WRITTEN TESTIMONY OF

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Thank you, Mr. Chairman, and my thanks also to the members of the Subcommittee for holding this hearing on domestic and international actions on persistent, bioaccumulative, and toxic chemicals.

Advances in the discovery, production, and application of chemicals have been responsible for many benefits enjoyed by society all over the world. But as scientific knowledge of these substances has increased, we have learned that certain chemicals impose significant risks to human health and the environment. We also see a trend of growing production and use of chemicals in developing countries, which may lack fully developed regulatory systems to ensure sound management practices. We care about how other countries manage and use chemicals for at least two reasons: because of the potential for local harm, and because some chemicals are capable of having significant impacts far from where they are released. For example, the elevated levels of persistent organic pollutants (POPs) measured in Alaska and the Arctic, far from where they are used or produced, make it clear that poor management abroad can lead to human health and environmental risks at home.

The set of chemicals we are talking about today – chemicals that persist in the environment, bioaccumulate in organisms, and are toxic - are being focused on because of their intrinsic characteristics. Of particular concern is a subset of these chemicals which are organic and

capable of transporting over long distances; these chemicals are often referred to as POPs. It is these chemicals in particular we are focusing on internationally because they can pose risks to public health and the environment in countries far from the source of production or use. While the United States and many developed countries stopped using these chemicals many years ago, they can still present a threat to the health of our population because of their continued use in other countries today. Indigenous people in Alaska and elsewhere in the United States may be particularly at risk to exposure because of their reliance on a subsistence diet. Through our global efforts of collaboration and cooperation, we can seek to improve standards for the management of chemicals and raise environmental protection in other countries to a level that will benefit their public health as well as ours. The role of the State Department is to work with other countries to facilitate this type of cooperation, working side by side with our colleagues from the Environmental Protection Agency.

For these reasons, international cooperation is not only desirable, but vitally necessary to protect public health and the environment in the United States. I would like to focus on three key international agreements aimed at controlling the types of chemicals that are the subject of this hearing. The three agreements are the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants of the Convention on Long Range Transboundary Air Pollution (LRTAP), and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC).

The Stockholm Convention aims to protect human health and the environment from chemicals that are of particular concern because of four intrinsic characteristics: they are toxic, they bioaccumulate in humans and animals, they are resistant to natural breakdown, and they have the potential to be transported over long distances. The twelve POPs initially covered by the agreement are: aldrin, hexachlorobenzene, chlordane, mirex, DDT, toxaphene, dieldrin, polychlorinated biphenyls (PCBs), endrin, heptachlor, dioxins and furans. None of these twelve chemicals is now used or manufactured in the United States, but they are still used in some parts of the world. Sale and use of DDT, for example, has been banned domestically since 1973, but continues to be used in other countries as an antifoulant in paint when alternatives to that use already exist. Through international cooperation we can put an end to these unnecessary uses of POPs.

The Stockholm Convention entered into force on May 17, 2004, and has been ratified by 169 countries, including nearly all of our major trading partners and allies. It calls upon countries to prohibit or restrict production and use of POPs such as PCBs, and to reduce byproduct emissions of chemicals like dioxins and furans. It includes a science-based procedure to govern the addition of chemicals to the Convention. This procedure includes a review process which

considers criteria for inclusion of chemicals of global concern, as well as socio-economic aspects of the use of these chemicals. This is the procedure used to add nine new substances to the Convention in May, 2009: hexabromobiphenyl, hexa- and hepta-bromodiphenyl ether, lindane, pentachlorobenzene, perfluorooctane sulfonic acid, tetra- and penta-bromodiphenyl ether, chlordecone, and alpha and beta hexachlorocyclohexane. While the Parties continue to consider additional substances for inclusion in the Convention's scope, the Convention includes provisions that allow a party to affirmatively decide whether to join amendments adding new substances to the Convention. Therefore, should the United States join the Convention, we can utilize this provision to ensure that we only take on obligations to address further chemicals if we affirmatively agree to do so.

The second agreement I would like to describe is the POPs Protocol to LRTAP, which entered into force on October 23, 2003, and has 29 Parties. This agreement is broadly similar to the global Stockholm Convention, but it is regional in nature, encompassing the United States, Canada, Europe, and the former Soviet Republics. The POPs Protocol initially included sixteen substances, and in December 2009, it was amended to add 7 additional substances to its scope. Like the Stockholm Convention, the LRTAP POPs Protocol is structured to ensure the United States would only take on obligations to address further chemicals if we affirmatively agree to do so.

Another important agreement is the Rotterdam Convention on the Prior Informed Consent Procedure. The Rotterdam Convention promotes shared responsibility between exporting and importing countries in the trade of certain chemicals and pesticides. It entered into force on February 24, 2004 and has been ratified by 131 countries. The Convention currently lists 40 chemicals, many of which are the same chemicals considered to be POPs. For international shipments of the chemicals listed, the Convention stipulates that prior informed consent of the importing country must be obtained before the chemical can be exported to that country. Many countries simply lack the capacity to either control their borders, or lack a fully effective regulatory system that ensures their proper use. The Rotterdam Convention helps to ensure they have full information to make decisions on the sound use and management of chemicals within their own domestic environments. Better management of harmful chemicals in other countries means less likelihood of public health and environmental risks in those countries and in the United States due to their unnecessary release into commerce and the environment.

The United States participated actively in the negotiation of each of these agreements, and has supported them through multiple administrations. We have vital interests at stake in protecting public health and the environment in the United States, and the tools available to us in these agreements can be used to galvanize global efforts aimed at controlling their

production and use. While these agreements enjoy the support of this Administration, the business community, and environmental organizations, we are currently not a party to any of them. The United States has taken some domestic action related to most of the listed substances, but we would require legislation to fully implement the obligations of the agreements. Meanwhile, as a non-Party, the United States is unable to participate fully in the political or technical aspects of their proceedings and contribute to the process as the agreements evolve over time and add additional chemicals to their scope. By joining these agreements the United States will be able to take on the role befitting our status as a leader in environmental protection, and be able to use them effectively to pursue public health protection in the United States.

I would also like to emphasize the importance of the connection between the domestic and international aspects of the control of persistent, bioaccumulative and toxic chemicals. EPA has recently announced the development of chemical action plans to address certain classes of chemicals as potential priorities because they may present risks to human health and the environment. In some cases, the chemicals on which EPA is focusing are also the subject of international attention. Short-chain chlorinated paraffins (SCCPs) are an example of such a group of chemicals for which EPA has developed an action plan, and at the same time, has been proposed for listing in the Stockholm Convention and already been added as an amendment to the LRTAP POPs Protocol. And this isn't the only example. Several of the chemicals EPA is focusing on are included or are under consideration for inclusion under the Stockholm Convention. The best way for the United States to lead internationally, is to do so based on a strong approach at home that is risk-based and consistent with our international obligations. Development of action plans or other effective domestic approaches to address these chemicals allows us to promote sound, risk-based management approaches in other countries through these international agreements. When we have taken strong action at home, the United States has been very successful in mobilizing political will in other countries to ensure chemicals are managed in a more environmentally sound manner.

We are very pleased at the attention being paid in Congress to the need to undertake a comprehensive and thoughtful review of one of our domestic laws as a part of possible changes to the Toxic Substances Control Act (TSCA). The particular approaches and technical issues involved in this legislation are outside of my area of expertise so the Department of State will not express views on these matters. What is of paramount interest to the Department of State is enabling the full participation of our government in the deliberations that take place under the international Conventions I have described as soon as possible, because their evolution impacts vital U.S. interests, especially protecting public health and the environment for U.S. citizens. The sooner the United States takes a seat at these tables, the sooner we will be

ensured that we have a voice as further changes to the agreements are contemplated, for example the addition of chemicals to their scope. Our participation will significantly help international efforts to address the types of chemicals that are the subject of this hearing. For these reasons, it is vital that we move forward quickly to join these agreements.

In summary, Mr. Chairman, there are some chemicals whose use anywhere in the world may present a public health and environmental threat to the United States because they are persistent, bioaccumulative, toxic, and are transported over long distances. We have the tools to promote better management and safer alternatives to these chemicals on a global basis if we join these international agreements and utilize them to elevate other countries to our level of environmental protection. We are most effective leading abroad when we have been diligent and effective in addressing chemicals management at home first. This hearing is a sign of a renewed domestic interest in pursuing improved sound chemicals management at home, which I hope can facilitate our further efforts abroad aimed at the same goal of public health and environmental protection in the United States. We need to join these key Conventions to do that most effectively. I thank the Subcommittee for holding a hearing on this important issue, and I would be pleased to answer any questions the subcommittee might have.