



WTO ‘Fever’ Necessary to Stem Advance Of Precautionary Principle ‘Virus’, Says ITSSD

Princeton, NJ - March 27, 2007 – In a recent editorial and newsletter interview, trade and regulatory lawyer Lawrence Kogan discusses why commencing a WTO legal action against the European Union’s (EU’s) REACH chemicals regulatory regime remains the most effective way to halt the global advance of the *extra*-WTO Precautionary Principle.

The costly and burdensome REACH was adopted last winter despite widespread international protest. Nevertheless, Europhiles within the new 110th Congress have admonished U.S. negotiators preparing for the upcoming April EU-US Transatlantic Summit to work towards the harmonization of REACH with U.S. chemicals laws. Apparently these representatives do not ‘care’ if it costs America its economic health.

Mr. Kogan argues that, “for the past decade, the EU has exported its regulatory aversion to best-available science, economic-cost benefit analysis and strong intellectual property right protections throughout the world to ‘level the economic playing field’ for its noncompetitive industries.” It has tried to make the global legal environment “more hospitable to the Precautionary Principle”, he says, “in much the same way that a protein-coated virus infects a healthy human body and reshapes its metabolism.”

According to Kogan, “The Precautionary Principle virus’ REACH protein has already attached itself to and penetrated foreign host cell membranes (U.S. and other non-EU sovereign jurisdictions), is reprogramming them with its unique DNA code (*hazard*- as opposed to risk-based chemicals laws and industry practices), and is rapidly reproducing itself (at federal, state/provincial *and* local levels) and spreading to other uninfected cells” (nations) in the global economy. “We must arrest the Precautionary Principle before it spirals out of control and overtakes the American free enterprise system and international rule of law”, warns Kogan, “just as the human body destroys infections.”

Kogan makes an important point. The human body does not rid itself of debilitating viruses by becoming more hospitable, and thus, less resistant, to them. Rather, the human immune system aggressively *attacks* infections by producing toxic chemicals that cause the body’s temperature to rise. The resulting fever helps the body by slowing down the rate of viral reproduction and ultimately killing off the virus.

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