotiations between the EU and US on the Trans-Atlantic Trade and Investment Partnership (TTIP) stand to fundamentally change the ways in which states, countries, and regions reflect the preferences of their citizens when regulating toxic chemicals in their food, homes, workplaces, and environments. While CIEL welcomes the disclosure of these documents on the future direction of chemical regulation in the EU and US, we remain deeply concerned about the continued lack of transparency around TTIP. Today the EU disclosed what was already public knowledge, which only raises more questions around the impact of TTIP on laws that protect people and the environment from toxic chemicals.

As [described by over 110 public-interest groups in a letter to EU and US negotiators](#), several of TTIP's chapters and annexes carry far-reaching implications for the ability to transition away from toxic chemicals towards safer alternatives. Missing pieces that were not disclosed by the EU include TTIP chapters or annexes on:

- Technical Barriers to Trade (TBT), the rules under which EU industrial chemical laws are contested by the US in the WTO;
- Sanitary and Phytosanitary (SPS) Measures, the rules under which EU pesticide laws are contested by the US in the WTO;
- Regulatory Coherence, which would create an institutional framework to reduce or eliminate regulatory differences between the US and EU, including states of the US and Member States of the EU, to the benefit of industry and detriment of higher standards of protection now or in the future;
- Investor-State Dispute Settlement (ISDS), which have allowed for stronger laws on toxic chemicals to be contested on numerous occasions under NAFTA by industry; and
- Pesticides, which may constitute a separate section of TTIP, not covered by the "chemicals" chapter.

In addition, we remain deeply concerned that the US continues to provide no meaningful information about its positions regarding these chapters of TTIP that stand to fundamentally alter how states and the Federal government regulate toxic chemicals. As with any negotiation, understanding the position of both sides is necessary to evaluate the possible outcome.

Therefore, because of the insufficiency of today's disclosure, we reiterate our call to USTR and the European Commission to publish all TTIP negotiating proposals and texts related to chemicals, including the above-mentioned chapters and annexes that are missing pieces of the TTIP puzzle. Regulatory differences between the EU and US that include stronger protections for people and the environment, targeted by TTIP as non-tariff "barriers" to trade, are not per se problems that need to be swept away via trade policy – even if they pose inconveniences and some costs to the chemical industry.