TESTIMONY OF
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BEFORE THE
COMMITTEE ON AGRICULTURE
U.S. HOUSE OF REPRESENTATIVES

July 20, 2006

Mr. Chairman and Members of the Committee, thank you for the invitation to appear before you today to discuss three very important international environmental agreements: the Stockholm Convention on Persistent Organic Pollutants (the Stockholm Convention), the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the Rotterdam PIC Convention), and the Protocol on Persistent Organic Pollutants, negotiated under the United Nations Economic Commission for Europe's Convention on Long Range Transboundary Air Pollution (the LRTAP POPs Protocol). Becoming a Party to these three agreements has been a priority for the Administration since the spring of 2001, when President Bush announced in a Rose Garden ceremony that the United States would sign the Stockholm Convention. I am here today to support H.R. 3849, introduced by Mr. Lucas, Mr. Goodlatte, Mr. Peterson, and Mr.Holden in September of 2005, and to ask this Committee to move forward as expeditiously as possible.

The United States was a key player in the negotiation of each of these three agreements. Our scientists led the way in reviewing and assessing the substantive matters addressed by these agreements, and the United States also provided financial and technical assistance. But now our participation is limited at every level. While we have attended all of the major meetings that were held to discuss these treaties since October 2003, when the first of these agreements came into force, we are no longer in a leadership role and our ability to influence decisions is steadily decreasing. The Administration is committed to working closely with all Members of this Committee and the U.S. House of Representatives to facilitate enactment of implementing legislation to ensure that the

United States becomes a Party to these agreements and retains its current position as the international leader in chemical environmental safety.

A number of new substances are being considered for addition to these agreements, and I strongly believe that it is critical for the United States to have a real and equal voice at the table. Decisions made about the substances under these agreements will have an impact on global production of and trade in these substances. There are currently five substances under consideration in the POPs Convention, seven substances in the LRTAP POPs Protocol, and eight substances under review for PIC. The United States will want to ensure that available scientific information is carefully reviewed and considered during the decision–making process, and that the decisions made by the Parties are in accordance with the terms of the respective agreements. I am convinced that the United States should be fully engaged in the process, taking into consideration both domestic and international priorities.

It is my view that each of these agreements, in its own way, contributes to a healthier global environment and to a healthier America. In that light, the Administration has reviewed H.R. 3849, introduced in September of 2005, very carefully. We believe that this bill provides the legal authority necessary for the United States to implement all of the Federal Insecticide Fungicide and Rodenticide Act (FIFRA)-related obligations of these international agreements. The bill also provides a regulatory standard and approach that is generally consistent with that already applied by the U.S. Government when evaluating pesticides and possible risk management actions. H. R. 3849 is also consistent with the approach taken by the bill passed out of the House Energy and Commerce Committee last week that will allow the United States to comply with the provisions of these agreements that are addressed by the Toxic Substances Control Act. I would like to thank Chairman Goodlatte and his staff, and other Members of this Committee for introducing a bill that would allow the United States to join these agreements which seek to address some of the world's most persistent and toxic substances. I applaud the Chairman for taking a leadership role.

H.R. 3849 reflects the elements that this Administration believes are needed to move forward domestically, and to reaffirm our commitment internationally, to promote environmental health and safety. The bill, for example, contains language to ensure that any manufacturing, use, processing, distribution in commerce for export, and disposal of the substances listed in the Stockholm Convention or in the LRTAP POPs Protocol that is inconsistent with the obligations of those agreements would no longer be authorized under U.S. law. The proposed legislation effectively implements the Rotterdam Convention obligations relating to export controls, export notification, and labeling for PIC-listed substances. The bill also requires EPA to issue notices that would communicate to our own domestic producers and exporters the importing decisions of other countries and, at the same time, allows the public to provide us with significant information as we prepare for the international process and our own domestic proceedings.

The legislation would also enable the United States to join future convention amendments that are consistent with U.S. law and policy. This is a very important element of this legislation for the Administration. Our absence from these treaties diminishes the voice of some of the best science and policy experts in the world in the international process and tends to decrease the weight afforded to the United States' approach to chemical and pesticide management.

I would now like to take just a few minutes to discuss several events that have occurred in the context of these treaties that highlight the immediate consequences of our current non-Party status, and why I think it is in the best interests of the United States to be at the table. In the Stockholm Convention, the terms of reference for the Persistent Organic Pollutants Review Committee (POPRC) was decided upon and its membership was chosen at the first Conference of the Parties in May of 2005. The POPRC is the group of experts who review the chemicals that are nominated to be considered for addition to the treaty, a fundamentally influential activity and a significant committee. Despite the recognized depth of the United States in terms of our scientific expertise and the significant role we play in the commercial aspects of the substances covered by these agreements, the United States, lacking ratification status, was not able to pursue a seat on the POPRC for its first term, when crucial, precedent setting decisions would be made. The same issue

of our non-involvement in the critical Chemical Review Committee had occurred a few months earlier in the context of the Rotterdam Convention.

But our absence from the POPRC could be changed by Congressional action. If the United States were to become a Party to the POPs agreement in the near term, I am convinced that the appointment of a U.S. expert to the POPRC would be strongly welcomed by our colleagues in other countries. While the next opportunity to appoint new experts to the POPRC occurs at the 2007 Conference of the Parties, we will need time to build momentum for a U.S. appointment and to deposit our instrument of ratification for the Agreement.

It is not in the interests of the United States to continue to have our participation in these agreements limited to "observer" status. President Bush recognized the importance of full U.S. participation in the international chemical arena when he stood in the Rose Garden and announced that the United States would sign the Stockholm Convention. I know you understand and agree that the United States needs implementing legislation that would allow us to take the final steps and join these three important environmental agreements now.

The Administration has reviewed H.R. 3849, as introduced, and I believe that the provisions of the bill would allow the United States to take back its leadership role through effective participation in the implementation of the agreements and to regulate, as necessary, for compliance with the obligations of these three agreements. We support the Chairman's efforts to pass this bill and look forward to working with the Committee as the process advances.

Thank you again for the opportunity to discuss these important international environmental agreements today. If the Committee should need any technical assistance, we stand ready to help. Again, I want to thank you for your support and leadership in finalizing the implementing legislation necessary for the United States to meet the obligations under these three agreements.

I will be pleased to answer any questions.