

FROM THE CHAIR

Charles L. Franklin

The first half of 2011 was a particularly productive time for the Pesticides, Chemical Regulation, and Right-to-Know (PCRRTK) Committee and the pesticide/chemical regulatory bar in general, with both chemical and pesticide policy continuing to hold a prominent place in the public dialogue. If regulators and courts act on even half of the policy priorities that are lined up for this summer and fall, expect the brisk pace to continue.

First, a brief recap of some committee highlights. In late February, the ABA's House of Delegates voted to approve House Resolution No. 118, urging Congress to take action on Toxic Substances Control Act (TSCA) reform. This resolution was developed and spearheaded by members of the committee with support and input from the section as a whole. In preparing it, we took care to recognize the wide diversity of perspectives within the PCRRTK committee membership. The language is provided below and the supporting report and text are available through the committee Web site under the TSCA Reform link or through the recently updated "TSCA Reform Practitioner's Resource." Let us know your thoughts on whether this reflects your perspective.

The committee continued to provide thoughtful, provocative, and inclusive programming in 2011, sponsoring four excellent brown-bag/webinar programs since the New Year. In early March, the committee sponsored a 90-minute panel presentation and webinar entitled *Right to Know Versus Right to Intellectual Property: EPA's Evolving Approach to Confidential Business Information*. That same month, we cosponsored a two-hour program on TSCA reform with the D.C. Bar Association, entitled *New Directions in Chemical Regulation*.

In late April, EPA hosted the committee at its offices for a successful 90-minute lunchtime panel discussion and webinar entitled *The NPDES Pesticide General Permit: Perspectives from the Hill, EPA, the*

Regulated Community, and Environmental Advocates. In May, the committee sponsored a half-day program and webinar entitled *Nano Governance: The Current State of Federal, State, and International Regulation*. Program speakers included federal, nongovernmental organization (NGO), and private sector representatives from the United States and Europe. Even Australia's National Industrial Chemicals Notification and Assessment Scheme provided a PowerPoint presentation, but could not participate further due to the time difference.

These programs, while covering a diverse range of topics, had several important things in common. First, the organizers structured the events to maximize the potential for participation by committee members outside the D.C. area (and even the country in the case of the May nano program). The topics selected reflected some of the leading cutting-edge issues facing PCRRTK practitioners today. Finally, recognizing that many of the issues of greatest importance to our members are just as relevant to those outside the committee, program planners reached out to other SEER committees and ABA sections to obtain cosponsors and widen our reach.

The committee is also continuing its commitment to legal scholarship. The PCRRTK Newsletter offers insights from leading practitioners in the field, and the recently released *ABA Year in Review* offers an insightful section looking at developments in pesticide and chemical law during 2010. We also added a new Practitioner's Resource to the committee Web site addressing confidential business information policy, and prepared updates to several other resource documents.

We are using these and other efforts to bring value to PCRRTK Committee members and to raise awareness of the importance and centrality of the issues covered by our members.

Which brings us to the *second* half of 2011 . . .

All indications are that pesticide and chemical regulatory policy will continue its rapid pace of change

into 2012, and the PCRRTK committee gives its members an opportunity to monitor, if not participate in, the public policy dialogue—starting with many of the same issues we highlighted earlier this year but including many, many others. We invite you to get involved with the committee in a way that meets your needs. You have already made a great start by reading the newsletter. Maybe you want to plan or attend a future program. Write an article. Contribute to one of our current or planned Practitioner’s E-Reference documents or prepare other web content. Reach out to one of the other committee members to network. However you choose to participate in the committee, we hope membership will continue to be a valuable tool in your professional practice.

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**AMERICAN BAR ASSOCIATION
ADOPTED BY THE
HOUSE OF DELEGATES
FEBRUARY 14, 2011**

RESOLVED, That the American Bar Association urges Congress to enact legislation to reform the Toxic Substances Control Act (TSCA) that:

1. Enhances the Environmental Protection Agency’s ability to ensure the safety of chemical substances in commerce by considering developments in the state of science and regulatory policy in the U.S. and abroad that have occurred since the TSCA was enacted;
2. Encourages public confidence in, and broad stakeholder understanding of, federal chemical control authorities and regulatory policies and practices;
3. Recognizes the critical role that chemical substances play in all aspects of contemporary society;
4. Maintains the nation’s international competitiveness;
5. Acknowledges and accounts for the considerable investment of resources required to develop and maintain a world-class regulatory system;
6. Leverages the extensive and growing wealth of governance experience and credible scientific data and information on chemical substances being developed in the European Union, Canada, and other countries;
7. Incorporates U.S. obligations under international treaties;
8. Provides the public with useful and relevant information on chemical safety, product safety, and chemical risk management; and
9. Provides appropriate intellectual property protections to entities investing in new science and innovation.