

IPEN Quick Views of Stockholm Convention COP7

May 2015

The following is a summary statement of IPEN views on issues that COP7 will be called upon to address:

POPS wastes

- The Basel POPs waste guidelines should be reviewed by the Stockholm Convention Toolkit and BAT/BEP expert groups to evaluate proposed techniques for their destruction efficiencies and their potential to generate unintentionally produced POPs taking into account obligations in Articles 5 and 6 and the BAT/BEP Guidelines.
- The proposed low POPs content limits in brackets in the guidelines are not consistent with provisional limits for existing POPs of 50 mg/kg. The low POPs content limit should be 50 mg/kg or less for HBCD, commercial PentaBDE mixture, and commercial OctaBDE mixture. The 50 ppm low POPs content limit should be tightened as it is not a health-based standard and should be much lower considering the properties of POPs.
- The bracketed section on municipal waste incineration in the guidelines (UNEP/CHW.12/5/Add.2) should be deleted. These facilities are not equipped to handle POPs wastes under obligations in Articles 5 and 6.
- Cement kilns firing hazardous wastes are a source category for POPs in Annex C. The draft POPs waste guidelines are incomplete and lack many important warnings about cement kilns present in the BAT/BEP Guidelines which notes that they are primarily for making clinker and that these conditions may not be appropriate for destruction of wastes. Cement kilns are often not appropriate for POPs destruction and many countries lack the regulatory and analytical capacity which is essential to regulate and control these specialist operations.
- The POPs wastes guidelines should explicitly state and include Article 5 source categories including waste incinerators, cement kilns, pulp production, and metallurgical processes.
- Products containing POPs should be labelled in order to effectively manage the products in waste streams and their inventories. This includes products in phase-out as well as products recycled under currently permitted exemptions.
- Work to establish levels of destruction, low POPs content, and other POPs wastes issues for newly listed POPs should be carried out collaboratively by appropriate bodies of both the Basel and Stockholm Conventions including the POPRC, Toolkit, and BAT/BEP expert groups and not simply handed to Basel Convention bodies.
- The COP should urge parties to also apply BAT/BEP guidelines to source categories listed in Annex C of the Convention, particularly those listed among ESM technologies in the Basel Technical Guidelines.

Financial resources

- The chemicals agenda is underfunded. In GEF6, chemicals and wastes represent 12.5% of the portfolio.¹ Funding for POPs in GEF6 remains the same as GEF5 at \$375 million USD.² The increase in funding over GEF5 is primarily earmarked for mercury.
- The TOR for the upcoming financial needs assessment states that the estimation of financial need will be based on NIPs and reports pursuant to Article 15. It is not clear how the assessment will be accurate if 87% of parties have not updated their NIPs even for the POPs listed in 2009.
- COP6 estimates of needs for 2015 – 2019 period identified in NIPs are \$1.9 billion USD.³ This estimate did not include costs associated with the new POPs. Since GEF funding remains the same there is at least a 5-fold difference between Convention needs and funding for this period.
- The Special Programme should include a needs assessment in its design to ensure that it actually meets the needs of countries and its stated goals, particularly since it is time-limited.
- The COP should invite the Executive Board of the Special Programme to consider the important role of public interest NGO contributions to Convention implementation and institutional strengthening so as to permit some funding of NGO activities in line with Programme objectives.

¹ \$4.43 billion USD for the GEF-6 period of which \$554 million USD is programmed under the chemicals and waste focal area (12.5%); \$1.35 billion USD for climate (28%) and \$1.2 billion for biodiversity (29%).

² Breakdown is as follows: POPs \$375 million USD; Mercury \$141 million USD; SAICM \$13 million USD; and ODS \$25 million USD; GEF6 Programming Directions; https://www.thegef.org/gef/replenishment_docs/1043/40

³ UNEP/POPS/COP.6/INF/20

- Since needs and obligations for new and additional funding outlined in Article 13 have not materialized, other sources of funding should be explored including economic instruments to recover costs from companies that have produced POPs and/or countries in which they are based.

Technical assistance and regional centres

- Considering the large remaining stockpiles of PCBs, technology transfer of non-combustion methods of destruction that meet Convention requirements is a high priority.
- Training on national reporting and collection of inventory data is critical to Convention implementation.
- A direct “learning by doing” approach could be more effective and sustainable than workshops in getting technical assistance for specific problems and learning how to tackle similar issues in the future.
- Performance evaluations show 6 of the 16 Stockholm Convention regional and sub-regional centres (37.5%) showed poor performance scores of 65% or less. To be effective in assisting with Convention implementation, reasons for their poor performance should be identified and their operation improved to continue as regional centres.
- Regional centres should meet the needs of countries and develop their work programme accordingly. The work programme should be approved by the countries they serve.
- Experiences and best practices should be shared among centres including South-South cooperation.
- Regional centres should increase the involvement of public interest NGOs and civil society in their work through direct participation in the design and implementation of projects and this criterion should be included in their evaluations and reporting.

Rules of procedure

- Parties should support effective operation of the Convention by removing the brackets in Rule 45.1 to permit voting when all efforts at consensus have been exhausted.

Compliance

- Article 17 requires the COP to develop a compliance system “as soon as practicable.” COP7 should finalize agreement and comply now with the requirements of Article 17 by approving procedures and mechanisms for determining and treating non-compliance.
- Non compliance mechanisms will help identify the priority needs for technical and financial support and should consider all Convention obligations. A compliance mechanism is a tool to assess the effectiveness of the implementation of the convention as well as reveal problems and assist countries in a timely and most efficient manner.
- The Basel Convention has a compliance mechanism that provides a useful model for the Stockholm Convention, including a variety of triggers.⁴
- Non-compliance with Convention obligations, including non-compliance with reporting requirements, is undermining the ability of the Convention to achieve its objectives. For example,
 - Approximately 13% of Parties have not transmitted their NIPs covering the 12 original POPs to the Secretariat.⁵
 - 87% of Parties have not turned in NIP updates for the 9 POPs listed in 2009. For most countries updates were due 26 August 2012.⁶ Some NIPs address emissions only to air and not to all media as required.
 - Only 30% of Parties submitted third national reports pursuant to Article 15 by November 2014.⁷

Listing of pentachlorophenol (PCP) in Annex A

- PCP should be listed in Annex A as recommended by the POPRC.
- No specific exemptions should be included in the listing of PCP because technically feasible non-chemical and economically viable alternatives are widely available including naturally resistant hardwoods, concrete, steel, and fibreglass reinforced composite. Non-chemical alternatives for current PCP uses require less maintenance, have a longer service life, and will not become POPs wastes. Industries making these alternatives appear ready for substitution and they have been effectively implemented in the many countries that have already banned PCP and in the few countries currently using PCP.

⁴ <http://www.basel.int/TheConvention/ImplementationComplianceCommittee/Mandate/tabid/2296/Default.aspx>

⁵ UNEP/POPS/COP.7/16

⁶ UNEP/POPS/COP.7/16

⁷ UNEP/POPS/COP.7/27

Listing chlorinated naphthalenes (CNs) in Annex A and C

- CNs should be listed in Annex C and A with no specific exemptions as recommended by the POPRC.
- No ongoing deliberate use is known and measures that reduce unintentionally-produced POPs such as dioxins and furans will also be effective for CNs.

Listing of hexachlorobutadiene (HCBD) in Annex A and C

- HCBD should be listed in Annex C and A with no specific exemptions as recommended by the POPRC.
- No ongoing deliberate use is known and measures that reduce unintentionally-produced POPs such as dioxins and furans will also be effective for HCBD. In addition, unintentional releases can be minimized by alternative production processes, improved process control, emission control measures, and implementing currently available safer alternatives for perchloroethylene and trichloroethylene.

Exemptions and acceptable purposes

- Parties should promptly eliminate their reliance on specific exemptions and acceptable purposes and introduce safer alternatives as soon as possible.
- Specific exemptions for lindane and PFOS/PFOSE should end in 2015 for all parties except for two parties that accepted the amendments later and for which specific exemptions should end in 2016 and 2019.
- The COP should not extend the expiry date for the production and use of DDT as a closed system site-limited intermediate in the production of Dicofol due to the POP characteristics of Dicofol. Paragraph (iii) of part 1 Annex B states that the COP should only approve these extensions, “taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants.” Note that India submitted its extension request in March 2014 but the POPRC at its 1^{0th} meeting in October 2014 agreed that Dicofol met the Annex D screening criteria.

DDT

- Further research on and implementation of non-chemical methods and strategies for disease vector control should be accelerated including increasing support to scale-up IVM and community participation.
- Parties should report strategies for malaria control including implementation of non-chemical methods.
- Use of DDT in indoor residual spray should be limited as much as possible in favour of safer alternatives and taking into consideration the impact of disease and insecticide resistance.
- Technical support should be focused on deployment of DDT alternatives.
- More publically available timely updates and reporting are needed from the Global Alliance for the Development and Deployment of Products, Methods and Strategies as Alternatives to DDT for Disease Vector Control.

PCBs

- Standardized inventories, banning of sale and distribution, and elimination of PCBs under Convention requirements needs to be aggressively expedited. About 80% of the total mass of equipment and materials estimated as containing or contaminated with polychlorinated biphenyls worldwide at the time of the entry into force of the Stockholm Convention would still have to be eliminated by the 2028 deadline set in the Convention. ⁸ Non-legacy sources (e.g. pigments and paints) also need to be addressed.
- The COP should request the development of a standardized methodology for the inventory and future assessment of PCBs in closed and open applications including uses other than electrical equipment.
- The COP should request development of guidance on non-combustion methods for PCBs destruction and discourage incineration or co-incineration of PCBs in cement kilns as they are a source category of POPs in Annex C.
- The Secretariat, PEN, and regional centres should work with public interest NGOs to increase information and awareness-raising campaigns on PCBs inventory and elimination.

Evaluation of PFOS

- Continued use of PFOS under acceptable purposes should include labelling of stocks and articles.
- Taking into account POPRC recommendations for use of PFOS in open applications in UNEP/POPS/POPRC.8/16 that note commercial availability and effective safer alternatives, the acceptable purpose for PFOS use in fire fighting foams should end.

⁸UNEP/POPS/COP.7/6

- The COP should urge accelerated efforts to eliminate the acceptable purpose for control of leaf cutting ants from *Atta spp.* and *Acromyrmex spp.* since this is a direct release to the environment. Sulfluramid is the active ingredient for this use and it degrades to PFOS over time. In addition, note that PFOSF is used to make sulfluramid.
- Parties should consider nominating two alternatives to PFOS identified by the POPRC as meeting or possible meeting Annex D criteria: octamethylcyclotetrasiloxane (D4) and chlorpyrifos.

NIPS

- 13% of Parties have not turned in NIPs for the original 12 POPs. This should be completed as urgently as possible.
- 87% of Parties have not turned in NIP updates for the 9 POPs listed in 2009. For most countries updates were due 26 August 2012. This needs to be completed as urgently as possible.
- Parties should strengthen multi-stakeholder consultation in the design and implementation of NIPs to enable an effective, inclusive, and regular public participation process and to comply with commitments in Articles 7 and 10.
- The guidance on the updating of NIPs should be amended to include instructions on developing inventories and assessments of PCBs.
- The Secretariat should identify technical problems that might be faced by Parties in developing or updating their NIPs including collecting data for evaluation and review of POPs.

Reporting

- Parties need to comply with national reporting as required by Article 15; only 30% of parties turned in required reports by November 2014. The COP should establish a goal of 100% reporting prior to COP8.
- Eligible Parties should be able to receive financial assistance to prepare national reports and technical assistance from regional centres. Montreal Protocol, CBD, and UNFCCC provide financial assistance with reporting and this is strongly associated with higher reporting rates.⁹
- Information that Parties have developed on pollutant releases, stockpiles, PCBs and other POPs should be compiled and made available on the Convention website.

Global monitoring plan

- The monitoring programme still leaves large data gaps in Africa, Asia-Pacific, CEE, GRULAC, the Arctic and Antarctica; this should be addressed as a priority so that Convention effectiveness can be adequately measured.
- Newly listed POPs should be incorporated into the monitoring plan going forward.
- Monitoring results should be publicly released nationally and through the treaty website to raise awareness.
- Global monitoring should include countries that have produced POPs and those requesting exemptions and/or acceptable purposes.
- The monitoring plan should include a subset of hotspot sites since these contribute to wider contamination from long-range transport, including potential accelerated releases and transport due to climate warming.
- The monitoring plan should also be updated to include POPs in traditional and market food sources, particularly traditional foods of Arctic Indigenous Peoples including fish, marine mammals, rendered oils, blubber, liver and other organ tissues.

Procedure para 2b, Article 3 (export provisions)

- National reports show an increase in exports and imports of chemicals listed in Annexes A or B for which permitted uses are in still in effect – opposite to the intent of the Convention.
- The procedure outlined in Para 2b, Article 3 should continue.

⁹ UNEP/POPS/COP.6/INF/28