

# Warning: TTIP Aims To Defang Local Rules Against Hazardous Chemicals

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by [Sarah Lazare, staff writer](#)

The mammoth Trans-Atlantic Trade and Investment Partnership (TTIP) under secret negotiation between the United States and European Union is poised to slash the power of local governments to regulate toxins—from pesticides to fracking chemicals—the Center for International Environmental Law (CIEL) warned in a report released Tuesday.

[\*Preempting the Public Interest: How TTIP Will Limit US States' Public Health and Environmental Protections\*](#) (pdf) is based on an analysis of the European Commission's [proposed chapter](#) on regulatory cooperation from the April 20 round of negotiations. The report follows [other analyses of the text](#) which conclude that the TTIP poses a threat to human rights, environmental protections, and democracy on both sides of the Atlantic.

Beyond the regulatory cooperation chapter, little else is known about the content of the closed-door negotiations over what is set to be the largest bilateral “trade” deal in history.

The chapter's contents, warns CIEL, highlight the direct threat the TTIP poses to public health and environmental protections on the U.S. state level. This is especially troublesome, the report argues, because federal regulations under the Toxic Substance Control Act have proven “egregiously ineffective”—and could be even further eroded, thanks to the influence of the chemical industry in Congress.

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**compatible with an international standard, and you have minimal federal regulations on the U.S. side, and you have states that go beyond that, the provisions will be used to attack state chemical and pesticide regulations.”**

**–Sharon Treat, report co-author**

In contrast, some state governments have taken the lead in responding to the dangers posed by fracking chemicals, pesticides, and hazardous products by adopting “more than 250 laws and regulations protecting humans and the environment from exposure to toxic chemicals,” the report says.

However, so-called “harmonization provisions” in the EU’s proposal could force states to conform to the lowest common denominator—in this case weaker federal guidelines. As Sharon Treat, attorney, co-author of the report and former Maine state legislator, explained to *Common Dreams*, “The bottom line is if you’re trying to make the U.S. compatible with an international standard, and you have minimal federal regulations on the U.S. side, and you have states that go beyond that, the provisions will be used to attack state chemical and pesticide regulations.”

What’s more, the report asserts, the proposed chapter calls for an imposition of “multiple procedural mandates—from an early warning system to regulatory exchanges to the trade and cost-benefit impact assessments—that will lead to a regulatory chill caused by delay, increased costs for government, fear of legal challenges, and heightened industry influence and conflicts of interest.”

Beyond their demobilizing effect, such requirements could also expand the power of private interests in corporate tribunals, known as the investor-state dispute settlement (ISDS) systems.

“If you are requiring state and federal governments to do more studies to review whether a regulation could be done in a way that is less of an imposition on trade or big business, then

you could bolster the case of the ISDS systems to block regulations,” explained Treat. “That would be tipping the scales even further in favor of international corporations running roughshod over regulations and procedures to protect public health and the environment.

Given the continued secrecy of the talks, it is not known how the U.S. responded to the proposed chapter, but the researchers at CIEL say the EU’s language alone is cause for alarm. CIEL warns that the “largest chemical and manufacturing corporations on both sides of the Atlantic” are playing a role in pressing the TTIP’s regulatory agenda—and that the U.S. is likely pressing for a similar race to the bottom for EU member states.

Meanwhile, the Obama administration is negotiating the TTIP alongside two other secret trade deals: the [Trans-Pacific Partnership](#) and the [Trade in Services Agreement](#). All three have come under stiff opposition from social movements and civil societies across the globe concerned that they will bolster corporate power at the expense of people and the planet. Some observers [argue](#) that these deals could collapse, in part due to their unpopularity and internal contradictions.

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## Federal Court Overturns Landmark Ruling on NSA Spying

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A federal court on Friday [reversed](#) a lower court’s landmark 2013 decision that said the National Security Agency (NSA)’s

spying operation was likely unconstitutional.

The U.S. Court of Appeals for the District of Columbia Circuit [ruled](#) (pdf) that the plaintiff in the case of *Klayman v. Obama* did not have the legal standing to challenge the constitutionality of the program. Judge Richard Leon, who issued the [2013 ruling](#), called the NSA's operations "almost Orwellian."

Siding instead with the government, the three-judge panel on Friday argued that the plaintiff, conservative activist Larry Klayman, did not demonstrate the "concrete and particularized" injury required to sue the government because he could not prove that the dragnet vacuumed up his metadata in particular.

The impact of the ruling is unclear, coming as it does just months after U.S. Congress [passed](#) legislation to replace unlimited government spying with a more restricted program. A separate [ruling](#) by the Second Circuit Court of Appeals in New York earlier this year also found that the NSA's bulk surveillance program was illegal.

Observers of the case took special note that today's ruling made no judgement on the constitutionality of the bulk data collection program, only that Klayman's standing was deemed insufficient. As journalist Glenn Greenwald [tweeted](#), "Nothing about whether bulk collection is actually constitutional."

And ACLU deputy legal director Jameel Jaffer [added](#), "Only one appeals court has ruled on merits. And it ruled program unlawful."

As of now, the case will be sent back to Leon for further proceedings. The *Associated Press* [reports](#) that Leon will "determine what further details about the program the government must provide."

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# Racialized Poverty in America has Nearly Doubled in 21st Century

Published on Monday, August 10, 2015 by [Common Dreams](#)  
by [Sarah Lazare, staff writer](#)

Discriminatory housing, zoning, and other policy choices are driving the dramatic rise of racialized poverty and segregation across the United States, with the number of people residing in low-income “ghettos, barrios, and slums” nearly doubling in the 21st century alone, a new report finds.

[\*Architecture of Segregation\*](#), authored by the Century Foundation fellow Paul Jargowsky, concludes that mid-sized cities of 500,000 to 1 million people like Detroit, Milwaukee, and Cleveland are ground zero for the rapid concentration of black poverty.

Poverty is becoming dramatically more concentrated, as “more than one in four of the black poor and nearly one in six of the Hispanic poor lives in a neighborhood of extreme poverty, compared to one in thirteen of the white poor,” notes Jargowsky, who is also a professor of public policy at Rutgers University.

Children are the most vulnerable, he explains, as they are “more likely to reside in high-poverty neighborhoods than poor adults.”

These trends cannot be attributed solely to the Great Recession, Jargowsky argues, as they were established by policy choices, implemented well before 2008, that drove the “rampant suburban and exurban development” behind today’s

segregation.

“Through exclusionary zoning and outright housing market discrimination, the upper-middle class and affluent could move to the suburbs, and the poor were left behind,” he writes. “Public and assisted housing units were often constructed in ways that reinforced existing spatial disparities. Now, with gentrification driving up property values, rents, and taxes in many urban cores, some of the poor are moving out of central cities into decaying inner-ring suburbs.”

Jargowsky comes to the harrowing conclusion: “Our governance and development practices ensure that significant segments of our population live in neighborhoods where there is no work, where there are underperforming schools, and where there is little access to opportunity.”

The study follows other research which shows racial segregation is on the rise in the United States. A [recent analysis](#) by Cornell University researchers found that the foreclosure crisis that drove approximately 9 million people across the United States from their homes disproportionately displaced black and Latino households and led to a spike in segregation along racial lines.

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