

PAN International Submission on Elements of an ICCM5 High-Level Declaration

October 2020

Pesticide Action Network International welcomes the opportunity to share our views on essential elements for a possible ICCM5 High-Level Declaration (HLD) on the sound management of chemicals and waste beyond 2020.

We strongly support the NGO group¹ input to the High Level Declaration (HLD) (included as an Annex to this document), as the basis for the HLD. We include some additional points below to complement and expand on that statement.

Greater Urgency Needed

Sadly, little progress has been made since the Dubai Declaration on International Chemicals Management nearly fifteen years ago. In the interim, the problems caused by chemicals have become more pressing. The evidence of harms caused by highly hazardous chemicals resulting from poor chemicals management to human health and the environment has mounted strengthening arguments for greater international effort to tackle these problems. This is also the case for several other of the “issues of concern”

However, as a result, much of the Dubai Declaration remains relevant today and it provides a useful starting point for developing a new HLD. Of particular note are paragraphs 1, 2, 5, 6, 7, 8, 9, 10, 17, 18, 23, 24, 25, 27, 30. The lack of progress in delivering the Dubai declaration is a serious cause for concern and the next HLD should recognize this and emphasize the need to go much further and much faster – there is a clear need to significantly intensify activities to match the scale of the problem and to intensify commitments to targets.

Highly Hazardous Pesticides (HHPs)

HHPs were addressed in the original SAICM documents, including the Global Plan of Action, yet it took nine years, and the concerted efforts of many stakeholders, before SAICM even acknowledged HHPs as an issue of concern. In 2012, at ICCM3, 65 stakeholder countries and organisations tabled a resolution calling for “a progressive ban on HHPs and their substitution with safer alternatives”. At the Open Ended Working Group in 2014, the entire African region, supported by other stakeholders, called for the formation of a Global Alliance to Phase-Out HHPs. ICCM4 in 2015, resolved that HHPs should be addressed, including their replacement by agroecological practices.

¹ Armenian Women for Health and Healthy Environment (AWHHE), BUND/Friends of the Earth, Germany, Canadian Environmental Law Association, Chemical Safety Agency, Ukraine, Eco-Accord, Russia, Forum Umwelt und Entwicklung, Greenwomen, Kazakhstan, Groundwork/Friends of the Earth South Africa RightOnCanada, PAN Aotearoa New Zealand, Pestizid Aktions-Netzwerk e.V. (PAN Germany), PAN North America, PAN UK, Swedish Society for Nature Conservation (SSNS), TOXISPHERA, Brazil, Women Engage for a Common Future (WECF)

In the meantime, evidence of the harms caused by HHPs on human health and the environment – in particular their contribution to biodiversity loss – has mounted (as has been recognized by numerous UNEP publications including successive editions of Global Chemicals Outlook and “Cost of Inaction” reports).

It is important that the HLD builds on the past statements and injects a greater sense of urgency. In particular, it should align with – and support – the draft FAO Global Action Plan on HHPs which calls for a phase out of HHPs in Agriculture.

Mobilising resources

The evaluation of SAICM clearly identified inadequate and inconsistent funding as a factor behind the lack of progress. It is important that the HLD addresses this and seeks to identify novel and effective ways of funding activities. In this context, the “polluter pays” principle is very relevant and we encourage the investigation of financial mechanisms to ensure that industry pays for the harms caused by its products. The recent report from CIEL and IPEN on Financing the Sound Management of Chemicals Beyond 2020 provides valuable recommendations for the way forward on this.²

ANNEX – NGO group input to the High Level Declaration (HLD): *Enabling framework for chemicals and waste*

The HLD should stress the necessity of an enabling framework for chemicals and waste as a key supportive function to the SAICM successor, and that the UNGA decision, giving mandate to the framework, also should call all IGOs relevant for chemicals and waste management and health to integrate the SAICM successor in their work strategies.

The rationale for the enabling framework is well-articulated in the information document submitted by the German government³.

Alignment of the chemicals and waste clusters with those of biodiversity and climate

Chemicals and waste crosscut the sustainable development goals, and this function must be emphasised in the HLD, as well as there must be a call for the chemicals and waste policy clusters, and the policy clusters for strengthened biodiversity and to halt climate change, to align better.

The NGOs submitting this input believe that a UNGA decision will be instrumental to support the above call for better alignment of the chemicals and waste clusters with the biodiversity and climate change clusters.

Functions of the ICCM

The functions and mandates of the ICCM must be clearly articulated in the HLD, and some new may need to be added to make the successor to SAICM stronger.

This includes the mandate to propose IoCs, for which progress with voluntary actions is too slow, for increased obligations outside the frames of the SAICM successor (see the IoC section below and a detailed paper on New Mechanism of Action: elevation of obligations to

² Financing the Sound Management of Chemicals Beyond 2020: Options for a co-ordinated tax
<https://www.ciel.org/reports/chemicalstax/>

³ Enhancing the sound management of chemicals and waste beyond 2020
(http://www.saicm.org/Portals/12/documents/meetings/IP3/INF/SAICM_IP3_INF4_EnhancingGovernanceSMCW.pdf).

progress SAICM Issues of Concerns (IoCs) in the post 2020 multilateral regime for chemicals and waste⁴).

Uneven progress and differential needs among countries

The HLD should recognize that progress in the work towards sound management of chemicals and waste continuous to vary among countries, due to lack of technical resources, financial resources, including policy inconsistencies between countries, and that all of these factors may worsen in the aftermath of the COVID19 pandemic. Furthermore, the HDL should stress that these differences must be evened out with even greater urgency as the world needs a more environmentally sustainable economic recovery after the pandemic.

In the successor to SAICM, efforts to transfer safe know-how and technologies to countries in need, skill-sharing of suitable policy instruments and experiences of operating them, increased sharing of data on toxic chemicals health and environmental effects and their presence inside and outside the supply chain of products throughout product lifecycle, implementation of the GHS, and harmonization of other standards, in particular for chemicals of global concern, must increase substantially.

These efforts, of course, require new and sufficient financial resources provided on a sustainable basis that includes the internalization of costs within relevant producer industries.

Financing

Sustainable financing is a keystone for effective implementation of the Global Plan of Action of the successor to SAICM, so the HLD must give a clear signal of the necessity to not just build on the Integrated Approach to long-term funding of the Chemicals and Waste Agenda, but also incorporate novel approaches to financing.

Recently, the Centre for International Environmental Law (CIEL) and the International Pollutants Elimination Network (IPEN) published a report outlining a policy mechanism building on the polluter pays principle⁵. This mechanism, in effect, is a “global” tax leveraged from the chemical industry for basic chemicals. The tax would replace the Responsible Care Programme, through which industry now largely controls what they fund, and thus may create situations where commercial interests primarily dictate the allocation of the funds. There are similar initiatives to the one suggested by the report already existing, for example the International Oil Pollution Compensation Funds. The NGOs behind this submission fully support the proposal by IPEN and CIEL.

Issues of Concern

The HLD must stress the urgent need to see substantial progress in the work with Issues of Concern (IoCs), which requires stepping up the IoC work considerably, through higher ambition level in the voluntary actions under the SAICM successor, but not excluding through elevation of obligations outside its frames.

This idea was first highlighted by a group of NGOs and presented in details in several information documents submitted to the SAICM Secretariat during the Intersessional

⁴ New Mechanism of Action: elevation of obligations to progress SAICM Issues of Concern (IoCs) in the post 2020 multilateral regime for chemicals and waste

(http://www.saicm.org/Portals/12/documents/meetings/IP4/stakeholders/loC_2020_New_Mechanism_of_Action.pdf).

⁵ https://ipen.org/sites/default/files/documents/ipen-ciel-producer-responsibility-vf1_9e-web-en.pdf

Process^{2, 6, 7, 8}. The core document describes a new mechanism of action, based on evaluation criteria for IoCs that could trigger the IoCs, or specific aspects of them, for consideration of elevated obligations within and outside the frames of the SAICM successor².

Each IoC needs a clear workplan with targets, milestones, and indicators. A formalised periodic review system of reporting on progress should be set up and could form the basis of the effectiveness evaluation of the new beyond 2020 framework along with assessment of financial and capacity building needs. An expert panel should be set up to review the reports and propose recommendations.

The idea to elevate obligations for the work on IoCs was further developed in the recently published UNEP assessment report on SAICM IoCs⁹. The report gives support for the suggested new mechanism of action, as it identified that voluntary actions may be insufficient. The UNEP assessment is based on a review of evidence published within the past decade and presents the current status of the eight IoCs. The assessment identified an urgent need to step up the work with the existing IoCs, and a number of suggested candidates, including through binding instruments. It pointed out that progress in the IoC work has been uneven between countries, and that policy inconsistencies across countries hamper progress.

For this to be able to happen, the HLD should emphasize that the ICCM would need to be mandated to issue resolutions calling the UNEA or the UNGA to in turn issue resolutions requesting existing legally binding instruments to investigate if and how the IoCs, or specific aspects of them, can be included, or new instruments to be developed. The ICCM mandate and mechanism to move the IoC outside the frames of the SAICM successor would need to be inscribed in the new SAICM text.

Circular economy

The HLD must highlight a toxic-free circular economy as a key strategy to address a number of targets to the SDGs.

A toxic-free circular economy would ensure transparency of information on toxic chemicals within the product lifecycle, reduce the need for new virgin raw materials and associated needs for energy, water and processing/refining chemicals in connection with extraction/production, refining of materials and manufacturing of products. Thereby, it could reduce climate impact, chemical pollution, water stress and other negative impacts on the ecosystems, and at the same time address the waste issue.

⁶ New Mechanism of Action: elevation of obligations to progress SAICM Issues of Concern (IoCs) in the post 2020 multilateral regime for chemicals and waste: the case Chemicals in Products (CiP) (<http://www.saicm.org/Portals/12/documents/meetings/IP4/stakeholders/Case-CiP-Increased-obligations.pdf>)

⁷ New Mechanism of Action: elevation of obligations to progress SAICM Issues of Concern (IoCs) in the post 2020 multilateral regime for chemicals and waste: the case Highly Hazardous Pesticides (HHPs) (<http://www.saicm.org/Portals/12/documents/meetings/IP4/stakeholders/Case-HHPs-PAN-INT.pdf>).

⁸ New Mechanism of Action: elevation of obligations to progress SAICM Issues of Concern (IoCs) in the post 2020 multilateral regime for chemicals and waste: the case Per and Poly Fluoroalkyl Substances (PFASs) (<http://www.saicm.org/Portals/12/documents/meetings/IP3/stakeholders/IPEN-Case-PFAS.pdf>)

⁹ Retrieved 25-10-2020 from the UNEP webpage (<https://wedocs.unep.org/handle/20.500.11822/33807>).

The global importance of the circular economy is attested by several resolutions adopted at UNEA4¹⁰.

It is further attested by the fact the EU is in the dedicated process of transforming its economy according to a Circular Economy Action plan first launched in 2015, and since then expanded and updated¹¹, adjusting all product, chemicals and waste legislation of the EU to support the circular economy. In its recently updated Chemicals Strategy, the EU points to the need for mainstreaming the transition to a toxic-free circular economy as an essential element for sustainable development globally¹². It also dedicates to international cooperation and partnerships, in bilateral, regional and multilateral agreements to share experiences and build capacity internationally around the circular economy.

The importance of circular economy also stresses the urgent need to fulfil the objectives of the CiP Programme¹³, as transparency is a keystone in circular economy.

¹⁰ UNEP/EA.4/Res.6

(<http://wedocs.unep.org/bitstream/handle/20.500.11822/28471/English.pdf?sequence=3&isAllowed=y>),
UNEP/EA.4/Res.7

(<http://wedocs.unep.org/bitstream/handle/20.500.11822/28472/English.pdf?sequence=3&isAllowed=y>),
UNEP/EA.4/Res.8

(<http://wedocs.unep.org/bitstream/handle/20.500.11822/28518/English.pdf?sequence=3&isAllowed=y>), and
UNEP/EA.4/Res.19

(<http://wedocs.unep.org/bitstream/handle/20.500.11822/28501/English.pdf?sequence=3&isAllowed=y>)

¹¹ EU Circular Economy Action Plan, 2020 version (https://ec.europa.eu/environment/circular-economy/pdf/new_circular_economy_action_plan.pdf).

¹² EU Chemicals Strategy 2020 (<https://ec.europa.eu/environment/pdf/chemicals/2020/10/Strategy.pdf>).

¹³ http://www.saicm.org/Portals/12/Documents/EPI/CiP%20programme%20October2015_Final.pdf