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Member of the European Parliament, Chair of the Committee on the Environment,
Public Health and Food Safety (ENVI)
European Parliament
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10 January 2017

Endocrine Disrupting Chemicals — One more way CETA endangers public health and the environment

Dear MEP La Via,

Dear ENVI Committee Members,

On behalf of 35 public interest organisations, we are writing to respectfully request that you vote in favour of the draft ENVI Committee opinionⁱ on the EU-Canada Comprehensive Economic and Trade Agreement (CETA) on 12 January 2017 and to respectfully urge you to reject the draft Council decision on the conclusion of CETA in February 2017.

The European Commission is already lowering EU standards of protection against dangerous endocrine disrupting chemicals (EDCs),ⁱⁱ and has expressly acknowledged that its decision-making was influenced by ‘mounting’ pressure from EU trade partners.ⁱⁱⁱ The entry into force of CETA will only make matters worse. There is a high likelihood that CETA would put the decision-making powers of the EU and its Member States in a straitjacket by prioritising trade interests over people’s health and the environment.

Endocrine disruptors are harmful chemicals that have been linked to a wide range of diseases, including cancer, birth defects and other developmental disorders.^{iv} They are conservatively estimated to cost Europeans more than € 160 billion each year in additional health expenses.^v

Pursuant to its mandate, the European Commission is required to define criteria for the identification of EDCs. In this context, the European Commission has itself acknowledged an “aggressive and well orchestrated attack” by the U.S., Canada and other countries who consider this measure to be a trade barrier.^{vi}

How Canada is influencing EU EDC policy on trade grounds

Through its regulations on pesticides and biocides, the European Parliament has mandated the EU to take a proactive and precautionary approach to protect European citizens from the harmful impacts of EDCs. For several years now, Canada has joined the US and other countries in trying to prevent the EU from taking that more protective approach. Since March 2015, Canada has argued against the EU approach to EDCs at every single meeting of the World Trade Organization's Technical Barriers to Trade Committee.^{vii}

Moreover, the notes from a meeting^{viii} obtained through a freedom of information request reveal that in July 2016 a European Commission official acknowledged to Ambassadors from the US, Canada and other countries that the European Commission has no mandate to deviate from the 'hazard approach' enshrined in the pesticide and biocide regulations. Yet, contradicting this, the European Commission at the same meeting asserted that the revised proposal foresees the possibility to establish maximum residue levels, in an effort to "address the concerns" of the ambassadors. At the same time, the European Commission was asserting categorically to all other stakeholders that its proposals were in line with the high level of protection of human health and the environment mandated by the pesticide and biocide regulations.

Indeed, the latest proposal on the EU pesticides legislation^{ix} (which has just been informally rejected for the third time in 6 months by the member state expert committees) lowers the level of protection applied to chemicals with endocrine disrupting properties.^x

In particular, the European Commission is proposing an amendment to the annexes of the pesticide regulation that would allow the EU to set much higher maximum residue limits for endocrine disrupting pesticides. This change to the standard would be particularly welcome by transatlantic trading partners, which continue to disregard the large body of science showing that there is no safe level of exposure for these chemicals. As legal experts for the European Parliament confirmed last fall,^{xi} however, the proposed amendment would exceed the European Commission's powers and violate its mandate under the pesticides regulation.

More fundamentally, yielding to US and Canadian pressures would result in the continued contamination of European food supplies with these dangerous substances, in violation of the European Commission's duties to all EU citizens.

How CETA would make this worse

CETA chapters four ('Technical Barriers to Trade'), five ('Sanitary and Phytosanitary Measures') and twenty-one ('Regulatory Cooperation') would extend the influence of Canada on the EU internal regulatory process and would directly affect areas such as

EDCs, REACH and its implementation, pesticides and biocides rules. CETA would empower Canada and businesses based in Canada (such as Monsanto) to challenge such legislation in the EU and its Member States. Any provisional application of CETA would thus pose an immediate risk to health and environmental protection in Europe.^{xii}

This is in direct contradiction to point 2 (c) of the European Parliament's Resolution on the EU-US trade and investment agreement,^{xiii} which called on the European Commission not to negotiate on issues "where the EU and the US have very different rules" and not to allow regulatory cooperation to affect future standards in such areas. In addition to disregarding this recommendation^{xiv} by the European Parliament during the TTIP negotiations, the European Commission also failed to consider this recommendation in developing the parallel deal with Canada.

As the European Parliament will soon vote on CETA, we strongly urge you to reject the draft Council decision on CETA, and to oppose any future EU agreement which fails to fully comply with the European Parliament's recommendations or which endangers the high level of protection of human health and the environment afforded to and demanded by EU citizens.

For additional information, please refer to:

- James Crisp, EurActiv (December 2016) "New endocrine disruptor rules address your trade concerns, EU tells US, Canada" ([English](#)) ([French](#)) ([German](#))
- Stéphane Horel, Le Monde (November 2016) "Endocrine Disruptors: the interference of the United States" ([English](#)) ([French](#))
- EDC Free Europe (December 2016) "EU's never-ending story on protective criteria to identify hormone disruptors continues" ([English](#))

Sincerely,

Carroll Muffett, President and CEO, Center for International Environmental Law (CIEL)
Génon K. Jensen, Executive Director, Health and Environment Alliance (HEAL)

Center for International Environmental Law (CIEL) – Founded in 1989, CIEL uses the power of law to protect the environment, promote human rights, and ensure a just and sustainable society. CIEL is dedicated to advocacy in the global public interest through legal counsel, policy research, analysis, education, training, and capacity building.

The Health and Environment Alliance (HEAL) is a leading European not-for-profit organisation addressing how the environment affects health in the European Union (EU). We demonstrate how policy changes can help protect health and enhance people's quality of life.

ON BEHALF OF:

1. Action for Breast Cancer Foundation (Malta)
2. Alliance for Cancer Prevention (UK)
3. Association on Environmental and Chronic Toxic Injury (Italy)
4. Breast Cancer UK
5. The Cancer Prevention and Education Society (UK)
6. CEE Bankwatch Network
7. Center for International Environmental Law
8. CHEM Trust
9. ClientEarth
10. The Danish Ecological Council (Det Økologiske Råd)
11. ECOCITY (Greece)
12. Ecologistas en Acción (Spain)
13. European Environmental Bureau
14. France Nature Environnement
15. Friends of the Earth Europe
16. Fundación Alborada (Spain)
17. GEmeinnützigen Netzwerks für UmweltKranke (Germany)
18. GMWatch
19. Green 10
20. Greenpeace
21. Health and Environment Alliance
22. Health and Environment Justice Support
23. Health Care Without Harm Europe
24. Institute for Sustainable Development - Inštitut za trajnostni razvoj (Slovenia)
25. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
26. Leefmilieu (Belgium)
27. Naturefriends International
28. Pesticide Action Network Europe
29. Pesticide Action Network – Italia
30. Pestizid Aktions-Netzwerk e.V. (PAN Germany)
31. Slow Food International
32. SumOfUs
33. Women Engage for a Common Future — WECF International
34. WWF European Policy Office
35. ZERO — Association for the Sustainability of the Earth System (Portugal)

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- i European Parliament (December 2016) Draft opinion of the ENVI Committee on the draft Council decision on the conclusion of CETA
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fNONSGML%2bCOMPARL%2bPE-595.582%2b01%2bDOC%2bPDF%2bV0%2f%2fEN>
 - ii “Unfortunately, if [the EDC proposal] were to be adopted as it is, the regulatory change would mark a step back in the European Union’s action to protect the health of our citizens and the environment.” Ségolène Royal (December 2016) Letter to Jean Claude Juncker (translation from French, see second paragraph)
http://www.developpement-durable.gouv.fr/IMG/pdf/PerturbateursEndocriniens_LettreMinistre.pdf
 - iii “Overall, the pressure on the EU is mounting as demonstrated by the growing number of WTO Members taking the floor to express concerns or to question the EU’s work on defining the criteria to identify EDs.” European Commission (June 2016) “Impact Assessment: Defining criteria for identifying endocrine disruptors in the context of the implementation of the plant protection products regulation and biocidal products regulation,” p.190
http://ec.europa.eu/health/sites/health/files/endocrine_disruptors/docs/2016_impact_assessment_en.pdf
 - iv Endocrine disruptors are harmful chemicals that interfere with the natural hormones in our bodies. Diamanti-Kandarakis, E. et al (June 2009) “Endocrine-Disrupting Chemicals: An Endocrine Society Scientific Statement”
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2726844/#>
 - v Trasande, Kortenkamp A. et al (July 2016) "Burden of disease and costs of exposure to endocrine disrupting chemicals in the European Union: an updated analysis" <https://www.ncbi.nlm.nih.gov/pubmed/27003928>
- HEAL (June 2014) Health costs in the European Union: How much is related to EDCs? http://env-health.org/IMG/pdf/18062014_final_health_costs_in_the_european_union_how_much_is_realted_to_edcs-2.pdf
- vi European Commission (August 2015) Internal note from the 63rd WTO SPS Committee — 14-16 July 2015 — Geneva, p.1 and 10
http://www.stephanehorel.fr/wp-content/uploads/2016/11/8-BTO_63rd_WTO_SPS_2015.pdf
 - vii WTO (May 2016) “Committee on Technical Barriers to Trade - Minutes of the meeting of 18 - 19 March 2015,” p.29
<https://tradinghealthforprofit.files.wordpress.com/2017/01/m65.pdf>;
 WTO (September 2015) “Committee on Technical Barriers to Trade - Minutes of the meeting of 17 - 18 June 2015,” p.31
<https://tradinghealthforprofit.files.wordpress.com/2017/01/m66.pdf>;
 WTO (February 2016) “Committee on Technical Barriers to Trade - Minutes of the meeting of 4 - 6 November 2015,” p.34
<https://tradinghealthforprofit.files.wordpress.com/2017/01/m671.pdf>;

WTO (May 2016) “Committee on Technical Barriers to Trade - Minutes of the meeting of 9 - 10 March 2016,” p.28

<https://tradinghealthforprofit.files.wordpress.com/2017/01/m6821.pdf>;

WTO (September 2016) “Committee on Technical Barriers to Trade - Minutes of the meeting of 15 - 16 June 2016,” p.29

<https://tradinghealthforprofit.files.wordpress.com/2017/01/m69.pdf>.

These documents are also available on the WTO website:

[https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?Query=\(%20@Symbol=%20g/tbt/m/*%20\)&Language=ENGLISH&Context=FomerScriptedSearch&languageUIChanged=true](https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?Query=(%20@Symbol=%20g/tbt/m/*%20)&Language=ENGLISH&Context=FomerScriptedSearch&languageUIChanged=true)

- viii European Commission (July 2016) “BTO meeting Commissioner Andriukaitis with Ambassadors from CDN, USA, BRA, URU, ARG – 13 July 2016”
http://www.stephanehorel.fr/wp-content/uploads/2016/11/11_BTO_Meeting_Andriukaitis_Ambassadors_2016.pdf
- ix European Commission (November 2016) Revised draft for Commission Regulation setting out scientific criteria for the determination of endocrine disrupting properties and amending Annex II to Regulation (EC) 1107/2009
https://ec.europa.eu/health/sites/health/files/endocrine_disruptors/docs/ppp_revised_criteria_en.pdf
- x The proposal to revise the Plant Protection Products (PPP) Regulation changes the derogation from ‘negligible exposure’ to ‘negligible risk’. With this change, the European Commission widens an existing limited exemption into a major loophole, which can easily be exploited to enable continued use of identified EDCs.
ChemTrust (November 2016) “Still not protective of public health: Commission revises its criteria for identifying endocrine disrupting chemicals (EDCs)”
<http://www.chemtrust.org.uk/problems-new-edc-criteria-draft/>
- xi Giovanni La Via (September 2016) Letter to Commissioner Andriukaitis
<http://files.chemicalwatch.com/LaVialetter.pdf>
- xii CIEL (October 2016) Letter to Paul Magnette
<http://www.ciel.org/wp-content/uploads/2016/10/CIEL-letter-to-Mr.-Magnette.pdf>
- xiii European Parliament (July 2015) “European Parliament resolution of 8 July 2015 containing the European Parliament’s recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)” (2014/2228(INI))
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0252+0+DOC+XML+V0//EN>
- xiv CIEL, ClientEarth, HEAL (July 2016) “A Compliance Check of the European Parliament’s TTIP Resolution: Public health, environment and democracy at risk,” pp.3-7 <http://www.ciel.org/wp-content/uploads/2016/07/TTIP-Resolution-Compliance-Check.pdf>