QUICK VIEWS FOR THE CONFERENCES OF THE PARTIES OF THE STOCKHOLM, BASEL AND ROTTERDAM CONVENTIONS, 2023

The following is a summary statement of IPEN views on issues that the COPs will be called upon to address.

ELEVENTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE STOCKHOLM CONVENTION

LISTING OF CHEMICALS IN ANNEX A TO THE CONVENTION

The POPs Review Committee (POPRC) has determined that three persistent, bioaccumulative and toxic 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.

The chemicals recommended for listing are:

- The pesticide methoxychlor
- The UV stabilizer UV-328
- The flame retardant Dechlorane Plus

The most effective means to protect human health and the environment from the risks associated with these POPs is a complete prohibition of their production, sale and use.

All three chemicals should therefore be listed in Annex A with no specific exemptions.

Methoxychlor

- Methoxychlor is an organochlorine pesticide which has been used as a replacement for DDT in agriculture and veterinary practices.
- Methoxychlor has been regulated, phased out and/or banned in many countries around the world and it appears that production, sale and use of methoxychlor now only occurs in a small number of nations globally.
- No critical uses of methoxychlor have been identified.
- The phase-out of methoxychlor in a wide number of countries shows that a complete prohibition is feasible and indicates that viable chemical and non-chemical alternatives exist and are already in use.

UV-328

- UV-328 is a high production volume, benzotriazole UV stabilizer that is used in plastics, coatings, and personal care products.
- IPEN has shown that it is present in toys, hair accessories, beached pellets, and recycled pellets.
- Long-range transport of UV-328 via water occurs when plastics containing UV-328 are transported to remote locations, which has been well documented in scientific studies. Additionally, UV-328 can be conveyed through long-range atmospheric transport via aerosol particles and by migratory species such as seabirds.
- UV-328 is toxic to mammals and can cause specific organ toxicity to the liver and kidneys upon repeated exposure. It can also cause anti-androgenic effects, alterations in reproductive organs and changes in enzymatic activity.
- Environmental monitoring has found concentrations close to or exceeding the predicted no-effect concentrations (PNEC), and concentrations found in birds are in the same order of magnitude as the PNEC.
- There are hundreds of alternative UV stabilizers available on the market.
- Several countries already have restrictions on UV-328 in place, and the use of UV-328 is expected to be phased out in the EU by November 2023.

Dechlorane Plus (DP)

- DP is a dangerous, highly persistent, and bioaccumulative flame-retardant plastic additive, used as a regrettable substitute for DecaBDE.
- Its use in motor vehicles accounts for 70–90% of the total global use volume. The main use in this sector (around 80%) is in cables and wires.
- It has adverse effects on the liver, endocrine system, and neurodevelopment.
- DP is found in human cord blood serum, placental tissue, and breast milk, thus posing a threat to the health of the developing child.
- DP contaminates the global environment including the biota of the Arctic, Antarctic, and the Tibetan plateau.
- DP adsorbs to particles and is distributed into remote regions through particles in air, migratory species, and oceanic transport of plastic debris.
- There are effective non-chemical and chemical alternatives available on the market today.
- Several countries have restricted or banned DP, indicating that alternatives are available and in use. It is notable that China, the only remaining country known to manufacture DP, is planning to implement a ban on production, use, imports, and exports of DP in January 2026.

IPEN VIEWS ON THE PROPOSED EXEMPTIONS FOR THE NEW LISTINGS

Recognizing that viable alternatives exist and are in use, IPEN recommends that no exemptions be granted for any of the new POPs. If any exemptions are considered, we recommend that:

- Any exemptions granted should only be for narrow, clearly defined applications.
- Industry should be required to provide data with full justification, proof of inability to substitute, and a time frame for removal from the market.
- No exemptions for production and/or use should be granted from the outset for more than five years, as indicated in Article 4 of the Convention.
- An explicit decision should be adopted by the COP to schedule an evaluation process of the need to extend any of the granted exemptions beyond five years.

For further details, see the IPEN brief "Ending Toxic Exemptions."

RULES OF PROCEDURE FOR THE CONFERENCE OF THE PARTIES

- Parties should support the effective operation of the Convention by removing the brackets in Rule 45.1 to permit voting when all efforts at consensus have been exhausted. This will help avoid deadlocks created by a single or a few Parties.

DDT

- The production and use of DDT should be eliminated globally.
- The 18 Parties currently in the DDT Register of acceptable purposes should review their needs regarding the use of DDT and transmit a revised notification. Preferably, they should discontinue their use of DDT, and withdraw from the list by the end of 2023.
- Parties that are still listed in the DDT Register should provide information to the Secretariat as requested in the DDT questionnaire and develop a rapid phase-out plan.
- Non-combustion methods of DDT destruction should be promoted by UNEP and used for remaining stockpiles.

POLYCHLORINATED BIPHENYLS (PCBs)

- Most Parties are far from being on track to meet the globally agreed 2025 phase-out date for use of PCBs, and the 2028 deadline for the destruction of PCB stockpiles in an environmentally sound manner.

IPEN has a 25-year track record of contributing to the development of global agreements to protect public health and the environment. Our members across more than 125 countries are uniquely positioned to effectively leverage our experience, technical expertise, and scientific integrity to push for meaningful policies to end the health threats posed by toxic chemicals.

- Over 10 million tonnes of PCB-containing materials remain globally, and it was estimated in 2016 that only 17-20% of PCBs have been destroyed.
- The strategy for Parties to meet these goals must therefore be ambitious and include all necessary elements to meet these goals, including a focus on non-combustion techniques for destruction.

EXEMPTIONS FOR PERFLUOROOCTANE SULFONIC ACID (PFOS), ITS SALTS, AND PERFLUOROOCTANE SULFONYL FLUORIDE

Currently, two exemptions that should be ended are in place for use of PFOS:

- Hard-metal plating: Many countries are transitioning away from this use of PFOS. Therefore, it is feasible to end this exemption and accelerate efforts facilitating technology transfer to speed up the phase-out in all countries.
- Fire-fighting foam: Fluorine-free formulations are available and as effective as PFOS-based foams. Alternatives meet established performance standards for aviation, military, and industrial applications.

One acceptable purpose that should be converted into a time-limited exemption is still in place for use of PFOS:

- Sulfluramid is a pesticide used in insect baits to control leaf cutting ants, which, as it breaks down, turns into PFOS. This is an open, dispersive application of PFOS use that should be prioritized for phase-out and replaced with non-chemical alternatives. Converting this to a time-limited, specific exemption for specified crops of economic importance would spur more rapid adoption of alternatives.

MEASURES TO REDUCE OR ELIMINATE RELEASES FROM UNINTENTIONAL PRODUCTION (I.E., BAT/BEP)

- To fulfill their purpose to advise Parties on how to minimize the impacts on the environment and human health from listed POPs, more work will be needed to include non-combustion technologies for the destruction of POPs-contaminated wastes instead of the current focus on incineration or cement kiln disposal.

IMPLEMENTATION PLANS AND REPORTING PURSUANT TO ARTICLE 15

- The Convention requires Parties to submit and update National Implementation Plans (NIPs), including when new POPs are listed. Still, 42% of Parties have not turned in NIPs for the POPs listed in 2009, and 46% for the POPs listed in 2011. Even fewer Parties have turned in NIP updates for POPs listed after that. 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.
- There is a significant lack of information on the quantities of POPs produced, imported, exported, and disposed of. Increased reporting would allow for better assessment of the effectiveness of implementing the Convention.

FINANCIAL RESOURCES AND MECHANISMS

- The funding necessary for the implementation of the Stockholm Convention for the period 2022–2026 is estimated at $4.93 billion USD. The GEF-8 replenishment included $413 million allocated to the Stockholm Convention for 2022 – 2026 (i.e., not even 10% of the estimated needs).
- The Stockholm Convention has set 2028 as the deadline for destruction of all PCBs stockpiles. This is estimated to require $2.39 billion USD.
- Additionally, several new POPs are in the process for listing under the Convention, that will also need to be destroyed in an environmentally sound manner.
- 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. For many POPs, a relatively small number of companies have externalized enormous costs onto governments and the public that should be recovered.
- 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 dedicate some funding for NGO activities in line with Programme objectives.

EFFECTIVENESS EVALUATION OF THE CONVENTION

- The rate of adoption of measures to control the production, use, import, and export of listed POPs is low.
- The low rate of national reporting and NIP updates continue to be serious obstacles to robust effectiveness evaluation.
- The review of national reporting (INF 19) concludes that poor data compilation for unintentionally produced POPs (UPOPs), including dioxins, means that no determination can be made whether levels of UPOPs are falling since the Stockholm Convention was adopted.
- Due to the vast production, use and release of POPs, the health and well-being of Arctic Indigenous Peoples has been disproportionately harmed. Stringent and swift actions by States are urgently needed to protect the health and well-being, lands, and territories of Indigenous Peoples and all peoples globally. Indigenous peoples should have the right to fully participate as members of the expert committees of the Stockholm Convention and provide input on the global monitoring plan and effectiveness evaluation.

GLOBAL MONITORING

- Global monitoring is key to assess the effectiveness of the Convention, but there are large data gaps and lack of monitoring capacity in many regions. The following trends were noted in the evaluation:
  - Concentrations are declining and are starting to level off where regulatory action was taken decades ago.
  - Levels of hexachlorobenzene (HCB) are increasing, likely due to releases from secondary sources and the effects of climate change.
  - Emissions continue from product usage, obsolete stockpiles, and waste disposal/dismantling/recycling practices for many chemicals.
  - Open burning of wastes and biomass continue to release unintentionally produced POPs to the atmosphere.
  - There are insufficient data to detect trends for many of the newly listed POPs.
- Declines in environmental background concentrations are slower when listed POPs have exemptions to allow continued use or presence in recycled materials.
- The global monitoring programme should include:
  - The traditional foods of Indigenous Peoples in the Arctic and throughout the world, including fish and marine mammals, and POPs in key market foods that are important to the diets of people throughout the world.
  - POPs in microplastics collected around the world, including in remote areas.

COMPLIANCE

- The Stockholm Convention is the only global, legally binding, multilateral environmental agreement adopted in the last thirty years that does not have a compliance mechanism.
- The approval of compliance procedures and mechanisms is urgently needed for the Stockholm Convention, and Parties should adopt procedures and mechanisms on compliance pursuant to Article 17.

Key elements of the Basel COP 16 include several technical guidelines that have been under review since the last COP. IPEN positions on key issues within the guidelines are noted below.

GENERAL TECHNICAL GUIDELINES ON THE ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES CONSISTING OF, CONTAINING, OR CONTAMINATED WITH PERSISTENT ORGANIC POLLUTANTS

- The general technical guidelines on POPs waste include the Low POP Content Level (LPCL) for each POP listed under the Stockholm Convention.
- Any waste containing a POP exceeding the LPCL is defined as 'POP waste' and must be destroyed or irreversibly transformed so that it no longer exhibits POPs characteristics.
- The higher the level adopted for each POP, the less protection is provided for human health and the environment.
- A high level also means that less waste would be defined as POP waste, and more POPs-contaminated waste are allowed to be shipped to Low- and Middle-Income Countries.
- **Therefore, IPEN supports the following strict, protective LPCL values for adoption at the COP**:
  - Dioxins and Furans: PCDD/F + Dioxin-like PCBs - 1 ppb (1 microgram TEQ/kg)
  - Polybrominated biphenyl ethers (tetra-, penta- hexa-, hepta-, decaBDE) - 50 mg/kg as a sum
  - Hexabromocyclododecane (HBCD) - 100 mg/kg
  - Short-chained chlorinated paraffins (SCCP) - 100 mg/kg
  - PFOS, PFOA, PFHxS and related compounds- 0.025 mg/kg for PFOS, PFOA or PFHxS and their salts individually; 10 mg/kg for sum of PFOS, PFOA, PFHxS and related compounds.
- The non-combustion technology section for POPs waste destruction in the guidelines should be expanded and promoted over incineration/combustion technologies, which produce more dioxin and other UPOPs as an unavoidable result of their combustion processes. Any addition of text to the guidance promoting cement kilns for PFAS waste disposal should be opposed, since trial data show it does not meet required standards of destruction.

TECHNICAL GUIDELINES ON THE IDENTIFICATION AND ENVIRONMENTALLY SOUND MANAGEMENT OF PLASTIC WASTES AND FOR THEIR DISPOSAL

- The technical guidelines on plastic waste have been the subject of many intersessional meetings and revisions since the last COP. While they have been improved, several key issues still require attention:
  - Chemical recycling has not been independently verified as environmentally sound management for plastic waste and should not be included in the guidelines. No data on emissions, releases, energy use, or hazardous waste outputs for chemical recycling have been provided, as is required for other guidance when listing new technologies.
  - Fluoropolymers, cured resins, and condensation products cannot be recycled in an environmentally sound manner after use. They also generate toxic substances during their waste management. The guidance should include text making these points clear.
- Any attempts to introduce the concept of 'bottom up' approaches for Extended Producer Responsibility (EPR) of plastic waste and for the waste minimization and prevention section of the guidance should be opposed. This approach places the burden on local and national government to take action individually and would be used to undermine attempts to reduce plastic production in the new Plastic Treaty.
- RDF: The status of refuse-derived fuels (RDFs) under the Basel Convention and whether the Convention regulates RDF as a waste for transboundary movement or regards it as a product with no regulation requires more work. Burning plastic waste as fuel should not be regarded as environmentally sound management of plastic waste.

TECHNICAL GUIDELINES ON THE ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES CONSISTING OF, CONTAINING, OR CONTAMINATED WITH PERFLUOROOCTANE SULFONIC ACID (PFOS), ITS SALTS AND PERFLUOROOCTANE SULFONYL FLUORIDE (PFOSF), PERFLUOROOCTANOIC ACID (PFOA), ITS SALTS, AND PFOA-RELATED COMPOUNDS, AND PERFLUOROHEXANE SULFONIC ACID (PFHXS), ITS SALTS, AND PFHXS-RELATED COMPOUNDS

- The guidance needs more emphasis on identifying solid waste types (e.g., products like carpet, paper and packaging, textiles, etc.), that are likely to be contaminated with PFAS, and guidance on how to manage them.
- Non-combustion technologies for POP PFAS destruction such as Supercritical Water Oxidation (SCWO) and Gas-Phase Chemical Reduction (GPCR) should be promoted instead of incineration.

OTHER TECHNICAL GUIDELINES

- Several other technical guidelines have been under revision, but more time is needed to finalize them. IPEN therefore supports extending the mandates of the Small Intersessional Working Groups working on the Technical Guidelines on the environmentally sound management of:
  - waste lead-acid batteries
  - other waste batteries
  - used and waste pneumatic tires
- IPEN also supports the establishment of a new Small Intersessional Working Group to develop technical guidelines on the environmentally sound management of rubber wastes.

REVIEW OF ANNEXES

- IPEN does not support the proposal to introduce de minimis or concentration threshold values (aligned with the GHS) for Annex III. Most of the GHS values were developed in 2003 and have not been updated to reflect recent scientific understanding in the areas of EDCs, sensitive sub-population exposure, and other developments.
- IPEN supports the retention of Y1-Y18 entries in Annex I to provide guidance on types of waste streams that are of special concern.
- It is important that the Convention text, including in its Annexes, does not introduce provisions based on convenience for exporting countries while overlooking the actual hazards of the waste, even if that means that much more waste would be designated hazardous.
- Hazardous Characteristics in Annex III should not be limited to exclude certain impacts. For example, the GHS lacks description and considerations for important toxic impacts under H11, such as endocrine disruption, which makes the broader H11 description in Annex III today more suitable.

REVIEW OF THE PRIOR INFORMED CONSENT (PIC) PROCEDURE

- A review of the PIC procedure is ongoing, as some parties have identified significant delays in processing authorisation documents, especially with transit countries. While efficiency is important, it is also equally important that the process remains transparent, and shipments are carefully recorded. IPEN opposes any proposals relating to the PIC procedure that are likely to result in decreased transparency of hazardous waste shipments.

ELEVENTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE ROTTERDAM CONVENTION

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. This will help to avoid deadlocks created by a single or a few Parties.

LISTING OF CHEMICALS IN ANNEX III TO THE CONVENTION

The listing of chemicals under Annex III allows countries to decide if they want the listed hazardous chemicals to be imported to their country. The listing does not prevent the use of these chemicals. Therefore, Parties should support the proposed listings of the following chemicals in Annex III of the Convention:

- Acetochlor
- Carbosulfan
- Chrysotile asbestos
- Fenthion
- Paraquat
- Iprodione
- Terbufos

ENHANCING THE EFFECTIVENESS OF THE ROTTERDAM CONVENTION

- IPEN supports the adoption of the proposal to create a new Annex (Annex VIII) to the Convention, and related amendments in Articles 7, 10, 11, and 22 of the Convention.
- This annex will be used for the listing of chemicals if the COP cannot agree to list a chemical by consensus in Annex III (as has been the case for, for example, chrysotile asbestos and several pesticides for many years).
- Only the Parties that have ratified the Convention amendments would be bound by the listing. The listing in Annex VIII would require a three-fourths majority.
- In addition, amendments to Articles 7, 10, 11, and 22 are proposed to establish the process for listing a chemical in Annex VIII and give effect to the rights and obligations arising from a listing in Annex VIII.

More information can be found on the BRS website, where a brochure in English, French and Spanish is posted and a short video is available in English, French and Spanish.

JOINT ITEMS FOR ALL THREE CONVENTIONS

TECHNICAL ASSISTANCE

- Mechanisms for technical assistance and technology transfer must be strengthened and prioritized in order for effective elimination of listed POPs and the phase-in of alternatives.
- Financial and technical assistance should be provided to support long-term sustainable implementation of monitoring of POPs.
- Considering the large remaining stockpiles of PCBs, DDT, and other POPs, Regional Centres should conduct training on non-combustion methods of destruction that meet Convention requirements as a high priority.
- 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.

COOPERATION AND COORDINATION

- It is vital for the BRS Convention Parties and Secretariat to continue to be engaged in the INC process for the Plastics Treaty, noting the many POPs and other hazardous chemicals used in plastics.

MAINSTREAMING WOMEN'S EQUALITY

- Continued efforts should be supported to increase equality for women, equal participation, and considerations of women as an especially impacted group in relation to chemicals and waste.
- All monitoring programs should provide gender-disaggregated data.

SYNERGIES IN PREVENTING AND COMBATING ILLEGAL TRAFFIC AND TRADE IN HAZARDOUS CHEMICALS AND WASTES

- Parties to the Rotterdam and Stockholm Conventions should provide information about cases of trade occurring in contravention of those conventions, to be made available on the website of the Conventions.
- Parties to the Basel Convention must fulfill their legal obligations to not export or import wastes considered illegal under the Convention. All such shipments must be reported by Parties.

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