

# IPEN Views of SAICM OEWG3

March 2019

Additional policy papers relevant to the Beyond 2020 process can be found here: <https://ipen.org/conferences/oewg3>

Note that tracking changes are used in this document to signal text proposals for the Co-Chairs' paper.

## Process considerations

- The mandate of the Beyond 2020 contact group should include discussion of a higher-level enabling framework in addition to SAICM2.0.
- An additional IP4 meeting should be added to ensure a successful outcome of the process.
- The SAICM Global Plan of Action minus timeframes should be carried forward into the new agreement, so as not to lose extensive work and a helpful series of work areas and activities for countries and stakeholders to advance chemical safety.

## Enabling framework

- The framework should include all chemicals-related multilateral agreements under one high-level umbrella, respecting the legal autonomy of each agreement and allowing for the possibility of future legally binding agreements on issues of concern.<sup>1</sup>
- Key features should include:
  - Greater coherence among objectives, implementation, and reporting;
  - High-level political ownership and visibility;
  - Full implementation of the chemical safety contributions to the Sustainable Development Goals;
  - Links to funded obligatory national action plans for agreements in the framework;
  - Open, inclusive and transparent multi-sectoral and multi-stakeholder participation.
- OEWG3 should recommend holding a multi-sectoral ministerial meeting during, or back to back with, ICCM5 and produce a ministerial declaration that endorses elements of the enabling framework.
- OEWG3 should recommend transmitting the ministerial declaration to the UN General Assembly for a resolution that also requests UN agencies and multilateral environmental agreements to participate and commit to the enabling framework within their respective mandates.
- OEWG3 should trigger an intersessional process to develop a paper on the enabling framework for consideration at IP3, working by electronic means with one developed country co-chair and one developing or transition country co-chair.

## SAICM2.0 Vision

- The vision should be timeless, include prevention and precaution as priorities, and act to protect human health and the environment.
- Text proposal: The vision shared by all stakeholders is to protect human health and the environment from the harmful effects of chemicals and waste, to ensure healthy lives and a sustainable, safe planet for all. Prevention and precaution underly the concerns of all stakeholders and are embedded within this agreement.

## SAICM2.0 Scope

- The scope should include the entire lifecycle and all wastes as noted in SDG12.4 which states the importance of achieving *“the environmentally sound management of chemicals and all wastes throughout their lifecycle...”*
- It is important to include environmental integrity to link chemical safety to biodiversity protection – concepts that are especially relevant to agroecology and sustainable food production.
- Circularity as currently practiced includes toxic recycling that undermines sustainability. The text should clearly state a goal of non-toxic circularity.

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<sup>1</sup> Relevant agreements should include, but are not limited to, Basel, Rotterdam, Stockholm, and Minamata Conventions; SAICM; FAO Code of Conduct; relevant ILO Conventions, and the International Health Regulations.

- The links between chemical safety and human rights are mainstream principles and part of UNEP's work.
- Text proposal: The scope of the proposed instrument encompasses the environmental, health, agricultural, labour, social, and economic, aspects of managing chemicals and waste, in order to enhance sustainable development, environmental integrity, non-toxic circularity, and the protection of human rights. The instrument takes due account of the governmental and multi-stakeholder instruments and processes that have been developed to date and is flexible enough to take account of new ones without duplicating efforts.

## **SAICM2.0 Principles and Approaches**

- The list should include agreements with high relevance to chemical safety, including regional agreements dealing with key chemical safety principles and fundamental agreements relevant to sustainable food production, safe working conditions, and the right to a safe and healthy environment.
- Agreements to add:
  - United Nations Declaration on the Rights of Peasants
  - International Covenant on Economic, Social and Cultural Rights 1966
  - Universal Declaration of Human Rights UDHR 1948
  - Escazú Agreement
  - ILO Convention No.184
  - Aarhus Convention
  - Bamako Convention
  - Waigani Convention

## **SAICM2.0 Strategic Objectives**

- The agreement should have a reasonable number of ambitious objectives with targets that have specific dates and provide measurable contributions to the Sustainable Development Goals.
- Strategic objective A: Measures are identified, implemented and enforced in order to prevent and minimize harm from chemicals throughout their life cycle and waste.
  - All three components are important and the first priority should be prevention.
- Strategic objective B: Comprehensive and sufficient knowledge, data, information and awareness is generated, available and accessible to all to enable informed decisions and actions
  - The knowledge and data should be comprehensive and sufficient to enable informed decisions.
- Strategic objective C: Issues of concern are identified, prioritized and addressed
  - An issue of concern that affects an entire region should not be discarded. Accepting or rejecting an issue can be a detail that emerges in discussions on specific issues.
- Strategic objective D: Prevention of harm to human health and the environment is prioritized through safer alternatives and innovative and sustainable solutions and forward thinking
  - It is important to prioritize prevention and include safer alternatives.
- Strategic objective E: The sound management of chemicals and waste makes concrete contributions to achieve sustainable development through measurable actions.
  - The importance of sound chemicals management is more than having recognition or accelerating actions or making partnerships – it is accomplishing chemical safety so that sustainable development can occur.

## **SAICM2.0 Institutional Arrangements**

- SAICM elements with a functional track record should not be reinvented. This includes the international conference, rules of procedure, and the Bureau. Synergies should be added to 1i, iv, and vi.
- Text proposal International Conference i: To promote the implementation of existing international instruments and programmes on chemicals and waste, to promote coherence among them, and to identify gaps.
- Text proposal International Conference vi: To anticipate and determine processes to guide appropriate action on issues of global concern before and as they arise and to facilitate and forge consensus on and provide an avenue to focus attention on priorities for cooperative action.
- Text proposal International Conference for a new 1<sup>st</sup> element: To oversee implementation of the Agreement.

- Text proposal for Secretariat viii: To report to the international conference on implementation by all stakeholders and progress against objectives and targets.

## **SAICM2.0 Mechanisms to support implementation**

- **National implementation**
  - Funded national action plans are a key mechanism to support implementation.
  - New text proposal i: To implement sound chemicals and wastes management each government should, in conjunction with other stakeholders, develop a national plan of action which is transmitted to the secretariat and implementation of which is reported to the International Conference.
- **Regional, sub-regional and sectoral cooperation and coordination**
  - In regional cooperation, sectoral meetings would provide an opportunity to advance initiatives, particularly those such as pesticides that are not typically covered by SAICM regional meetings which usually emphasize ministries of environment.
- **Engagement of IOMC organizations**
  - Significantly strengthened engagement of IOMC organizations is needed through a detailed plan of actions on Agenda 2030 targets.
- **Industry and business engagement**
  - iii: Cooperative actions, capacity-building and mentoring by industries and businesses on global priorities can make significant contributions to the implementation of the sound management of chemicals and waste. This includes, among other things, voluntary industry initiatives, product stewardship, implementing green chemistry to make products that are non-toxic, durable, and reusable, providing comprehensive toxicity and use information on all chemicals including nanomaterials, achieving zero discharge of toxic chemicals and wastes in production; internalizing all costs of chemical production including wastes and recycling infrastructure, and complying with the UN Guiding Principles on Business and Human Rights.
  - iv: All industry sectors should participate in the development of policies, projects and partnerships on the sound management of chemicals and waste as well as in implementation of legal requirements, except where there is a conflict of interest. The stewardship of chemicals should include the full life cycle, including primary producers, the downstream manufacturing sector, distributors and vendors, exporters, importers, recyclers, and waste handlers, building on existing initiatives where relevant. Both sector-specific and cross-sectoral strategies could be used to engage chemical producers and users.
- **Academia engagement**
  - Academia should contribute to and cooperate in the generation of relevant knowledge, data and information on the hazards of, risks from, and monitoring of chemicals and waste, including in respect of identifying issues of concern that warrant action and alternatives.
- **Subsidiary and/or ad hoc expert bodies**
  - For a possible subsidiary body to be useful, it would have to be a multidisciplinary body (extending beyond toxicology) to ensure that it includes adequate representation and consideration of the full spectrum of scientific and public health disciplines related to chemical safety.
  - Precise terms of reference of subsidiary body would be needed to ensure that all SAICM stakeholder groups able to fully participate and that strict conflict of interest policies are implemented.
  - Extensive consideration on sustainable, adequate funding of such a body should be given before a decision on a subsidiary body is adopted.
- **Taking stock of progress**
  - A periodic review system for reporting should be implemented that reports on actions in the National Action Plan and others including comments from stakeholders. An expert panel would review the reports and propose recommendations and countries could come up for review every three years. These reports could form the basis of SAICM2.0 effectiveness evaluation along with assessment of financing, capacity building and other important elements of the agreement.
- **Updating the instrument over time**
  - SAICM2.0 should contain a mechanism for amendment to enable adjustment as new information and challenges occur.

## SAICM2.0 Targets

- Please see Annex 1.

## Financing

- SAICM is underfinanced. GEF-7 allocations have increased funding to the chemicals and waste focal area but SAICM funding remains the same at USD\$13 million for four years – 1.4% of the chemicals and waste budget and 0.2% of the GEF-7 replenishment.<sup>2</sup>
- UNEP should implement the recommendation in the UNEP evaluation<sup>2</sup> of the integrated approach to, *“make a formal request to donors to make an overt signal that chemicals and waste are a fundable component of development plans.”*
- A SAICM clearing house mechanism should publicly track development aid for sound chemicals management
- Private sector financing is poorly implemented in the integrated approach. The UNEP evaluation<sup>2</sup> notes that, *“The use of the integrated approach to trigger new financial and in-kind participation of industry is not strongly evidenced.”*
- Adequate, predictable and sustainable financing that includes internalization of costs of chemical producing industries at the global level. A 0.1% levy on the chemical industry would produce USD\$5.8 billion per year for implementation of chemical safety measures and be consistent with Rio Principle 16.
- UNEP should implement the evaluation<sup>2</sup> recommendation to, *“commission studies on market-based instruments for cost internalisation and incentives for sustainable consumption and production, particularly for green chemistry investments.”*
- The UNEP evaluation<sup>2</sup> notes that, *“Civil society has lost out from the closure of the QSP to which civil society could apply for funding. The Special Programme does not consider CSOs as an institution for implementation and this has generated concerns among civil society organizations.”*
- In line with the evaluation, UNEP should *“propose solutions to address civil society financing”* including *“changing Special Programme grants to include the possibility of sub-grants to CSOs.”*
- A specific fund for SAICM implementation should be established that provides funding for smaller grants than GEF categories and is designed using lessons learned from the SAICM QSP program.

## Partnerships

- Partnerships are not a substitute for a functioning financial mechanism or the need to internalize costs within the chemicals-producing industry.
- Partnerships should: Serve the implementation of internationally agreed goals; be coherent with national law, development plans and strategies; respect international law and be in line with agreed principles and values; be transparent and accountable; provide an added value, and complement rather than substitute commitments made by governments; have a secure funding base; and be multi-stakeholder driven, with clear roles outlined for the different partners.
- According to the UN Secretary General’s principles: *“Cooperation with the business sector must be transparent. Information on the nature and scope of major cooperative arrangements should be available within the concerned United Nations entity and to the public at large.”*
- Partnerships should only be operating with businesses that are consistent with UN Guidelines including UN Global Compact and the UN Guiding Principles on Business and Human Rights. These include relevant chemical safety principles such as, *“Businesses should support a precautionary approach to environmental challenges.”* and *“Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining.”*

## Progress report for 2014 - 2016

- Considering the robust SAICM evaluation and to permit focus on the Beyond 2020 outcomes, a progress report for 2017 – 2019 should not be developed.

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<sup>2</sup> SAICM/OEWG.3/INF/11

## Emerging policy issues and other issues of concern<sup>3</sup>

- INF9 not yet available
- Current EPIs and issues of concern should be carried forward into SAICM2.0 so as not to lose momentum on progress.
- **Lead in paint:** While 71 countries have reported to have legally binding controls on lead paint, only a third of these have been adopted since the lead paint was adopted as an emerging policy issue in 2009. Also, many of these regulations are either not protective or effective. It is clear that urgent action must be taken by governments, industry and civil society to accelerate the establishment and enforcement of legally-binding controls on lead in paint in all countries. Governments should state their intention to do so at OEWG3.
- **Chemicals in products:** Since access to information on chemicals in products is limited, progress has been slow in fulfilling CiP Programme Objectives. The lack of information applies to all categories of products. This is an area that requires greater industry responsibility and forward progress. The discrepancy and non-harmonized rules of information exchange on chemicals in products in various countries/regions justifies the need for disclosure of full health and safety information and the complete identity of chemicals in individual constituent components of products prioritizing chemicals identified according to SAICM criteria. This information should be publicly available throughout the entire product life-cycle, including during product manufacture, use, recycling and/or disposal.
- **Hazardous chemicals in electronics:** Work on the design and production phases of this issue have largely been ignored. Electronics production is highly relevant to the relationship between women and chemical safety as women often make up the majority of the workforce. Public interest NGOs in key production countries such as South Korea and Vietnam have revealed serious health impacts in electronics production workers, especially in women.
- **EDCs:** UNEP released 3 important reports on EDCs in 2018, but these are absent in the meeting document on this topic. UNEP should widely disseminate this important information on identifying EDCs, exposures and effects, and existing national, regional and global frameworks.
- **Nano:** Work on this issue been useful in raising awareness, but further efforts are needed to create momentum and spur real precautionary actions at the global level. Broadening the involvement of governments and UN agencies is essential.
- **PFCs:** IOMC agencies should start to develop guidance for regulating PFAS as a class. Investigations by IPEN POs in Bangladesh, India, Indonesia, Japan, Malaysia, Nepal, Sri Lanka, Thailand, and Vietnam indicates widespread PFAS pollution in Asia. IPEN has also worked with experts to develop key technical information on fluorine-free firefighting foams.
- **HHPs:** Since ICCM4, work on this issue has lagged at the global level despite its critical importance to SDG2. Active work by public interest NGOs includes inventories of use, documentation of harms, and implementation of agroecological alternatives. FAO's planned coordination meeting should launch an initiative to phase out highly hazardous pesticides and replace them with nonchemical alternatives, agroecological practices and ecosystem approaches to sustainable food and fibre production, and public health vector control as a priority.

## Health sector strategy

- Key areas to advance in the health sector strategy include developing data on pesticide poisoning incidence, implementing the chemicals components of the International Health Regulations, lead paint phase-out, and integration of waste and disposal issues in the health sector.
- At the global level, WHO should resume its role in the SAICM secretariat in SAICM2.0 as outlined in paragraph 29 of the Overarching Policy Strategy.<sup>4</sup> WHO discontinued its secretariat role in 2012.

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<sup>3</sup> Emerging Policy Issues include: lead in paint, chemicals in products, hazardous substances within the life cycle of electrical and electronic products, nanotechnologies and manufactured nanomaterials, endocrine-disrupting chemicals, and environmentally persistent pharmaceutical pollutants. Issues of concern include: highly hazardous pesticides and perfluorinated chemicals.

<sup>4</sup> Para 29: "The Executive Director of UNEP will be requested to establish the Strategic Approach secretariat. UNEP and the World Health Organization (WHO) will take lead roles in the secretariat in their respective areas of expertise in relation to the Strategic Approach, with UNEP assuming overall administrative responsibility."

## Annex 1. SAICM2.0 Targets

### **Strategic objective A: Measures are identified, implemented and enforced in order to prevent and minimize harm from chemicals throughout their life cycle and waste.**

- A1: Countries adopt, implement and enforce comprehensive legal frameworks that address risk prevention and the reduction of adverse impacts from chemicals throughout their life cycle and waste.
- A2: Countries have sufficient capacity to address chemicals and waste issues nationally, including inspection, monitoring, investigation, enforcement, and appropriate inter-agency coordination and stakeholder participation mechanisms, such as national action plans.
- A3: Countries are implementing the chemicals and waste-related multilateral environmental agreements, as well as health and safety, labour and other relevant conventions, and voluntary mechanisms such as the Globally Harmonized System of Classification and Labelling of Chemicals and the FAO Code of Conduct.
- A4: Stakeholders have incorporated the sound management of chemicals throughout their life cycle and waste into their planning, policies and practices including internalization of costs, thereby supporting the development and implementation of chemicals management systems and other sector-appropriate mechanisms.
- A5: Governments and industry implement right to know, right to participate, protection from victimization, compensation for injury and illness, freedom of association, and the hierarchy of hazard controls to ensure that workers are protected from the risks associated with chemicals and waste and that workers have the means to protect themselves.
- A6: Countries develop and implement national action plans on the sound management of chemicals and wastes.
- A7: Morbidity, mortality, and environmental contamination from or by chemicals and wastes is substantially reduced.
- A8: Private sector fully implements extended producer responsibility throughout the production and supply chain including take back of obsolete chemicals, wastes, and pesticides containers.
- A9: Countries prohibit manufacture and export of substances, intermediates, formulations or products that are banned nationally for environmental or health reasons.

### **Strategic objective B: Comprehensive and sufficient knowledge, data, information and awareness is generated, available and accessible to all to enable informed decisions and actions.**

- B1: Comprehensive data and information for all chemicals on the market are available and accessible, including information and data on properties, health and environmental effects, uses, hazard- and risk-assessment results and risk-management measures, monitoring results and regulatory status throughout their life cycle nationally, in other countries, and globally.
- B2: All stakeholders, in particular industries and regulators, have and are using the most appropriate and standardized tools, guidelines and best practices for assessments and sound management, as well as for the prevention of harm, risk reduction, most protective occupational and environmental exposure standards, monitoring and enforcement.
- B3: Information and standardized methods such as of comprehensive morbidity and mortality data, and statutory reporting requirements on employers' occupational injuries and diseases related to workplace exposure to chemicals are available to all and used to understand the impacts of chemicals and waste for improved poisoning, burden-of-disease and cost-of-inaction estimates, to inform the advancement of chemical safety measures and to measure progress towards reducing those impacts.
- B4: Educational, training and public awareness programmes on chemical safety and sustainability have been developed and implemented, including for vulnerable populations, along with worker safety curricula and programmes at all levels.
- B5: Countries and stakeholders are implementing training on environmentally sound and safer alternatives, as well as on toxics use reduction policies, substitutions and the use of safer alternatives, such as agroecology.
- B6: Workers are informed about actual and potential exposures to hazardous substances in a form that serves their needs.

**Strategic objective C: Issues of concern are identified, prioritized and addressed.**

- C1: Processes and programmes of work including timelines are established, adopted and implemented for identified issues of concern to reduce and eliminate harm.
- C2: Information on the properties of chemicals across the supply chain and their sound management including alternatives, and the chemical contents of products is available to all to enable informed decisions and actions.
- C3: Recommendations are made on how stakeholders should address the issues.

**Strategic objective D: Prevention of harm to human health and the environment is prioritized through safer alternatives and innovative and sustainable solutions and forward thinking**

- D1: Companies adopt and implement corporate policies and practices, including those from C3, that promote resource efficiency and that incorporate the development, production and use of sustainable and safer alternatives, including new technologies and non-chemical alternatives.
- D2: Governments implement policies that promote innovation to facilitate the re-use and recycling of products without carryover of toxic substances, the adoption of sustainable and safer alternatives, including new technologies and non-chemical alternatives (e.g., tax instruments that promote safer alternatives, prioritized licensing of less hazardous alternatives, process or production methods, assessment frameworks, labelling schemes and purchasing policies, and agroecology).
- D3: Companies, including from the investment sector, incorporate strategies and policies to support the sound management of chemicals and waste in their investment approaches and business models and apply comprehensive public reporting of sustainability criteria, chemical use, management, and toxics-use reduction plans in annual reports along with internationally-recognized reporting standards where relevant.
- D4: Companies apply sustainable production principles and life cycle management in the design of chemicals, non-toxic, durable, and reusable materials and products, taking reduced-hazard, design-for-reuse -or-recycling and non-chemical solutions and processes into account.
- D5: Companies and industry associations promote change towards sustainability and the safe management of waste and of chemicals and consumer products throughout their life cycles, including in pollution prevention, developing and implementing safer chemical and non-chemical alternatives, zero discharge of toxic chemicals and wastes in production, sharing comprehensive hazard information, promoting and monitoring best practices throughout their supply chains, and building the capacity of small and medium-sized enterprises to reduce risks.
- D6: Companies comply with the UN Guiding Principles on Business and Human Rights
- D7: Governments develop and implement policies to assist farmers to transition from Highly Hazardous Pesticides and other pesticides to agroecology.
- D8: Governments develop and implement policies to end inefficient fossil-fuel subsidies that encourage wasteful consumption by removing market distortions and phasing out those harmful subsidies to reflect their environmental impacts.
- **Strategic objective E: The sound management of chemicals and waste makes concrete contributions to achieve sustainable development through measurable actions.**
  - E1: The highest levels of stakeholder organizations, including government, industry, civil society and international organizations in all relevant sectors formally recognize the importance of and implement actions on the sound management of chemicals and waste that contribute to sustainable development.
  - E2: Policies and processes for the sound management of chemicals and waste are integrated into national, sub-regional and regional development strategies.
  - E3: Inter- and intra-sectoral partnerships, networks and collaborative mechanisms are established to mobilize resources, to share information, experiences and lessons learned, and to promote coordinated action at the regional, sub-regional, and international levels.
  - E4: Partnerships with the private sector are transparent and consistent with UN Guidelines including UN Global Compact and the UN Guiding Principles on Business and Human Rights.