

Joint comment on the EU-MS input from the 30th of July 2018

The undersigning organizations welcome the approach pursued by EU and its Member States to specify objectives, targets, milestones, activities and responsibilities for a SAICM Beyond 2020. We welcome the possibility to comment on the input of the EU and its Member States to the draft outcome document for a ‘Global Strategic Approach for Chemicals and Waste beyond 2020’ and herewith make use of this opportunity. However, we also recognize that the current EU-MS paper is still in progress and therefore still provides some gaps and unaddressed topics.

In addition to the general and specific comments and recommendations below, we kindly recommend considering the input already made by civil society organizations¹ to the ‘Proposal on objectives in support of the 2030 Agenda and related milestones 23 October 2017’ for which the secretariat was seeking input from Strategic Approach stakeholders through the ICCM5 Bureau in 2017 (specific numbers, reference to SDGs).

General comments on the EU-MS input:

Sound policy and **governance** mechanisms are vital for a successful “future SAICM”. However, a vision how governance of a future SAICM can look like, is lacking in the input paper. One important element to include is the mandatory development of national action plans by each SAICM member, which should include SMART goals and should be funded for developing and transition countries. The governance structure should include the possibility to establish legally binding elements if necessary. These elements could be established faster and in a more flexible manner than the negotiation of new legally binding treaties and conventions. The implementation should be fostered through strong report and evaluation mechanisms. If multi-stakeholder partnerships are established, strong guidelines for such partnerships must be implemented to avoid green washing and unequal distribution of power. Additionally, a mechanism is needed to further include issues of concern in the Targets/Milestones/Activity plan.

So far, there are no strategies to assure the **financial cover** of the process. The polluter-pays principle should hold those responsible for the damage who caused it in the first place (stronger industry involvement). The key to securing sustainable funding for chemical safety is the internalization of costs within relevant producer industries. The global chemical industry has an annual turn-over of approximately USD\$4.1 trillion per year; a 0.1% levy would yield USD\$4 billion annually for sound chemicals management.²

¹ IPEN submission: [http://www.saicm.org/Portals/12/Documents/IP-consultation/Nov-2017/IPEN%20Comments%20Proposal%20on%20objectives%20and%20milestones_23%20October2017%20\(002\).pdf](http://www.saicm.org/Portals/12/Documents/IP-consultation/Nov-2017/IPEN%20Comments%20Proposal%20on%20objectives%20and%20milestones_23%20October2017%20(002).pdf)

PAN submission: <http://www.saicm.org/Portals/12/Documents/IP-consultation/Nov-2017/PAN%20Proposal%20on%20objectives%20and%20milestones.pdf>

² United Nations Environment Programme (2012) Global Chemicals Outlook

Furthermore, a mainstreaming of sound chemical and waste management topics into the developmental sector could generate financial resources. In the financial distribution of those resources, support for developing and transition countries must be on the top of the agenda.

The paper lacks a clear statement to give **priority to safe substitution and safe non-chemical methods and alternatives**. For many existing main challenges in the chemicals and waste management safer alternatives or safe non-chemical alternatives exist, like for lead in paint, asbestos, highly hazardous pesticides, mercury. A future SAICM should clearly support and promote those alternatives, including agroecology.

We welcome the attempt by Sweden to establish a **High Ambition Alliance** and strongly encourage the EU to attentively observe the coalition and presumably join as soon as the aims of the coalition are being announced. We also welcome the **Global Pact for Environment** and suggest that formal links between the Global Pact negotiating process and the Beyond 2020 Intersessional Process should be established so that SAICM stakeholders are fully informed about progress.

We urge the EU to make sure that **waste** will not be eliminated from the post-2020 approach. The EU works towards a clean circular economy by developing measures for an effective chemicals and waste interface. Therefore, it is vital to think and work on chemicals and waste together, especially on international level, as they are highly intertwined, e.g. by the BRS synergy process. Separating the topics will create a lot of double work and contradict the synergy process, which was EU driven.

During SAICM's negotiation there was strong support for naming additional **chemical safety principles**. These following principles should be explicitly highlighted in Beyond 2020: intergenerational equity,³ precaution,⁴ substitution,⁵ polluter pays,⁶ right to know,⁷ good governance,⁸ liability and compensation,⁹ and full participation of women.¹⁰

Specific comments on certain specific targets:

Note: Added text is marked in yellow. Deleted text is stroked out.

Objective A:

Rephrase SO A: Prevent and minimize adverse impacts from chemicals and waste on human health and the environment.

³ Intergenerational equity: Take long-term impacts into account and sustain the Earth for future generations.

⁴ Precaution: Decision-making tool in response to threats of serious or irreversible harm when full info not available.

⁵ Substitution: If a chemical can cause harm it should be avoided if less dangerous products or processes exist.

⁶ Polluter pays: Producing industries should internalize the true costs of their products.

⁷ Right to know: Public access to information regarding harms to human health and the environment from chemicals.

⁸ Good governance: Transparent, accountable, honest government operation is key to sustainable development.

⁹ Liability: Responsibility and compensation for injury or harm.

¹⁰ Rio Principle 20: "Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development."

The proposed wording is consistent with the SDG 12.4 text, and is therefore preferred.¹¹

A mechanism needs to be installed to make sure that the phrase ‘**industry needs to assume its responsibility**’ will be actively pursued.

Target A1. Same suggestion for rephrasing and rational as in SO A:

By 20XX, countries have adopted and implemented legal frameworks to address responsibilities for prevention and minimization of adverse impacts from chemicals and waste on human health and the environment.

Target A2: Policies and processes should also be integrated in health strategies, on national, regional and international levels. Especially since WHO has a leading role in SAICM.

Target A4: More efforts are needed to fight double standards, legal exports of banned chemicals and pesticides (including products containing such chemicals), and to implement the Basel ban and EPR systems, as well as to clean the circular economy from hazardous chemicals, e.g. by certifying recyclers.

The term “illegal international activities with chemicals and wastes” has to be defined.

Target A6: The term “international standards and codes of conduct, best available techniques and best environmental practices” has to be defined. Yet, it is too vague.

We further suggest adding two more targets under Objective A:

Target A7: *By 20XX, countries have adopted an international agreement to phase out HHPs and replace them with agroecological approaches.*

Target A8: *By 20XX, countries have implemented an agreement to cease double standards in trading in chemicals whereby a ban or severe restriction of a chemicals automatically includes its export, especially to development and transition countries.*

Targets – examples	Milestones/Activities	Actor(s)
<p>A1. By 20XX, countries have adopted and implemented legal frameworks to address responsibilities for prevention and minimization of adverse impacts from chemicals and waste on human health and the environment.</p>	<p><u>Milestones/Activities</u> column, which will be used to outline how to achieve the desired objectives and targets with suggestions for more specific activities.</p>	<p><u>Actor(s)</u> column to indicate the primary stakeholders to deliver on a target or activity. Used to ensure we have included a good cross-section of stakeholders when considering the objectives.</p>

¹¹ SDG12.4: “By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their lifecycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment.”

Targets – examples	Milestones/Activities	Actor(s)
A2. By 20XX, policies and processes for the management of chemicals and waste are integrated into national and regional development and health strategies on national, regional and international level		
A3. By 20XX, countries have adopted legislation that implement the Globally harmonized system for classification and labelling (GHS)		
A4. By 20XX, illegal international activities with chemicals and wastes are prevented, detected and sanctioned. <i>Develop and implement legal frameworks, if not existing, yet.</i>		
A5. By 20XX, countries have capacity for the prevention and emergency preparedness and response in the case of accidents involving chemicals and waste, including cooperating regionally for transboundary issues.		
A6. By 20XX, international standards and codes of conduct, best available techniques and best environmental practices are implemented.		
A7: <i>By 20XX, countries have adopted an international agreement to phase out HHPs and replace them with agroecological approaches.</i>		
A8: <i>By 20XX, countries have implemented an agreement to cease double standards in trading in chemicals whereby a ban or severe restriction of a chemicals automatically includes its export, especially to development and transition countries.</i>		

Objective B:

We share the view that there is a huge need for transparency, data and knowledge, and that it should be transparent and accessible to all. We fully support the explanation text for Objective B.

We further suggest adding two more targets under Objective B:

B4: *By 20xx the obligation for industry to obligation to disclose data and information on the properties of chemicals, including their health and environmental effects, and of appropriate risk management measures across their lifecycle including the waste stage is implemented.*

B5: *By 20XX all companies take back obsolete chemicals, chemical waste and containers for recycling as appropriate or environmentally sound destruction.*

B6: *By 20XX countries have implemented the Right to information (*) in all areas of chemicals and waste management (* see ICCPR Art 19; CRC Art. 17; ILO c.170; See also Rio Declaration principle 10).*

Targets – examples	Milestones/Activities	Actor(s)
<p>B1. By 20XX all stakeholders but primarily industry contribute to the generation and dissemination of data and information on the properties of chemicals, including their health and environmental effects, and of appropriate risk management measures across their lifecycle including the waste stage.</p>		
<p>B2. By 20XX, stakeholders across the supply chains and throughout the lifecycle have access to information on the properties and risk management of chemicals and improved traceability on the chemical content of products.</p>		
<p>B3. By 20XX, educational, training and public awareness programmes on chemical safety have been developed and implemented, including worker safety, school programmes and academia.</p>		
<p>B4: By 20xx the obligation for industry to obligation to disclose data and information on the properties of chemicals, including their health and environmental effects, and of appropriate risk management measures across their lifecycle including the waste stage is implemented.</p>		
<p>B5: By 20XX all companies take back obsolete chemicals, chemical waste and containers for recycling as appropriate or environmentally sound destruction.</p>		
<p>B6: By 20XX countries have implemented the Right to information (*) in all areas of chemicals and waste management (* see ICCPR Art 19; CRC Art. 17; ILO c.170; See also Rio Declaration principle 10).</p>		

Objective C:

As stated above it is vital that a mechanism is in place for suggestion and inclusion of new issues of concern to the targets and milestones. The mechanism should operate by a 2/3 voting. The proposal in the EU-MS papers lacks several existing emergency issues currently being addressed in working groups under SAICM. As there have clear mandates and not completed work, they should be included in the proposed table.

Target C1: We suggest deleting “managed by means of appropriate mechanisms”, as the term is not clearly defined.

Target C2: Again, it does not become clear how ‘effective and safe alternatives’ are being defined. We urge to explicitly add that the prevention comes first, non-chemical and safe

alternatives second. Only then other options should be discussed. In terms of pesticides the concept of agroecology has to be given strict before other options. Highly hazardous pesticides should not be used anymore. There is no reason to not ban them globally.

The target C2 should be adapted into “By 20 XX, highly hazardous pesticides are no longer in use, replaced by effective and safe agroecologically based approaches alternatives or, if a replacement has proven to be unfeasible in a short term, they might be, they are used restrictively for a limited period of time, and with a limitation of area and quantity in ways that minimize exposure of humans and the environment.”

Target C4: Should be changed into “By 2030, prevention measures to reduce the releases to water and land of Environmentally Persistent Pharmaceutical Pollutants (EPPP) have been identified and implemented. Obliging measures to prevent the release of Antimicrobials in the environment at all levels of their lifecycle (production, use, discharge/waste) have been implemented to fight further spread of Anti-Microbial Resistance (AMR).”

We further suggest adding two more targets under Objective C:

C5: By 2030, Endocrine Disruptor Chemicals (EDCs) have been identified and have been addressed in an appropriate way in all relevant national legislations and international regulations and agreements, awareness raising among most vulnerable groups is being implemented on national, regional and international level.

By 2025 A comprehensive global strategy is in place that aims at minimizing exposure of people and the environment to EDCs.

C6: By 2025 a global legally binding treaty for the life-cycle management of pesticides (*) is developed and implemented by xx countries. By 2027 this global treaty is in operation.

(*) Pesticides include biocides as defined under EU legislation (528/2012/EC).

Targets - examples	Milestones/ Activities	Actor(s)
<p>C1. By 20XX, chemicals and waste issues of global concern have been identified and addressed and hazardous chemicals or groups of hazardous chemicals have been phased out or effectively restricted or managed by means of appropriate mechanisms, throughout the lifecycle including the waste stage.</p>		
<p>C2. By 20XX, highly hazardous pesticides are no longer in use, replaced by effective and safe alternatives or are used in ways that minimise exposure of humans and the environment.</p> <p>C2. By 20 XX, highly hazardous pesticides are no longer in use, replaced by effective and safe agroecologically based approaches alternatives or, if a replacement has proven to be unfeasible in a short term, they might be, they are used restrictively for a limited period of time, and with a limitation of area and quantity in ways that minimize exposure of humans and the environment</p>		

Targets - examples	Milestones/ Activities	Actor(s)
<p>C3. By 2027 uses of lead have been phased out in lead in paint and reduced in other applications.</p>		
<p>C4. By 20XX, awareness of the impacts of unintended releases to water and land of Environmentally Persistent Pharmaceutical Pollutants (EPPP) has been increased, and actions to support activity on Anti-Microbial Resistance (AMR) have been identified and implemented.</p> <p>By 2030, prevention measures to reduce the releases to water and land of Environmentally Persistent Pharmaceutical Pollutants (EPPP) have been identified and implemented. Obliging measures to prevent the release of Antimicrobials in the environment at all levels of their lifecycle (production, use, discharge/waste) have been implemented to fight further spread of Anti-Microbial Resistance (AMR)</p>		
<p>C5: By 2030, Endocrine Disruptor Chemicals (EDCs) have been identified and have been addressed in an appropriate way in all relevant national legislations and international regulations and agreements, awareness raising among most vulnerable groups is being implemented on national, regional and international level.</p>		
<p>C6: By 2025 a global legally binding treaty for the life-cycle management of pesticides (*) is developed and implemented by xx countries. By 2027 this global treaty is in operation.</p> <p>(*) Pesticides include biocides as defined under EU legislation (528/2012/EC)</p>		
<p>CX: Targets for nanomaterials, chemicals in products, PFCs are missing</p>		

Objective D:

The wording for Objective D is confusing. We propose the following wording: “Promote solutions and innovations for prevention, safe alternatives, including non-chemical alternatives”

We would like to emphasize that the promotion of innovations and solutions for prevention should be a priority. The inclusion of non-chemical alternatives should be included to expand the scope of solutions beyond chemistry. Capacity building and training should support especially developing and transition countries.

We still see a lot of gaps under Objective D:

- the need for training and capacity building is not addressed, yet
- targets for awareness raising of the public, especially for most vulnerable groups should be included
- D1 only addresses business, also targets for governments should be included
- Prevention is not addressed, yet

D1: The term ‘new technologies’ still lacks a clear definition in relation to chemicals and waste. Before establishing such a target, it needs to make clear what is meant. Additionally, any definition of the term which does not explicitly exclude any form of new technology, which endangers the livelihoods of people or irretrievably harms the environment or human health, must be dismissed.

We further suggest adding one more target under Objective D:

D2: *By 20XX, governments have implemented policies to ensure the development and implementation of agroecological alternatives to HHPs.*

Targets - examples	Milestones/Activities	Actor(s)
D1. By 20XX, corporate policies and practices have incorporated the development, production and use of sustainable and safe alternatives, including new technologies and non-chemical alternatives.		
D2: By 20XX, governments have implemented policies to ensure the development and implementation of agroecological alternatives to HHPs.		

Undersigning Organizations and contacts:

Alexandra Caterbow, HEJSupport, alexandra.caterbow@hej-support.org

Johanna Hausmann, WECF, johanna.hausmann@wecf.org

Manuel Fernandez, BUND e.V., manuel.fernandez@bund.net

Marijana Todorovic, Forum on Environment & Development, todorovic@forumue.de

Susan Haffmans, PAN Germany, susan.haffmans@pan-germany.org

Tatiana Santos, European Environmental Bureau (EEB), tatiana.santos@eeb.org