



MEMORANDUM

Via E-Mail

DATE: September 11, 2009

TO: Clients and Friends

FROM: The Acta Group, L.L.C.

RE: Lynn L. Bergeson Chairs Panel at Conference on “Transatlantic Regulatory Cooperation: Securing the Promise of Nanotechnologies”

The London School of Economics (LSE), Chatham House, the Environmental Law Institute (ELI), and the Project on Emerging Nanotechnologies (PEN) at the Woodrow Wilson International Center for Scholars held a conference on September 10-11, 2009, on “Transatlantic Regulatory Cooperation: Securing the Promise of Nanotechnologies,” in London. LSE, Chatham House, ELI, and PEN are participating in an international collaborative project, *Regulating Nanotechnologies in the EU and U.S.*, which is funded by a grant from the European Commission. Their research findings on issues of transatlantic regulatory cooperation were published in a report during the conference. The conference was intended to bring together regulatory experts from the United States (U.S.) and European Union (EU) to discuss recommendations from this research effort and to generate and examine new ideas that would enable greater transatlantic cooperation and convergence on nanotechnology oversight today and in the future.

Yesterday, at the conference, Lynn L. Bergeson moderated a panel concerning chemicals regulation and nanomaterials, and Steve Owens, Assistant Administrator for Prevention, Pesticides, and Toxic Substances, U.S. Environmental Protection Agency (EPA), was one of the panelists. According to Owens, EPA is considering proposing new reporting requirements for manufacturers of nanomaterials. Owens described the Nanoscale Materials Stewardship Program, which EPA intended to encourage submission and development of information, including risk management practices for nanoscale materials, “less than a resounding success.” The reporting requirements would help EPA collect more environmental, health, and safety data regarding nanomaterials.

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The materials released at the conference include a briefing paper entitled *Regulating Nanomaterials: A Transatlantic Agenda*, and the report entitled *Securing the Promise of Nanotechnologies: Towards Transatlantic Regulatory Cooperation*. The briefing paper includes the following summary points:

- The U.S. and EU need to strengthen international regulatory cooperation if the commercial promises of nanotechnologies are to be fulfilled;
- Persistent scientific uncertainty could limit the effectiveness of existing regulatory frameworks and risk assessment approaches. International efforts to create scientific building blocks for risk assessment of nanomaterials should be expanded;
- The EU and U.S. need to provide significantly increased funding for research into the environmental, health and safety (EHS) risks of nanomaterials and promote greater coordination of such funding at an international level;
- Governments should strengthen existing mandatory reporting requirements for nanomaterials in commercial use and, where necessary, create new ones;
- U.S. and EU authorities should explore the implications of potentially diverging consumer labeling requirements for nanomaterials, given international trade obligations, and work towards common approaches on standards for labeling; and
- In view of the ongoing and accelerating globalization of nanotechnologies, the EU and the U.S. should complement existing international initiatives with the development of international governance capacity in other areas (United Nations Environment Programme, World Health Organization), not least to ensure that developing countries are more involved in international decision-making.

According to the report, the regulatory challenges for nanomaterials include rapid technological change; uncertainty of commercialization paths; uncertainty regarding nanomaterials risks; uncertainty regarding the suitability of regulatory frameworks; and



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uncertainty regarding regulatory and scientific resources. The report includes policy recommendations for how the U.S. and EU can promote more effective and convergent regulation of nanomaterials. The report focuses on three clusters of issues identified as the most important areas: the creation of the scientific building blocks that are necessary for risk assessment; the closure of existing knowledge gaps with regard to the commercialization of nanomaterials and potential EHS risks; and questions of societal and ethical perspectives and how they are addressed in risk management. The report concludes with an outlook on the global challenges of developing nanomaterials regulation in a world of internationally integrated markets and new nanotechnology producers in emerging economies. The briefing paper and report are available at http://www.chathamhouse.org.uk/research/eedp/current_projects/nanotechnology/.

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We hope this information is helpful. As always, please call if you have any questions.