



## Attorney from Gardere Law Firm Analyzes Need for Nanotechnology Regulation

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HOUSTON (LAWFUEL) – Although analysts forecast that more than 15 percent of all products will incorporate some form of nanotechnology by 2014, there is very little federal regulation or oversight on this burgeoning sector. The challenge, as Gardere Wynne Sewell Senior Attorney Nancy J. Brown discusses in a new **Washington Legal Foundation** legal background paper, is for governments to find a way to balance the goals of encouraging innovation and avoiding environmental harm.

The paper, "Nanotechnology: Is New Regulation Needed, And If So, By Whom?" is available online at <http://www.wlf.org/upload/07-25-08brown.pdf>.

With more than 600 products currently available which utilize nanotechnology and annual sales of \$50 million to \$88 million worldwide, the promise seems almost limitless. However, notes Ms. Brown, along with this promise of expanded knowledge and increased commerce, comes concerns about health and safety in the workplace, for consumers and for the environment.

"Some experiments have shown that nanomaterials can cause cell damage in laboratory animals, but very little is presently known about the possible toxic effects or how those materials might accumulate and interact in the atmosphere, soil and water," she relates. "Although nanoparticles can exist naturally, there are many who believe that the consequences of widespread introduction of such particles into the environment should have been more thoroughly investigated before the proliferation of products reached the market."

Clouding the argument, Ms. Brown writes, is the fact that the U.S. government has yet to enact any environmental laws directed specifically at nanotechnology, with the consensus of the U.S. legal community and regulatory agencies agreeing that the issues can be dealt with under existing federal regulatory schemes. However, some have argued that the U.S. has spent far too little on risk research, especially compared to the European Union. Although more than half of the U.S. states have enacted nanotech-related statutes, the only laws aimed at regulating nanotechnology have come from the municipal level.

With recent surveys indicating that a large percentage of the U.S. population has little to no understanding of nanotechnology, it is time for a public dialogue on these issues, says Ms. Brown. "Failure to adequately address these issues could lead to consumer rejection and could undo the developing economic benefits of this promising technology."