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The Environmental Law Institute Calls for Faster Development of an Effective Governance Structure for Nanotechnologies

WASHINGTON, DC - An effective environmental, health, and safety governance structure is urgently needed to protect against the risks nanotechnologies may pose to public health and the environment. This is the conclusion presented in a statement released today by the independent, non-partisan Environmental Law Institute (ELI).

The statement emphasizes that as more nanotechnology-enabled products reach the marketplace and investments in nanotech research increase, the need for an effective governance structure becomes more urgent. The governance structure should provide for interim measures, focus on data development, inform and involve the public, and take a broad look at multiple approaches to managing effectively any risks associated with nanotechnologies. These approaches include regulatory and voluntary programs under existing environmental statutes, corporate stewardship, tort liability, state legislation, disclosure, liability insurance, and international measures.

The U.S. Environmental Protection Agency's Nanotechnology Work Group of the Science Policy Council has called for a "flexible, rapid, and highly adaptable approach within EPA." However, the group's Nanotechnology White Paper devotes only 9 of its 123 pages to a discussion of risk management and statutory authorities.

"We have a real opportunity to rethink our governance options, explore innovative ways to apply environmental law to emerging technologies, and build public and investor confidence that the risks will be adequately managed," said Leslie Carothers, President of the Environmental Law Institute and former head of environment, health, and safety for United Technologies Corporation. "But this means giving a higher priority to answering legal and policy questions central to creating a good system. These include:

- What are the capabilities and limitations of existing environmental laws?
- How much data on risk is enough to support requiring submittal of available information on nanomaterials rapidly entering the market under the data gathering provisions of the Toxic Substances Control Act?
- How should the burden of data generation be shared between government and industry and among industry participants?
- How can regulatory or voluntary governance programs ensure that the life cycle impacts of new materials are assessed and managed?
- How can the governance structure be developed in a manner that informs the public and meaningfully involves stakeholders?

The statement concluded that work should be conducted in conjunction with stakeholder involvement and dialogue. Substantial stakeholder involvement would greatly enhance the quality and credibility of the product as well as the ultimate viability of any recommendations produced.

Copies of the statement are available at: <http://www2.eli.org/research/nanotech.htm>

The Environmental Law Institute® is an independent, non-profit research and educational organization based in Washington, DC. The Institute serves the environmental profession in business, government, the private bar, public interest organizations, academia, and the press. For further information from the Environmental Law Institute, please contact Brett Kitchen at 202-939-3833 or pressrequest@eli.org.

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