

IPEN Views of Stockholm Convention COP9

April 2019

The following is a summary statement of IPEN views on issues that COP9 will be called upon to address:

Technical assistance and regional centres

- The monitoring and evaluation of the technical assistance plan should include space for narrative information since “the number of Parties” while easy to measure, really does not reflect impact.
- Considering the large remaining stockpiles of PCBs, DDT and other POPs, Regional Centres should conduct trainings on non-combustion methods of destruction that meet Convention requirements as a high priority.
- COP9 should welcome the report of the marine litter topic group (UNEP/POPS/COP.9/INF/28/Add.1) and its key approaches to tackle the issue and encourage further work by regional centres on this issue.
- 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. This criterion should be included in their evaluations and reporting.

Financial resources

- The COP8 estimate of net funding needs for the 2018–2022 GEF-7 time-period is approximately USD\$4.4 billion.¹ However, this figure underestimates actual needs since it does not include costs associated with the 14 New POPs added to the Convention’s initial list of 12 substances (as of COP7 in 2015). In addition, the study notes that in some cases, only 20 per cent of the PCB inventory or less is reported as known, indicating that PCB destruction costs could be much higher. Finally, the study assumes that data for a given country or countries are representative of all countries in the respective region regardless of size or national circumstances.
- The GEF-7 programming document tentatively allocates USD\$392 million for the Stockholm Convention – approximately 11-fold lower than the estimated needs.² There may be additional funding for chemicals work through the GEF-7 impact programs. However, it is clear that financial needs for Stockholm Convention implementation far exceed available funds through the GEF.
- Since additional funding outlined in Article 13 has not materialized, economic instruments to recover costs from companies that have produced POPs and/or countries in which they are based should be explored to operationalize Rio Principle 16, the polluter pays principle.³ For many POPs a relatively small number of companies have externalized enormous costs onto governments and the public that should be recovered. The UNEP evaluation of the integrated approach to financing recommends to, “commission studies on market-based instruments for cost internalisation and incentives for sustainable consumption and production, particularly for green chemistry investments.”²
- The BRS Conventions should implement a recommendation of the UNEP evaluation of the integrated approach to financing to, “make a formal request to donors to make an overt signal that chemicals and waste are a fundable component of development plans.”²
- The UNEP evaluation of the integrated approach to financing recommends that UNEP should “propose solutions to address civil society financing” including “changing Special Programme grants to include the possibility of sub-grants to CSOs.”²

Compliance

- Article 17 requires the COP to develop a compliance system “as soon as practicable.” COP9 should finalize the agreement and comply now with the requirements of Article 17 by approving procedures and mechanisms for determining and resolving non-compliance problems.
- 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, reveal problems and assist countries in a timely and efficient manner.

¹ UNEP/POPS/COP.8/INF/32

² SAICM/OEWG.3/INF/11 <http://www.saicm.org/Portals/12/Documents/meetings/OEWG3/inf/OEWG3-INF-11-Financing-.pdf>

³ Rio Principle 16: “National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.”

- 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, 57% of Parties have not turned in NIP updates for the 9 POPs listed in 2009.⁵

Listing of New POPs⁶

The POPRC has determined that both new candidate POPs are likely, as a result of long-range environmental transport, to lead to significant adverse effects on human health and the environment, such that global action is warranted.

1) Dicofol in Annex A

- Dicofol should be listed in Annex A with no specific exemptions as recommended by the POPRC.

2) Perfluorooctanoic acid (PFOA) and related substances in Annex A

- PFOA should be listed in Annex A with no specific exemptions.
- Use of short-chain per- and polyfluoroalkyl substances (PFASs) as alternatives for PFOA is not a suitable option from an environmental and human health point of view.
- If any exemptions are granted, they should be time-limited to five years, allowed only for specific uses or products for which there is rigorous and independent evidence of the need for each specific exemption, and the listing should require labeling new products that contain PFOA so that Parties can fulfill requirements under Article 6 as done previously for HBCD (SC-6/13).
- In particular, due to the costly, highly polluting nature of PFAS-containing firefighting foams and the availability of effective fluorine-free foams, no exemption should be granted. If a specific exemption is allowed for this use, the POPRC recommendations on firefighting foams should be adopted.⁷
- If exemptions are granted for PFOA, there must be detailed technical and scientific information to justify any exemption, valid information on why safer alternatives are not feasible, and then a process for reporting on need for the exemption should be adopted as outlined in SC-8/13 (DecaBDE) and SC-8/14 (SCCPs) with a reporting date of 31 December 2021.

3) Proposal to amend Article 8 and Annex D

- The proposal undermines the treaty objective and the scientific process of evaluation and should be rejected.
- The current evaluation of candidate substances provides sufficient consideration of comprehensive scientific information while allowing for decision-making based on the Convention's precautionary mandates.
- Note that changes to Annex D require consensus. If agreement cannot be reached, changes to Article 8 as a last resort can be adopted by a three-fourths majority vote of the Parties present and voting.

POPS waste

- Current low POPs content limits and proposals for weak limits (high values) allow the recycling of POPs in wastes into new products and their dumping in developing and transition countries with insufficient ESM.
- Products containing POPs should be labelled in order to effectively manage them in waste streams and in inventories. This should include 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, BAT/BEP Dioxin Toolkit expert groups and not simply handed to Basel Convention bodies.
- The COP should urge Parties to also apply the BAT/BEP guidelines to source categories listed in Annex C of the Convention, particularly those listed among environmentally sound management (ESM) technologies in the Basel General technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with POPs.
- COP9 should adopt the following low POP content levels. Note that most POPs have a limit of 50 mg/kg.

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

⁵ UNEP/POPS/COP.9/11

⁶ https://ipen.org/sites/default/files/documents/en_ipen_guide_to_new_pops_and_the_pfos_evaluation_18_mar_2019_en.pdf

⁷ POPRC-14/2: a) no export or import except for environmentally sound disposal (Article 6 para 1d); b) no use for training or testing; c) by the end of 2022, restrict use to sites where all releases can be contained; d) ensure that all firewater, wastewater, run-off, foam and other wastes are managed according to Article 6 para 1

Substance	Limit supported by IPEN	Current limit
Dioxins and furans (PCDD/F) ⁸	1 ppb (1 µg TEQ/kg) ⁹	15 ppb
Hexabromocyclododecane (HBCD)	100 mg/kg ¹⁰	1000 mg/kg Promoted and used by EU and other developed countries
Polybrominated diphenyl ethers (PBDEs)	50 mg/kg as a sum of listed PBDEs. Includes: TetraBDE, PentaBDE, HexaBDE HeptaBDE DecaBDE ¹⁰	1000 mg/kg Promoted and used by EU and other developed countries
Short-chain chlorinated paraffins (SCCP)	100 mg/kg ¹¹	10,000 mg/kg Proposed by the EU

- The 10,000 mg/kg proposal for SCCPs is the weakest limit in the history of the Basel and Stockholm Conventions and should not be supported.
- In these technical guidelines, POPs waste destruction options should not only list incineration and cement kiln co-incineration technologies but should highlight non-combustion techniques¹² such as Gas Phase Chemical Reduction (GPCR) and/or Base Catalysed Decomposition (BCD) and should include new non-combustion technologies such as Copper Mediated Destruction and Mechano-Chemical Destruction.
- Thermal and metallurgical production of metals should be removed from the General Technical Guidelines on POPs Waste as this technology has not demonstrated any destruction efficiencies for POPs and is listed in Annex A Part 2 as a source of unintentionally-produced POPs (UPOPS).
- Preference should be given to non-combustion techniques for POPs destruction to avoid undermining treaty objectives through promotion of technologies that create wastes, releases and emissions contaminated by unintentionally-produced POPs.
- Any reference to small-scale mobile incineration units suggesting they are environmentally sound technology, BAT or BEP, should be removed from all Stockholm and Basel Convention guidance as these units are physically incapable of controlling UPOPS emissions

Illegal traffic

- COP9 should request the Secretariat to develop a form to enable reporting of illegal trade in chemicals and wastes. A mechanism for stakeholder input reports of illegal trade should be included.
- A glossary of terms should be developed to strengthen capacity to prevent and combat illegal traffic.

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.

Exemptions

- As noted in SC-8/13 and SC-8/14, Parties registered for specific exemptions for decabromodiphenyl ether (DecaBDE) and short chain chlorinated paraffins (SCCPs) should report to the Secretariat by 31 December 2019, justifying their need for the registration of these exemptions including information on production; uses; efficacy and efficiency of possible control measures; information on availability, suitability and implementation of alternatives; status of control and monitoring capacity; and any national or regional control actions taken.

⁸ Includes dioxin-like PCBs

⁹ Processing/disposal of waste containing PCDD/Fs between 0.02 and 12 pg TEQ/g () [led to contamination](#) of the food chain (eggs or poultry meat) up to levels >20-times higher than the suggested EU limit for PCDD/Fs in food (2.5 pg TEQ/g fat) , and up to 280-times background levels in eggs. The last major dioxin contamination incident in Germany was [caused](#) by uncontrolled use of waste from biodiesel production containing 0.123 TEQ ppb PCDD/F for feed production, which clearly shows that the existing legislative limits for PCDD/Fs content in wastes are neither strict enough nor protective enough.

¹⁰ This recommendation is consistent with the conclusions of the extensive [report](#) by consultants for the EU. There is widespread evidence that brominated POPs are entering the recycling chain for plastics and undermining attempts to transition to a circular economy in which clean plastics can be recycled.

¹¹ This proposal is based on a [report](#) prepared for the German Federal Environment Agency.

¹² <https://ipen.org/news/new-briefing-paper-non-combustion-techniques-pops-waste-destruction>

- As noted in SC-8/13 and SC-8/14, all Parties should provide information to the Secretariat by 31 December 2019 on progress made in building the capacity to transfer safely to reliance on alternatives to DecaBDE and SCCPs.
- As noted in SC-8/4, Parties registered for the PBDE recycling exemptions should collect information on the types and quantities of brominated diphenyl ethers in articles in use and in the waste and recycling stream and on measures taken to ensure their environmentally sound management pursuant to Article 6 of the Convention and, where appropriate, parts IV and V of Annex A to the Convention and to make that information available to the Secretariat by 31 December 2019.
- The 7 Parties registered for the PBDE recycling exemptions should withdraw them as soon as possible to prevent further contamination of consumer products made of recycled materials.

PFOS review

- Specific exemptions or acceptable purposes for the following 12 uses of PFOS should be ended: photo-imaging, photo-resist and anti-reflective coatings for semiconductors; etching agent for compound semiconductors and ceramic filters; aviation hydraulic fluid; certain medical devices; firefighting foams, photo masks in semiconductor and LCD industries; hard metal plating; decorative metal plating; electric and electronic parts for some color printers and color copy machines; insecticides for control of red imported fire ants and termites; and chemically-driven oil production.
- If a specific exemption is allowed for use in firefighting foams, the POPRC recommendations should be adopted.¹³
- The following two acceptable purposes should be converted into specific time-limited exemptions: metal plating (hard metal plating only in closed loop systems); and insect bait for control of leaf-cutting ants from *Atta* spp. and *Acromyrmex* spp. Sulfluramid should be named in the PFOS listing and its use sharply limited to specific exemptions for the cultivation of specific crops. Any consideration of specific exemptions should fully synergize with the SAICM decision¹⁴ on highly hazardous pesticides “with emphasis on promoting agroecologically based alternatives.”

DDT

- The Convention has not effectively reduced and eliminated DDT. The DDT Expert Group report notes that in the 2015 – 2017 time-period more than 7400 tonnes of DDT has been used – 92% of it in one country.¹⁵
- Reporting on DDT by Parties should be significantly improved - 10 Parties in the DDT Register that did not submit questionnaires for 2015-2017 time period should meet this obligation by 30 June 2019.¹⁶
- Parties that have used DDT but who are not on the DDT Register should meet this obligation by 30 June 2019.¹⁷
- Non-combustion methods of DDT destruction should be promoted by UNEP as their conservative estimate of DDT stockpiles is 20,000 tonnes.
- WHO should enhance reporting of IRS data annually and collaborate with the Basel reporting system related to imports and exports, because the current import / export data does not match.
- 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 and non-chemical alternatives and taking into consideration the impact of disease, adverse health effects associated with DDT and other pesticides, and insecticide resistance.
- Technical support should be focused on deployment of non-chemical DDT alternatives that are made publicly available in understandable local languages.

PCBs

¹³ POPRC-14/2: a) no export or import except for environmentally sound disposal (Article 6 para 1d); b) no use for training or testing; c) by the end of 2022, restrict use to sites where all releases can be contained; d) ensure that all firewater, wastewater, run-off, foam and other wastes are managed according to Article 6 para 1

¹⁴ SAICM/ICCM.4/15, IV/3 Highly hazardous pesticides

¹⁵ India, UNEP/POPS/COP.9/INF/6

¹⁶ Botswana, Eswatini, Ethiopia, Eritrea, Madagascar, Marshall Islands, Namibia, Uganda, Venezuela, Zambia

¹⁷ UNEP/POPS/COP.9/INF/6

- UNEP estimates that 14 million tonnes of PCB liquids and equipment still needs to be destroyed – 83% of the total that needs to be eliminated.¹⁸
- PCBs in equipment must be eliminated by 2025 (Article 3, para 1a) and liquids and equipment with PCB content above 0.005% must be destroyed as soon as possible but no later than 2028 (Article A, Part II para e).
- Standardized inventories, banning of sale and distribution, and elimination of PCBs under Convention requirements needs to be aggressively expedited. Non-legacy sources, including open applications, also need to be inventoried and addressed.
- 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. Regional cooperation on this matter should be encouraged.
- The Secretariat, PEN, and regional centres should work with public interest NGOs to increase information and awareness-raising campaigns on PCBs impact on human health and the environment, inventory and elimination.
- Good practice examples from national PCB inventories should be collected and become part of information and awareness raising campaigns.

Toolkit and BAT/BEP

- The updating of the BAT/BEP guidance on recycling and waste disposal of materials containing PBDEs should use the POPRC technical papers¹⁹ and recommendations on this topic as its basis.
- The guidance on POPs-contaminated sites should be expedited, particularly considered large outstanding stockpiles of both pesticides and industrial chemicals.
- Parties should be encouraged to submit case studies on POPs contaminated site management and remediation to the Secretariat to inform the development of POPs contaminated sites guidance by the BAT/BEP group.

National Implementation Plans (NIPS)

- 57% of Parties have not turned in NIP updates for the 9 POPs listed in 2009.²⁰ For most countries, updates were due 26 August 2012. Even fewer Parties have turned in NIP updates for POPs listed in 2011, 2013, 2015, and 2017. 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 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 and for new POPs listed at COP9.

Reporting

- Parties need to comply with national reporting as required by Article 15. According to the Convention website,²¹ 51% of parties turned in reports for the 3rd cycle due August 2014 and 41% turned in reports for the 4th cycle due August 2018. The COP should establish a goal of 100% reporting for the fifth report prior to COP10.
- Supplementary elements that would be useful to add to the questionnaire and process:
 - Information regarding elimination of PCBs considering the approaching 2025 and 2028 deadlines.
 - All chemicals in each annex should be included.
 - Supplementary space for narrative explanation.
 - Ability to provide supplementary information relevant to the report.
 - Mechanism to highlight activities conducted by stakeholders.
 - More reminders from the Secretariat about reporting deadlines
- Template Excel spreadsheets prepared by the Secretariat could facilitate reporting of data.
- Eligible Parties should be able to receive financial assistance to prepare national reports and technical assistance from the secretariat and regional centres. Montreal Protocol, CBD, and UNFCCC provide financial assistance with reporting and this is strongly associated with higher reporting rates.²²

¹⁸ http://wedocs.unep.org/bitstream/handle/20.500.11822/13664/Consolidated%20PCB%20Assessment_2016.pdf

¹⁹ UNEP/POPS/POPRC.6/INF/6 Technical review of the implications of recycling commercial penta and octabromodiphenyl ethers; UNEP/POPS/POPRC.6/2/Rev.1; UNEP/POPS/POPRC.6/13

²⁰ UNEP/POPS/COP.9/11

²¹ <http://chm.pops.int/Countries/Reporting/NationalReports/tabid/3668/Default.aspx>

²² UNEP/POPS/COP.6/INF/28

- Information that Parties have generated on pollutant releases, stockpiles, PCBs and other POPs should be compiled and made available on the Convention website.

Export certification

- The procedure under paragraph 2 (b) of Article 3 needs to be more effective through the increased provision of information on imports and exports.
- Most imports of sulfluramid in Latin America are not reported to the Secretariat.²³
- The procedure should be reviewed at COP11.

²³ <https://ipen.org/documents/no-la-sulfluramida-razones-para-la-prohibici%C3%B3n-mundial-de-este-agrot%C3%B3xico>