Center for International Environmental Law

September 2, 2014

Office of the United States Trade Representative
600 17th Street NW
Washington, DC 20508

Submitted electronically via www.regulations.gov

Attn: Docket: **U.S.TR-2014-0012**
Re: **Trans-Atlantic Trade and Investment Partnership (TTIP) Environmental Review**

Dear Sir or Madam:

The Center for International Environmental Law (CIEL) appreciates the opportunity to comment on the scope of topics that should be included in the environmental review of the proposed Transatlantic Trade and Investment Partnership (TTIP).

CIEL is a nonprofit organization that uses the power of the law to protect the environment, promote human rights, and ensure a just and sustainable society. CIEL works closely with a broad range of stakeholders in the United States, Europe and around the world on a diverse range of issues in environmental law and policy, including climate change, toxic chemicals, natural resource conservation and extraction, international financial institutions, human rights, biodiversity and international trade. CIEL offers this testimony on its own behalf, and on behalf of ClientEarth, CHEMTrust, Friends of the Earth U.S., Natural Resources Defense Council (NRDC), and the Sierra Club.

The vast majority of estimates for TTIP's economic benefits are hypothesized to come from reducing or eliminating "non-tariff" or "technical barriers" to trade. These perceived barriers are also the laws that protect people, the environment, and the integrity of our respective economies. The EU and the U.S. acknowledge that reducing these costs to industry is one of the most important and most challenging aspects of these trade negotiations. Thus, TTIP is more about altering how national or regional laws and policies are made than about international trade in its traditional sense of lowering tariffs.

Noting the comments by Sierra Club and other partner environmental organizations, to which CIEL is also a signatory, we offer the following additional comments on the scope of the topics that should be included in TTIP's environmental review.

Regulatory Coherence (including regulatory cooperation and convergence)

To achieve the economic objectives of TTIP, EU and U.S. negotiators are discussing various proposals for Trans-Atlantic regulatory cooperation, coherence and convergence behind closed doors. The leak of an EU position paper on "regulatory coherence" provided much-needed insight into how negotiators hope to avoid future "non-tariff" and "technical barriers" to trade. We note that we do not have adequate information from the United States to fully assess its position and the possible implications of the United States' own proposals in preparing these comments, but what we do know about U.S. attempts to export its notice and comment system is of great concern. For example, despite a mandated interagency review period of 60-days, U.S. procedures have stalled public health and environmental regulations for years.

The scope of regulatory coherence (including regulatory cooperation and convergence) between the U.S. and EU may cover any planned and existing regulatory measures of general application and extend to regulations by U.S. states and EU member states. Improvements to environmental and human health protections have rarely been taken by the U.S. and EU simultaneously. Rather, there is a long history of groundbreaking efforts on one side of the Atlantic—in particular efforts by U.S. states and EU member states—sparking action on a much wider scale, including actions across the Atlantic.

We are concerned that these new regulatory coherence procedures could easily facilitate a roll-back of protection provided by existing legislation. We are further concerned that these measures would impede the development of new legislation and the implementation of existing legislation.

To oversee these elements, the U.S. and EU are discussing the creation of a Trans-Atlantic institutional framework, termed the "Regulatory Cooperation Council (RCC)" in an EU proposal that would be composed of representatives from selected regulatory bodies in the U.S. and EU. The council would not only oversee the development and implementation of laws at the regional level in the EU and the national level in the U.S., but also states in the U.S. and member states of the EU, and may extend to all levels of government on both sides of the Atlantic.

The top-down coordination of these measures through an institutional framework for transatlantic regulatory cooperation threatens to create a new and significant source of delay in regulatory responses to environmental and health threats. These threats are present for local, state, national and international levels of government. Unduly burdensome coordination requirements threaten to undermine the ability of state, national, or regional authorities to maintain or establish stronger standards or to respond to emerging technologies, new scientific information, and urgent crises. These onerous requirements could have a ripple effect on other international agreements, and national policies and practices around the world.

As proposed by the EU--and advocated by industry--these regulatory coherence requirements would enable industry groups and their lobbyists to exert undue influence in the regulatory process.

With an objective to prevent transatlantic regulatory differences resulting in impacts to international trade, the preemptive power and influence of this institutional framework over public interest lawmaking is of particular concern. As proposed, this body is designed to prioritize potential trade impacts over other factors in decision making. Even without a focus on trade-related impacts, because of weaknesses in the underlying economics, cost-benefit analysis has often produced inaccurate results tilted against the public interest. Proposals to add yet more layers of analysis and governance to the rulemaking process will increase delays and will impede achieving the central mission of most regulators: to protect the public and the environment.

Accordingly, we are deeply concerned that TTIP will have a chilling effect on the development and implementation of laws to protect people and the environment. We note the rhetorical objective of the EU and U.S. to preserve the right to regulate and existing standards; however, the recommendations advanced by the EU and industries would likely serve to undercut both of these stated objectives. These proposals indicate extensive regulatory dialogues throughout several stages of regulatory processes on both sides of the Atlantic, with the production and exchange of information on alternative options and impacts, including written responses. Parties would inform each other of legislative initiatives at an early stage, engage in Trans-Atlantic dialogues during the lawmaking process, and assess impacts to international and transatlantic trade. More specifically, these procedural recommendations include:

- Updates on "any regulatory and legislative initiatives with potential trade impact as of the planning stage";
- The use of "harmonization, recognition of equivalence, or mutual recognition" as tools for regulatory cooperation;
- The use of "cost-benefit" and "trade impact" analyses for proposed regulatory or legislative initiatives, with a special focus on international trade impacts;
- A requirement for "regulatory dialogues," with trans-Atlantic governments;
- The creation of a trans-Atlantic scientific body to guide regulatory decision making; and
- The right of un-elected "stakeholders" to table "substantive joint submissions" for consideration. [i]

The environmental review must therefore evaluate to what extent regulatory coherence (and cooperation) provisions in TTIP could slow or weaken the implementation of existing laws and the development of new federal or state legislation to protect human health and the environment. Any analysis of TTIP's environmental impact must include a substantiated qualitative and quantitative assessment of how these provisions would affect the development and implementation of U.S. and EU laws, including U.S. states and EU member states. It should evaluate the likelihood that the TTIP's various provisions related to regulation will result in the

lowest common denominator or the highest, most protective standards being adopted by both-sides.

The scope of the environmental analysis must consider the potential effects of TTIP on the ability of U.S. states and EU member states to *exercise* their right to regulate to protect human health and the environment. These effects should include, but not be limited to, the additional burdens—including additional financial and human resource burdens—that TTIP's provisions could place upon state, local and national legislative bodies and regulatory agencies on both sides of the Atlantic. Provisions of TTIP relating to the development and implementation existing and new legislation should be examined in the review. These effects should also calculate the cost of inaction due to the additional time required to develop safeguards to protect people and the environment from externalized costs of pollution, whether it be toxic chemicals or climate change, which, like governmental burdens, are borne by the public.

Furthermore, the environmental review must consider how trade-impact assessments under TTIP would not prejudice stronger environmental measures by one party to TTIP. While it may be argued that trade-impact assessments will be used by parties to select measures that are no more trade restrictive than necessary to achieve a particular objective, similar provisions under U.S. environmental laws have eliminated the ability of regulators to exercise their authority to regulate. The environmental review must consider and explain why this is not the case for such assessments under TTIP. In addition, the human resource burdens of developing these trade-impact assessments, including trade-impact assessments of alternatives, must be quantified. Moreover, the review must consider how trade impact or cost-benefit analyses under TTIP would account for both the quantifiable and non-quantifiable benefits of prompt and progressive regulatory action, such as the benefits of protecting human health by reducing exposure to toxic chemicals.

Toxic chemicals

Due to years of inaction by the U.S. federal government under inadequate legislation, the regulatory divergence between the U.S. and EU with respect to toxic chemicals is profound. TTIP's environmental review must include any terms in the agreement that implicate the regulation of chemicals. This includes, but is not limited to, chapters on regulatory cooperation, investment, technical barriers to trade (TBT), sanitary and phytosanitary measures (SPS), and all sectoral annexes. This analysis should encompass both pesticides and industrial chemicals, as well as their subsequent use in any sector covered under TTIP.

Stricter controls (including restrictions on some or all uses) of hazardous chemicals – including carcinogens and hormone disrupting chemicals – are vital to protecting public health, and to moving society in the direction of greater innovation in its use of chemicals, with greater safety as a fundamental component of that innovation.

The presence of toxic chemicals in our food, our homes, our workplaces, and our bodies is a threat to present and future generations, with staggering costs for society and individuals. Proposals for the chemical sector by EU and U.S. negotiators do not provide any quantifiable evidence for how TTIP would increase the efficiency or effectiveness of regulators on either side of the Atlantic. These proposals include: (1) co-operation in prioritizing chemicals for assessment and assessment methodologies; (2) promoting alignment in classification and labelling of chemicals; (3) co-operation on new and emerging issues; (4) enhanced information sharing and protection of confidential business information (CBI); and (5) the creation of an institutional framework for regulatory cooperation and coordination that would inter alia include a "consultation mechanism" for risk management proposals for prioritized substances at the federal and state levels in the U.S., and regional and national levels in the EU.

Chemical sector estimates provide only unspecified and hypothetical gains from minimizing regulatory differences between the EU and U.S., ignoring the cost savings and significant health, economic and social benefits of protective laws that reduce or eliminate exposure to hazardous chemicals.

Regulatory differences between the EU and United States 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. In fact, these regulatory differences can drive innovation, creating safer products, healthier workplaces, and a cleaner environment.[ii] Regulatory differences reflect different judicial systems and cultures. Prevention in the U.S. relies more heavily on judicial action to remedy harms after they happen (and to discourage repeat offenses), unlike the EU which takes a more preventative approach through its regulatory system.

We are deeply concerned that USTR continues to target stronger EU laws that protect both Americans and Europeans from toxic chemicals as "technical barriers to trade". Concerns regarding EU laws have been raised at every WTO Technical Barriers to Trade (TBT) Committee meeting since 2003 by the United States. These include laws to reduce green house gasses (e.g. the F-Gas Regulation, the Renewable Energy Directive, and the Fuel Quality Directive), endocrine disruptors, nanomaterials, the "authorization" process for carcinogens and other Substances of Very High Concern, and other proposed or adopted laws to protect the environment. We are equally concerned that rules inserted into TTIP to restrict stronger EU chemical safety policies could also be used to limit progressive protections enacted by U.S. states.

Over 110 civil society organizations recently expressed serious concerns about negotiating objectives under TTIP that would slow, weaken or stall the regulation of toxic chemicals on either side of the Atlantic.[iii] These organizations, experts in toxic chemical laws and policies on both sides of the Atlantic, are dedicated to reducing the public health impacts of daily exposure to hazardous substances around the world. Negotiators have not engaged in broad outreach and

consultation with these non-profit organizations and have not modified their positions or proposals in response to these concerns.

The environmental review should provide a quantified and substantiated explanation of how efficiencies would be realized for regulators, including both national and state levels, and the costs imposed on the public and public resources from slower action on toxic chemicals as a result of TTIP's regulatory provisions. In addition, within the context of TTIP's environmental review, the following elements should be among those considered regarding the regulation of toxic chemicals.

1. How and to what extent would TTIP alter the pace of developing and implementing stronger, more health-protective laws?

TTIP regulatory cooperation proposals that have emerged thus far would provide multiple opportunities for chemical and other corporations to comment on draft rules and laws, starting at early stages in the regulatory process. The EU's regulatory cooperation proposal for TTIP would require that, in addition to cost-benefit analyses, each Party conduct time and resource-consuming analyses emphasizing chemical regulations' costs to transatlantic trade. Implicit within such an assessment is an assumption that potential impacts on international trade provide a legitimate basis for curtailing an otherwise necessary protective measure. This additional "cost" calculation could have a chilling effect on the enactment of stronger chemical protections. And the U.S. proposal for regulatory cooperation would require excessive and duplicative notice and comment procedures beyond those already provided to the public on both sides of the Atlantic. Moreover, requiring an analysis of the potential transboundary trade "costs" of a new regulation without simultaneously requiring that the potential transboundary *benefits* of that measure be considered injects an unnecessary and implicitly biased distortion into any impact analysis.

Furthermore, the TTIP proposal for a common prioritization of chemicals of concern ignores the fact that the EU is far ahead of the United States in identifying, prioritizing and managing the risks of chemicals of concern. Proposed rules for sanitary and phytosanitary measures (SPS) within TTIP, meanwhile, threaten to delay protective or precautionary measures by requiring scientific certainty about prospective threats before regulatory action can be taken. Such mechanisms have enabled the U.S. chemical industry to freeze the development of stronger controls for toxic chemicals at the U.S. federal level for decades.[iv] These TTIP proposals would create additional processes that industry can exploit in seeking to prevent more robust protections on both sides of the Atlantic.

2. How and to what extent would TTIP impede or improve the ability of U.S. states and EU member states to regulate in the face of inaction by the U.S. federal government and the European Commission?

TTIP proposals by the EU and industry groups would curtail the ability of U.S. states and EU member states to regulate. The EU proposes that, "[b]oth sides would also inform each other about activities at [the] sub-federal level in the U.S. and member state activities in the EU, respectively" opening the door to the above procedural mechanisms for freezing regulatory action. EU position papers have repeatedly stated intent to prevent regulatory differences between U.S. states and the U.S. federal government – without saying that federal standards should rise to match the most protective levels adopted by U.S. states or the EU. Just as regulatory divergence between the U.S. and Europe has been a key driver of progress in environmental and public health standards, regulatory innovation and experimentation among the various states has long played the same role within the United States. Given decades of inaction by the U.S. federal government on industrial chemicals, as many as 30 U.S. states have developed or proposed stronger measures to prevent or reduce the hazards of toxic chemicals for consumers, workplaces, and the environment. Some measures were inspired and enabled by the EU's earlier development of stronger protections. The proposed institutional framework for regulatory cooperation, proposals to implement the UN Globally Harmonized System (GHS), and other TTIP measures could effectively preempt the ability of states to use restrictions to inform and protect the public, and should inform the environmental review.

3. How would the U.S. and EU resolve fundamental legal differences that prevent effective collaboration on assessing the risks of toxic chemicals without sacrificing public access to health and safety information or the integrity of risk assessments conducted?

Important differences exist between relevant EU and U.S. laws. In the U.S., risk assessments are performed by the U.S. Environmental Protection Agency, whereas in the EU, the burden is on industry to assess the risks posed by their chemicals, although this assessment may be subject to review. Only a minimum of five percent (5%) of chemicals registered under EU laws for industrial chemicals are required to be checked for compliance regarding information relating to risk assessments. Compliance checks of the data used risk assessments conducted by industry (registrations) under EU law show a staggering 69% to be in non-compliance.[v] Further, member states carry out evaluation of registered chemicals to explore areas of concern where information gaps may exist. The list of chemicals is updated at a yearly basis (known as Community Rolling Action Plan or CoRAP) and includes 30 to 50 chemicals to undergo evaluation for each year. TTIP's environmental review must evaluate TTIP's potential effects on the integrity of risk assessments.

Moreover, access to information laws differ in the U.S. and EU, particularly in the field of environmental information as the U.S. is not a party of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention).

In the EU, industry consortia submit summaries of relevant health and safety data, which they themselves generate, to European authorities as part of their own risk assessment. Under U.S.

law, the public has the right to access the complete health and safety study used in EPA's risk assessments to ensure transparency and accountability. EPA does not view health and safety study summaries as adequate; accordingly, EPA is reportedly in the process of using its authority under the U.S. Toxic Substances Control Act (section 11) to subpoena the complete health and safety data that underlies the summaries submitted by industry consortia under EU law.

The U.S. environmental review must consider what changes to laws governing confidential business information and trade secrets may result from TTIP's provisions, affecting the public's access to information and right to know. Changes by just one party, either the U.S. or the EU, would affect consumers, government authorities, and businesses that are downstream users of chemicals on both sides of the Atlantic.

TTIP's environmental review must include in this examination what changes to U.S. and EU laws for the protection of confidential business information and trade secrets would be required to enable effective collaboration on chemical risk assessments by U.S. and EU authorities, and what effect these changes would have on access to health and safety information on toxic chemicals by the public. The development of well-defined, mutually agreed-upon criteria for confidential business information and the timing for claims is proposed by the EU and industry, and presumably the U.S. as well given the scope of activities discussed on chemicals. For example, this is a crucial element of joint risk assessments and "information exchange" by the EU and the U.S. However, there is a risk that harmonized criteria will remove important differences that enable access to information, realizing the right to know.

In addition, the U.S. must consider in its environmental review (as should the EU) how TTIP might conflict with the EU's fulfillment of its own obligations under the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention).

4. Assess impacts of redirecting limited public resources to EU-U.S. cooperation processes on chemicals under TTIP, and away from testing, monitoring, enforcement, and other regulatory priorities.

Much of the work proposed under TTIP on chemicals is already the subject of past or ongoing work by OECD. For example, efforts were made through OECD to cooperate on risk assessments, with little to no success due to differences between the EU and U.S. chemical regulatory regimes. The existing Statement of Intent between the U.S. Environmental Protection Agency (EPA) and the European Chemicals Agency (ECHA) illustrates that TTIP is not required for collaboration between EU and U.S. regulatory agencies. The EU Registration, Evaluation and Authorization of Chemicals (REACH) Regulation provides for procedures to comment and participate in discussions about prioritization, classification and labeling and restrictions of chemicals. Thus, the environmental review should describe what is the impact of including chemical regulation within the scope of TTIP, given the existing fora, the disparity of approaches

and standards across the Atlantic, and limited public resources, including the already limited budgets of regulatory agencies.

5. How would TTIP impact the regulation of hormone (endocrine) disrupting chemicals, nanomaterials and other urgent "emerging" public health issues that USTR criticizes as being potential trade barriers?

The EU has been the global leader in finally beginning to address urgent and emerging chemicals management issues. This includes efforts to reduce exposure to hormone (endocrine) disruptors and to ensure safeguards for nanomaterials – substances with never-before-seen properties, and thus unique risks to people and the environment. In addition, the EU is beginning to assess the real-life dangers of toxic chemicals, recognizing that people are exposed to a cocktail of hazardous substances daily. Interestingly, it was scientists in the U.S. who first brought the issue of endocrine disruptors to public attention.

USTR continues to target EU efforts to address the hazards of endocrine disruptors and nanomaterials as "trade barriers." USTR's 2014 Report on Technical Barriers to Trade (2014 TBT Report) clearly continues the trend of U.S. government interference in the EU's development of more protective measures. USTR states in the 2014 TBT Report that "aspects of REACH are discriminatory, lack a legitimate rationale, and pose unnecessary obstacles to trade."[vi] Other sections of the 2014 TBT Report indicate how TTIP may reduce the likelihood for stronger measures by the EU and U.S. states on chemicals of concern. The EU and U.S. proposal for TTIP's TBT provisions to be "WTO-plus" raises the serious concern that the pact could include even more expansive TBT rules that could be used to constrain such forward-thinking chemical protections, whether enacted by the EU or by U.S. states. The environment review should explain why this is not the case.

One topic mentioned by USTR is the issue of endocrine disruptors. The controversy is documented at length in the 2014 TBT Report, noting that "industries are very concerned that a large number of substances will be affected by the new categories and withdrawn from the EU market as a result." We note that the 2014 TBT Report neglects to mention the concerns of the public with respect to the massive health care and remediation costs of toxic chemicals in the environment, including PCBs, DDT, dioxins, and numerous other widely-regulated toxic chemicals that are now understood to be endocrine disruptors. Over the past several decades, an indisputable body of evidence has emerged that endocrine disruptors are a global threat[vii], and the EU has taken the lead in recognizing that like toxic chemicals that persist in the environment and accumulate in living organisms, these endocrine disruptors are a class of chemicals should be subject to much stronger regulation.

It has been recently reported in the media that the U.S. and EU are pursuing pilot projects around chemicals, including a "common approach" to the identification of priority endocrine disrupting chemicals for risk assessment and management. This, we suspect, will build upon EPA's

Endocrine Disruptor Screening Program (EDSP), which USTR implies is different ("science-based") than the methods employed by EU counterparts in its 2014 TBT Report. In 1996, EPA created the EDSP, which nearly 20 years later, is still struggling to complete the transition from a research and development phase into a "data generation" phase. Despite the existence of stakeholder divisions over the program's design, management, and accuracy, criticisms from the U.S. Office of Inspector General of EPA, and the contentious nature of the topic in the EU, public consultations were not held before agreeing on this pilot project and limited information has been provided to the public. The environmental review should evaluate how such cooperation might prevent due consideration of EDC risks by the U.S. and the EU, including states and member states, respectively, as well as existing and potential regulatory actions to address those risks.

Another urgent environmental topic mentioned by USTR -- on which the EU again is taking the lead on developing measures to reduce the risks of -- is nanomaterials. Nanomaterials present unknown and never-before-seen risks to human health and the environment. They are chemical substances or materials that are up to 100,000 times smaller than the diameter of a human hair. They are used in a variety of everyday products, from cosmetics and other personal care products, to clothing, food and electronics. In an effort to better understand the positive and negative aspects, and limit the negative impact of these substances, the EU is in the process of revising relevant legislation, and EU member states are developing registries to help protect people and the environment by identifying, for example, which substances are on the market and/or in which products they might be found. The EU's efforts are helping to indentify information gaps and generate necessary information for these materials. This information is not only useful to Europeans, but Americans and others around the world. The environmental review should consider the potential impacts to the EU efforts on nanomaterials due to TTIP, including the potential impacts to member state initiatives.

> 6. What would be the impact of applying harmonization, mutual recognition, and equivalence to existing U.S. chemicals laws and chemical management procedures under TTIP, including chemical laws and procedures at the state level?

Harmonization, equivalence, or mutual recognition could be applied to the chemicals or chemical-relevant sectors through TTIP or at a later stage via the proposed institutional framework for regulatory cooperation. Mutual recognition could erase important protections for EU or U.S. consumers, workers and employers by inaccurately describing them as providing similar levels of protection. For example, the American Chemistry Council's proposal to allow mutual recognition of notifications in the U.S. and registrations in the EU would erase the "no-data, no-market" principle of the EU for industrial chemicals, which is not found in its U.S. counterpart. The EU has proposed the application of mutual recognition to chemicals in the cosmetics sector, which could allow products currently prohibited by U.S. law onto the U.S. market, and vice versa in the EU. And where levels of protection are unequal, harmonization

typically results in an averaging of higher and lower standards, or even a lowest-common denominator approach; it does not raise everyone to the higher standards.

Although the EU's lead negotiator has ruled out the application of these "tools" for regulatory cooperation for the chemical sector, because of the drastic difference in the level of protection provided by stronger EU laws versus weaker U.S. laws, the EU continues to propose harmonization and mutual recognition in chemical-relevant sectors such as textiles and cosmetics, respectively, posing significant concerns for chemical safety. Mutual recognition for cosmetics, for example, could allow products currently prohibited under U.S. law onto the U.S. market, and vice versa in the EU. Provisions in TTIP for harmonization, mutual recognition or equivalence in any chapter and sectoral annex should be examined for chemicals-related implications. The review should also take into account the potential application of harmonization, mutual recognition or equivalence at a later stage through provisions of TTIP.

We welcome the opportunity to comment and would be happy to provide further information or clarifications as necessary.

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[i] See European Commission, *TTIP: Cross-cutting disciplines and institutional provisions, Position paper - Chapter on Regulatory Coherence* (leaked Dec. 2013), available at: http://corporateeurope.org/trade/2013/12/regulation-none-our-business ; see also, ACC-Cefic, ACC-Cefic Joint Proposal: Enhancing EU-U.S. Chemical Regulatory Cooperation Under TTIP (Dec. 2013), available at: http://ciel.org/Chem/TTIP_10Mar2014.html

[ii] CIEL, *Driving Innovation: How Stronger Laws Help Bring Safer Chemicals to Market* (2013), available at: http://ciel.org/Chem/Innovation_Chemical_Feb2013.html

[iii] Letter by 111 civil society organizations to Ambassador Froman and Commissioner DeGucht calling for the exclusion of the chemical sector from the scope of TTIP (July 10, 2014), available at: http://ciel.org/Chem/TTIP_ToxicPartnership_10Jul2014.html

[iv] See U.S. Government Accountability Office (GAO), Toxic Chemicals: EPA's New Assessment Process Will Increase Challenges EPA Faces in Evaluating and Regulating Chemicals, GAO-08-743T (Apr 29, 2008), available at: http://www.gao.gov/products/GAO-08-743T (The IRIS database is at serious risk of becoming obsolete because EPA has not been able to routinely complete timely, credible assessments or decrease its backlog of 70 ongoing assessments--a total of 4 were completed in fiscal years 2006 and 2007)

[v] See ECHA website (2014), available at: http://echa.europa.eu/regulations/reach/evaluation/compliance-checks/5-percent-compliance-checks-2010-registration-dossiers/statistics (69% of the evaluated dossiers resulted in a draft decision requiring more information to be sent to the registrant. Figure based on reports from targeted and random compliance checks, which may under- or over-estimate the total non-compliant).

[vi] USTR, 2014 Report on Technical Barriers to Trade, 70 (2014), available at: http://www.ustr.gov/sites/default/files/2014%20TBT%20Report.pdf

[vii] World Health Organization (WHO) & United Nations Environmental Program (UNEP), *State of the Science of Endocrine Disrupting Chemicals 2012* (2013)