
International Conference on Chemicals Management

Second session

Geneva, 11–15 May 2009

Item 4 (f) of the provisional agenda**

Implementation of the Strategic Approach to International Chemicals

Management: emerging policy issues

Proposed actions on emerging policy issues

Note by the secretariat

1. As a result of the additional preparatory work undertaken following the informal discussions held in Rome on 23 and 24 October 2008, four emerging policy issues have been identified for detailed consideration at the Conference: nanotechnology and manufactured nanomaterials; chemicals in products; electronic waste; and lead in paints. Details of the preparatory work undertaken to select these issues can be found in document SAICM/ICCM.2/10.

2. Background material setting out how each issue meets the selection criteria for emerging policy issues developed during the informal discussions and explaining the rationale for the proposed actions is contained in an information document on each issue.¹ The facilitators of the preparatory work on each issue have conducted their work in accordance with the guidance provided by the informal Friends of the Secretariat planning group. The proposed actions set out in the present note are based on the original submissions made on each issue, taking into account, as far as possible, the views and additional information provided by Strategic Approach to International Chemicals Management stakeholders. Strategic Approach stakeholders were notified, including by email, that they could submit comments. There will be a further opportunity for participants in the session to discuss the rationale for the proposed actions at a technical briefing to be held on Sunday, 10 May 2009, from 9.30 a.m. to 1 p.m.

3. The proposed actions can be summarized as follows:

(a) *Nanotechnology and manufactured nanomaterials* (annex I): The co-facilitators have drawn attention to the rapidly increasing use of this technology since the adoption of the Strategic Approach and the evolving state of knowledge on potential environmental and health and safety risks. A range of cooperative actions is proposed, including raising awareness, sharing existing information and undertaking cooperative work. The attention of the Conference is drawn to the possible need to undertake intersessional work to explore issues relevant to developing countries and countries with

* Reissued for technical reasons.

** SAICM/ICCM.2/1.

1 SAICM/ICCM.2/INF/34 (nanotechnology and manufactured nanomaterials); SAICM/ICCM.2/INF/35 (chemicals in products); SAICM/ICCM.2/INF/36 (electronic waste); SAICM/ICCM.2/INF/38 (lead in paint).

economies in transition, and to a possible amendment to the Global Plan of Action of the Strategic Approach so as to include new work areas for nanotechnology and manufactured nanomaterials;

(b) *Chemicals in products* (annex II): The facilitator has drawn attention to the need to improve the accessibility and availability of information about chemicals in products, further to paragraph 15 (b) of the Overarching Policy Strategy of the Strategic Approach. Relevant products might include toys, furniture, jewellery, cars, clothes and electronics and their accessories. The facilitator proposes that the Conference should establish a working group to develop a proposal for an information system or framework of systems and action to tackle this issue;

(c) *Electronic waste* (annex III): The facilitator has drawn attention to various global cooperative actions related to hazardous chemicals that could be taken in response to the poor management of electronic and electrical equipment wastes and near end-of-life electrical equipment. Electronic waste is not covered explicitly under the Strategic Approach. The facilitator has reviewed current work under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the work of other programmes and has proposed that the Conference should consider establishing a working group to tackle a number of priority issues in this regard;

(d) *Lead in paint* (annex IV): The co-facilitators have drawn attention to the continued use of lead in paint and propose that the Conference should consider establishing a global partnership to support concerted cooperative actions as a contribution to the implementation of paragraph 57 of the Plan of Implementation adopted by the World Summit on Sustainable Development² and the implementation of the Strategic Approach.

4. As set out in document SAICM/ICCM.2/10, the Conference may wish to consider calling for cooperative actions on each issue as appropriate. In doing so, the Conference may wish:

(a) To assure itself that each issue is an emerging policy issue, drawing upon the relevant background document and the definition of an emerging policy issue and selection criteria developed during the informal discussions held in Rome on 23 and 24 October 2008;

(b) To forge consensus on priorities for cooperative action on the emerging policy issues and call for appropriate action.

5. As the Conference at its current session will perform its function in relation to emerging policy issues for the first time there are no precedents for the types of action, if any, for which the Conference might call. Such actions could include non-binding recommendations and requests for action addressed to the governing bodies of intergovernmental organizations, Governments, scientific bodies and civil society stakeholders, or the initiation of follow-up work under the auspices of the Conference itself through intersessional working groups, a subsidiary body, the secretariat or other mechanisms. With regard to work proposed to be undertaken under the auspices of the Conference, participants may wish to assess whether such work would be consistent with the functions of the Conference set out in paragraph 24 of the Overarching Policy Strategy and, by implication, the functions of the secretariat set out in paragraph 28 thereof. Participants may also wish to consider the financial viability of the actions proposed to be undertaken under the auspices of the Conference, drawing on the budgetary information provided in document SAICM/ICCM.2/INF/32 in relation to subsidiary bodies and other mechanisms for intersessional work.

² Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26-August-4 September 2002 (United Nations publication, Sales E.03.II.A.1 and corrigendum).

Annex I

Nanotechnology and manufactured nanomaterials

Explanatory note

1. The co-facilitators have developed the following set of elements as starting points for further deliberations should the Conference decide to develop a resolution on nanotechnology and manufactured nanomaterials.

Proposed elements of a resolution

[Resolution on cooperative actions on nanotechnology and manufactured nanomaterials

2. There are potential benefits and new opportunities associated with the use of nanotechnology and nanomaterials, but also challenges, potential environmental health and safety risks and ethical and social issues. There is a need to raise awareness of these issues.

3. Nanotechnologies deal with visualizing, characterizing and manufacturing tailored materials, devices and systems typically in the size range between 1 and 100 nm.

4. Governments that have not yet done so may wish to consider the relevance of nanotechnology and manufactured nanomaterials to their national situation. This could be done by, for example, integrating nanotechnology considerations into the national profile.

5. Various activities are being undertaken by academic institutions, industry and Governments related to the environmental health and safety of manufactured nanomaterials and to their applications that may benefit the environment. Relevant stakeholders should consider making publicly available as much of this information as possible, including through clearing houses.

6. It is important to take into account the relevant work of intergovernmental and international organizations, in addition to the national and regional activities of Governments and non-governmental organizations. [The Organisation for Economic Cooperation and Development has opened up its two working parties³ to permit active participation by non-member economies and other observers. Non-member countries or other interested observers are encouraged to contact the Organization's secretariat and participate in the relevant working parties' activities].

7. Some Governments are devoting considerable resources to research and development into new applications based on nanotechnology. Those Governments may wish to consider balancing such resources with appropriate sums for research into the environmental health and safety implications.

8. There is a need to ensure that manufactured nanomaterials are produced and used in a way that will contribute to the 2020 World Summit on Sustainable Development goals related to chemicals. It is important for risk assessment and risk management strategies to be incorporated into this effort. Governments may wish to consider funding research into nanotechnology applications that may be useful in taking the actions called for in the Plan of Implementation of the World Summit on Sustainable Development, including in developing countries and countries with economies in transition.

9. While the environmental health and safety implications of manufactured nanomaterials continue to be explored, Governments and industry should consider taking measures to prevent or minimize exposure of workers and consumers, and releases to the environment, particularly for hazardous manufactured nanomaterials or where there is uncertainty as to the environmental and human health impact. Steps to inform downstream users through the entire supply chain via material safety data sheets or other means should be taken where appropriate.

10. [Although many national and regional activities dealing with manufactured nanomaterials are rapidly developing, many countries lack comprehensive policy frameworks. The lack of an inclusive global policy framework has also been noted.]

³ The two working parties are the working party on manufactured nanomaterials and the working party on nanotechnology.

11. [The special vulnerability of groups such as children, pregnant women and older persons to manufactured nanomaterials is recognized and therefore the need to take appropriate safety measures to protect their health is emphasized.]
12. [Further research and research strategies to support better analysis of the potential risks to human health and the environment are required.]
13. [The needs and capacities of developing countries and countries with economies in transition to cope with manufactured nanomaterials must be better understood.]
14. [With a view to minimizing risks posed by manufactured nanomaterials, the rights of countries to accept or reject manufactured nanomaterials with no discrimination between domestic products and imports is recognized.]
15. [Nanotechnology and manufactured nanomaterials are an important new and emerging issue. The International Conference on Chemicals Management at its second session decides to amend the Global Plan of Action of the Strategic Approach to International Chemicals Management to include the new work area “Nanotechnology and manufactured nanomaterials” and the new specific activities as set out in the appendix to the present resolution.]

[Next steps:

16. [Governments and industry should ensure that manufactured nanomaterials are treated in a precautionary manner throughout their life cycle.]
17. [Products containing nanomaterials are already on the market but standards for nanomaterials are not yet available. Governments should therefore make recommendations on how to handle nanomaterials safely based on existing knowledge.]
18. Governments and stakeholders should begin or continue dialogue to consider the potential benefits and risks of manufactured nanomaterials.
19. Governments, intergovernmental and international organizations, universities, the private sector and other stakeholders should make information on the use and risks associated with the life cycle of manufactured nanomaterials readily available to the general public [with an executive summary intended for non-scientists] to raise awareness and enable informed decisions. [Clearing-house mechanisms employing information and communication technologies substantially facilitate the useful sharing of national and international information in an efficient, simple and well-structured manner. Publicly accessible internet-based web portals providing access to information on nanotechnology research and policymaking may serve to promote informed decision-making and public acceptance of policy outcomes.]
20. [The capacity of civil society should be strengthened so that it may participate effectively in decision-making related to manufactured nanomaterials. [National education systems should be involved in sharing information on the potential benefits and risks of nanomaterials.]]
21. Researchers and academics should undertake further research to evaluate effectively the potential risks of nanomaterials [especially for particularly vulnerable groups, such as children, pregnant women and older persons.]
22. Governments and industry should continue to fill gaps in risk assessments relating to the entire life cycle of manufactured nanomaterials under real-world conditions.
23. [Industry should involve workers and their representatives when developing occupational health and safety programmes and measures, including risk assessment, selection of risk prevention measures and the surveillance of risks related to manufactured nanomaterials.]
24. Measures should be taken to prevent or minimize the exposure of workers and releases to the environment, [where appropriate] [particularly for hazardous manufactured nanomaterials or where there is uncertainty as to the environmental and human health impact of manufactured nanomaterials].
25. [Researchers using manufactured nanomaterials should cooperate with environment and health and safety experts and medical communities in existing and planned research programmes.]
26. [The international community should continue to develop, fund and share effective research strategies on potential risks to human health and the environment.]

27. Governments and organizations should consider how best to inform downstream users of nanomaterials about the health and safety risks and novel characteristics of manufactured nanomaterials, and establish what level of information is appropriate, using, for example, material safety data sheets.
28. [Industry should continue or initiate communications and awareness-raising within stewardship programmes on environmental and health and safety (occupational) aspects of manufactured nanomaterials, including workplace monitoring, and instigate further cooperative approaches between industry and other stakeholders.]
29. Governments and stakeholders should promote ways to share safety information on manufactured nanomaterials, while exploring the need for changes to current legislative frameworks, stewardship programmes and voluntary activities.
30. [Countries and organizations should establish partnerships, with a view to providing financial support, to assist developing countries and countries with economies in transition to build scientific, technical, legal and regulatory policy expertise related to the risks of manufactured nanomaterials.]
31. [Governments, according to their capacity, should cooperate in drawing up national codes of conduct, with the inclusion of all stakeholders and assisted by international organizations, and [encourage them to participate actively in global discussions] [evaluate the feasibility of developing global codes of conduct in a timely manner.]]
32. [Producers should provide appropriate information about the content of manufactured nanomaterials to inform consumers about potential risks through, as appropriate, product labelling and, as appropriate, websites and databases.]
33. Intergovernmental organizations and other relevant organizations should assist Governments to implement these actions.
34. [Governments and industry should seek to promote alternatives to nanomaterials.]
35. [The international community should develop and fund capacity-building for Governments and civil society, including in developing countries and countries with economies in transition.]
36. [Governments should establish a system of nanomaterial registration for specific uses.]
37. [Non-governmental organizations should be encouraged to be involved in aspects related to the sound management of nanomaterials.]
38. Governments, intergovernmental, international and non-governmental organizations, industry and other stakeholders should support these recommendations.
39. [The Conference requests the World Health Organization and the International Labour Organization to develop a guidance document on occupational health risks from nanotechnology and manufactured nanomaterials that is relevant to developed countries, developing countries and countries with economies in transition.]
40. [The Conference creates an intersessional working group to help to fulfil and implement paragraph 14 (g) of the Overarching Policy Strategy of the Strategic Approach to ensure that existing, new and emerging issues of global concern are sufficiently tackled by means of appropriate mechanisms. The working group is tasked with exploring issues relevant to developing countries and countries with economies in transition (including a review of existing information on nanotechnology, and information exchange on products containing nanomaterials, potential health and environmental effects). In addition, the working group develops documents relating to the social and ethical issues surrounding nanotechnology for developing countries and countries with economies in transition, together with legislative guidance on specific legal framework and policies relating to nanomaterials and nanotechnology.]
41. [The working group conducts its business during the intersessional period, primarily through electronic means and teleconferences, meeting in person on the margins of other existing meetings, as appropriate, and ensures that such work is open and transparent in nature.]
42. [The working group considers the following elements where appropriate:
- (a) Exchanging information on products containing nanomaterials;
 - (b) Exchanging information on existing and proposed regulations and legislation;
 - (c) Exchanging information on the effects of nanomaterials on human health and the environment;

(d) Exchanging information and providing international support to strengthen existing national legislation relating to the protection of human health in relation to nanotechnology and manufactured nanomaterials;

(e) Exchanging information on product labelling;

(f) Building capacity to facilitate laboratory tests for nanomaterials;

(g) Building capacity to manage wastes containing manufactured nanomaterials;

(h) Developing legislative guidance on an extended producer liability scheme;

(i) Developing a thought-starter document on the social and ethical issues surrounding nanotechnology and manufactured nanomaterials for developing countries and countries with economies in transition].

43. [The working group reports on the progress of its work through the Strategic Approach website and to the International Conference on Chemicals Management at its third session].

44. The International Conference on Chemicals Management at its third session should consider the need for possible further action on this issue.]].

Appendix

Proposed amendment to add a new work area to the Global Plan of Action of the Strategic Approach to International Chemicals Management pertaining to knowledge and information about nanotechnology and manufactured nanomaterials

Work areas pertaining to knowledge and information (objective 2)					
Work area	Activities	Actors	Targets/Time frame	Indicators of progress	Implementation aspects
Nanotechnology and manufactured nanomaterials	1. Increase understanding of the environmental health and safety implications, promote responsible development and environmentally beneficial applications, increase understanding of ethical considerations and develop and promote consensus standards on nanotechnology and manufactured nanomaterials.	National Governments, intergovernmental and international organizations, academic institutions, industry, non-governmental organizations.	2009–2015	Harmonized and validated methods for testing and assessment are available. Applications useful in attaining the WSSD goals are available. Governments and the public are aware of environmental health and safety and ethical, legal and social implications.	Coordination of the various modules by the Inter-Organization Programme for the Sound Management of Chemicals.
	2. Support and, where feasible, increase funding for research on nanotechnology implications and for applications that may be useful in meeting the actions called for in the Plan of Implementation of the 2020 World Summit on Sustainable Development goals, including such actions in developing countries and countries with economies in transition.	National Governments, intergovernmental and international organizations, academic institutions, industry.	2009–2020	Environmental health and safety implications of manufactured nanomaterials are better understood. Applications useful in meeting the WSSD goals are available.	It is important for risk assessment and risk management strategies to be incorporated into this effort.
	3. Take measures to prevent or minimize unintended exposure of workers, consumers and the general public, and releases to the environment, particularly for hazardous manufactured nanomaterials or where there is uncertainty as to the environmental or human health impact.	National Governments, intergovernmental and international organizations, academic institutions, industry.	2009–2012	Manufacturers and downstream users of nanomaterials are informed about hazardous nanomaterials. Measures to minimize exposure are in place.	Steps to inform downstream users through the whole supply chain via material safety data sheets or other means should be taken where appropriate.

Annex II

Information about chemicals in products

Explanatory note

1. The proposed actions, including the establishment of a working group to promote the implementation of paragraph 15 (b) of the Overarching Policy Strategy of the Strategic Approach in relation to improving information about chemicals in products, are based on the conclusions and recommendations arising out of an informal workshop on stakeholder information needs on chemicals in products, held in Geneva from 9 to 12 February 2009,⁴ taking into account additional comments received from Strategic Approach stakeholders during the preparation of the background information document and the present proposed actions.

Proposed resolution

Improving access to and availability of information about chemicals in products

The Conference,

Recalling the Overarching Policy Strategy of the Strategic Approach and its provisions on knowledge and information, which state, among other things, the objective of ensuring that information on chemicals throughout their life cycle, including, where appropriate, chemicals in products, is available, accessible, user-friendly, adequate and appropriate to the needs of all stakeholders,⁵

Mindful that confidential commercial and industrial information and knowledge should be protected in accordance with the provisions laid out in paragraph 15 (c) of the Overarching Policy Strategy,

Recognizing that international trade results in chemicals, including chemicals in products, being transported between regions, causing adverse impacts in particular cases, and may pose future risks to human health and the environment at various stages of the life cycle of a product, such as during production, use, recycling or disposal, and therefore gives the issue of chemicals in products a global dimension that entails appropriate international responses,

Recognizing also that knowledge and information about hazardous chemicals in products is fundamental to the sound management of chemicals throughout the life cycle of products and that chemicals in products are an important cross-cutting issue involving a broad range of stakeholders with specific information needs,

Recognizing further that, for effective and efficient information generation and accessibility, cooperative action is needed at all levels with the involvement of all relevant sectors and stakeholders, in accordance with national authorities and regulations and within available resources,

Welcoming the initiatives taken by Governments, industry, non-governmental organizations and others to facilitate the exchange of information on hazardous substances in products in some areas,

Noting, however, that no comprehensive global action has been developed to date for products that fall outside the purview of the Globally Harmonized System of Classification and Labelling of Chemicals,⁶ and that neither has the relative benefit of action in this area been developed in detail compared to efforts to reduce risks associated with better understood chemical exposure routes,

Recognizing that current efforts and capacities to provide information about hazardous chemicals in products and suitable and available alternatives are insufficient for informed

4 Organized by UNEP and Sweden and supported by Japan;
http://www.chem.unep.ch/unepsaicm/cheminprod_dec08

5 Report of the first session of the International Conference on Chemicals Management (SAICM/ICCM.1/7), annex II, para. 15 (b) (i).

6 *Globally Harmonized System of Classification and Labelling of Chemicals* (second revised ed.), New York and Geneva: United Nations, 2007, ST/SG/AC.10/30/Rev.2, ISBN 978-92-1-116957-7 (United Nations publication, Sales No. E.07.II.E.5).

decision-making to understand fully and, where needed, to protect human health and the environment from the risks that may occur throughout the life cycle of products,

Recognizing also that international cooperation on this issue is essential and that urgent action is needed to promote harmonization, thereby avoiding a patchwork of information systems while ensuring compatibility with existing systems and maximizing benefits to all relevant stakeholders,

Mindful that the efficient use of information requires the capacity to manage, interpret and apply the information available and that there is a need to raise awareness of the potential risks associated with chemicals in products and of suitable and available alternatives,

1. *Agrees*, with a view to taking appropriate cooperative actions, to consider further the need to improve availability and access to information on chemicals in products in the supply chain and throughout their life cycle, recognizing the need for further action to fulfil the overall objective of the Strategic Approach that by 2020 chemicals are used and produced in ways that minimize significant adverse effects on human health and the environment;

2. *Decides* to establish a working group, subject to available resources, with a mandate as set out in the annex to the present resolution, to review existing initiatives and other relevant information and to develop a proposal for an information system or framework of systems and actions, where appropriate, to meet the need to improve availability and access of information on chemicals in products;

3. *Recommends* that proposals for cooperative actions should take into account the Globally Harmonized System of Classification and Labelling of Chemicals and avoid any duplication of efforts under that system;

4. *Encourages* Governments, regional economic integration organizations, intergovernmental organizations and other international organizations, industry or business organizations, non-governmental and civil society organizations and academic institutions to participate in the working group;

5. *Urges* all Governments, intergovernmental organizations and non-governmental organizations, including from the private sector, to provide adequate human, financial and in-kind resources on a voluntary basis to support the working group;

6. *Invites* the United Nations Environment Programme and other interested organizations to provide support to the working group, including by developing and using relevant information and guidelines and compiling case examples, approaches and tools to be made available through the Strategic Approach clearing-house mechanism;

7. *Invites* the working group to report on the progress of its work through the Strategic Approach website and to the International Conference on Chemicals Management at its third session.

Appendix

Improving access to and availability of information about chemicals in products

Proposed terms of reference of the working group

1. The terms of reference that follow are for a working group with a mandate to develop a proposal for an information system or framework of systems and actions, where appropriate, to promote the achievement of paragraph 15 (b) of the Overarching Policy Strategy of the Strategic Approach which states:

To ensure, for all stakeholders: that information on chemicals throughout their life cycle, including, where appropriate, chemicals in products, is available, accessible, user friendly, adequate and appropriate to all stakeholders. Appropriate types of information include their effects on human health and the environment, their intrinsic properties, their potential uses, their protective measures and regulation.

2. The working group is proposed to be established under the auspices of the International Conference on Chemicals Management, subject to available resources.

Overall objective

3. The overall objective of the working group is to promote the implementation of paragraph 15 (b) of the Overarching Policy Strategy of the Strategic Approach and related activities in the Global Plan of Action, in particular those relating to information management and dissemination in the case of chemicals in products.⁷

Specific objectives

4. The working group shall:

(a) Review existing information systems pertaining to chemicals in products, together with other relevant information;

(b) Develop a proposal for an information system or framework of systems and actions, where appropriate, to promote implementation of the Strategic Approach with regard to information about chemicals in products.

5. The working group shall carry out its work taking into account paragraph 15 (c) of the Strategic Approach relating to confidential commercial and industrial information and give priority to the following issues:

(a) Identifying and prioritizing product groups and the circumstances of exposure where risks may occur;

(b) Determining scientifically the hazardous chemicals of concern;

(c) Identifying the relevant stakeholders and their specific information needs, providing further suggestions as to which information to provide and in what format;

(d) Providing additional information on how Governments and stakeholders will gain access to the proposed information system(s) and how it (they) will operate;

(e) Analysing the costs and benefits to industry, Governments and others in providing and gaining access to the information system(s), in addition to any potential constraints associated with providing the information such as confidential commercial and industrial information;

(f) Devising appropriate methods to make information on chemicals in products available to all stakeholders.

⁷ The following activities in the Global Plan of Action are identified of particular relevance: 108, 111 and 112.

6. The working group may also consider the following key elements in its work, where appropriate:
- (a) Complementary activities of other relevant emerging issues;
 - (b) Work and activities undertaken in other multilateral or international forums with a relevance to information systems, including the Marrakech Process on Sustainable Consumption and Production;⁸
 - (c) Work undertaken within individual industry sectors and across their supply chain to facilitate information exchange;
 - (d) Specific challenges and needs of developing countries and countries with economies in transition, such as capacity-building needs, technical and financial needs and technology transfer needs;
 - (e) Special needs of small-sized and medium-sized enterprises and the informal sector, as appropriate.
7. The working group shall, in carrying out its work, use the outcome of the informal workshop on stakeholders' information needs on chemicals in products,⁹ held in Geneva from 9 to 12 February 2009, recognizing the informal nature of the workshop, and shall use other relevant information available from participants in the working group.
8. In carrying out its work the working group shall take into account the Globally Harmonized System of Classification and Labelling of Chemicals and endeavour to avoid any duplication of efforts under that system.

Participation

9. The working group is a voluntary and collaborative entity engaging various stakeholders including governmental, non-governmental, public and private stakeholders, in which all participants agree to work together in an open, transparent and systematic way to achieve the overall objective as stated above. A fair geographical distribution among participants in the working group, reflecting all United Nations regions, is highly desirable.
10. Participation in the working group is open to any Government, regional economic integration organization, intergovernmental organization, international, regional or national organization, industry or business organization, non-governmental and civil society organization or academic institution. To enhance the efficiency of the working group and taking into account the methods of work set out below, it is recommended that the number of participants should be kept to a manageable level.
11. It is recommended that participants should have expertise in relevant technical issues in at least one of the two following areas:
- (a) Relevant environment or health policy;
 - (b) Functioning and provisions of relevant chemicals management frameworks and agreements.

Method of work

12. The working group shall conduct its business during the intersessional period, primarily through electronic means and teleconferences, meeting in person and on the margins of other existing meetings, as appropriate. The work shall be conducted in an open and transparent manner.
13. English shall be the working language of the working group.

⁸ The Marrakech Process on Sustainable Consumption and Production is a global multi-stakeholder process to support the implementation of sustainable consumption and production and the elaboration of a 10-year framework of programmes on sustainable production and consumption that will be reviewed by the Commission on Sustainable Development during the 2010–2011 two-year cycle. See: <http://www.unep.fr/scp/marrakech/>

⁹ Organized by the United Nations Environment Programme and Sweden and supported by Japan; http://www.chem.unep.ch/unepsaicm/cheminprod_dec08/

14. A chair shall be designated from among participants to facilitate the overall coordination of the group.
15. The members of the working group shall seek to reach agreement by consensus. Should consensus not be reached, the range of views shall be reflected in the report to be submitted to the International Conference on Chemicals Management.
16. The working group shall apply the rules of procedure of the International Conference on Chemical Management, *mutatis mutandis*, except when otherwise stated in the present terms of reference.

Resources

17. The working group shall carry out its work subject to available resources. Each entity or individual, upon becoming a member of the working group, is encouraged to contribute resources (financial or in-kind) or expertise to the development and implementation of working group activities. Members shall work to identify potential relevant governmental or other institutional donors with an interest in providing resources to support the working group. Countries and organizations in a position to do so are encouraged to make resources available.

Annex III

Electronic waste

Explanatory notes

1. Electronic waste is a significant global issue of a cross-cutting nature requiring the effective cross-sectoral implementation of Strategic Approach objectives pertaining to risk reduction, knowledge and information and illegal international traffic, together with the successful integration of such implementation efforts with various international and national instruments and programmes for waste management and product design, including those of the private sector.
2. While several activities contained in the Global Plan of Action of the Strategic Approach are germane to the issue,¹⁰ no work areas specifically pertain to electronic waste.
3. Of the various actions proposed by stakeholders contained in document SAICM/ICCM.2/INF/36, the facilitator of the present issue proposes that the Conference should consider establishing a working group to identify further and promote innovative initiatives and pragmatic actions to tackle the problem of electronic waste. The working group would complement efforts by existing bodies and would consider the various stages of the electrical and electronic goods supply chain, taking into account the special circumstances of developing countries and countries with economies in transition, including small island developing States. The facilitator wishes to draw attention to some linkages between this issue and that of chemicals in products.
4. In drafting the following proposed resolution for consideration by the Conference the facilitator has endeavoured to avoid duplication of activities under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

Proposed resolution on hazardous substances and electronic waste

The Conference,

Recalling that the implementation of the Strategic Approach to International Chemicals Management and its objectives and the relevant work areas of the Global Plan of Action are based upon a life-cycle approach to the sound management of chemicals, including waste management,

Recalling also the objectives of the Strategic Approach to enhance synergies between the activities of Governments, international institutions and multilateral organization secretariats and to enhance cooperation on the sound management of chemicals between Governments, the private sector and civil society at the national, regional and global levels,

Recognizing the work of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal on this issue, in particular that pursuant to the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste,¹¹

Recognizing also that:

- (a) Electronic waste is a growing and critical concern as a result of its illegal dumping, which results in the transboundary movement of its hazardous constituents such as heavy metals and brominated flame retardants;
- (b) There is a lack of capacity to recycle electronic waste in developing countries and countries with economies in transition, leading to the release of hazardous substances causing harm to human health and the environment;
- (c) There is a pressing need for clean technology and environmentally friendly design for electronic and electrical products, which would include phasing out those hazardous substances used in production and included in components;
- (d) Products with low upgradability and recyclability can contribute to higher amounts of waste being generated;

¹⁰ For example, work activities 44, 54, 71–73, 80, 83, 84 119, 186, 190, 194 and 204.

¹¹ UNEP/CHW.8/16*, Annex IV.

- (e) Second-hand, near end-of-life electronic and electrical products that function for limited periods of time can contribute to the problem of electronic waste;
- (f) Product stewardship and extended producer responsibility is important in the life-cycle management of electronic and electrical products;
- (g) There is a need to establish robust national policies and legislation, with diligent enforcement, relating to producers' and traders' responsibilities and take-back and recycling schemes with set targets,
 - 1. *Agrees* to establish a working group on electronic waste, subject to available resources, to tackle the following issues as a priority:¹²
 - (a) Reducing and eventually phasing out the use of restricted or hazardous substances in electrical and electronic equipment and waste electrical and electronic equipment;
 - (b) Developing effective global strategies, including incentives for the reduction of toxic substances in electrical and electronic equipment and measures to minimize human exposure;
 - (c) Developing substitute or alternative chemicals and eventually phasing out hazardous substances in electrical and electronic products and electronic waste through environmentally friendly product design, procurement and consumption, while also minimizing product obsolescence;
 - (d) Undertaking a scientific study of the fate of hazardous substances, in particular brominated flame retardants in electronic waste during processing, especially in developing countries and countries with economies in transition;
 - (e) Developing a global information database to exchange and disseminate information on the hazardous substances found in electrical and electronic products and waste, which would include available guidance on the sound management of such waste and substances;
 - (f) Establishing a global framework or mechanism to provide solutions and guidance to prevent harmful near end-of-life exports of used electronic goods that may not technically be waste but for which the environmental liabilities of their import far outweigh the benefits to the receiving country;
 - 2. *Invites* the working group to conduct its business during the intersessional period, primarily through electronic means and teleconferences, meeting in person and on the margins of other meetings, as appropriate, and to work in an open and transparent manner;
 - 3. *Also invites* the working group to report on the progress of its work through the Strategic Approach website and to the International Conference on Chemicals Management at its third session.

12 Appendix 3 contains additional cooperative actions that may be considered by the working group.

Appendix

Electronic waste

Priority areas for consideration by the proposed working group

- (a) **Reduction and eventual phase-out of restricted or hazardous substances in electrical and electronic equipment and waste electrical and electronic equipment**
- (i) Tackling the need to understand the complexities of eliminating hazardous chemicals and substituting materials in electrical and electronic equipment and also providing information on life-cycle impacts of newer materials or chemicals;
 - (ii) Undertaking cooperative actions between countries in the uniform adoption of restrictions on and phase-out of the use of hazardous substances in electrical and electronic equipment, in addition to in the development of harmonized eco-labelling for electrical and electronic equipment and electronic waste;
 - (iii) Promoting environmentally friendly design aspects for electrical and electronic equipment, including easier upgradability, higher recyclability and improved energy efficiency;
 - (iv) Researching substitutes or alternatives that are non-hazardous chemicals and their implementation in electrical and electronic equipment through design changes;
 - (v) Developing effective global strategies, including incentives for the reduction and eventual phase-out of toxic substances in electrical and electronic products and electronic waste to minimize human exposure, by means of environmentally friendly product design, procurement or consumption, while also minimizing product obsolescence;
 - (vi) Developing and implementing pilot projects on electronic waste that will reduce the quantity of and hazards posed by waste produced in various regions, including Latin America, Asia and the Pacific and Africa and in small island developing States, with the consequent sharing of experiences and possible technology transfer such as reduction or replacement of mercury with suitable alternatives in fluorescent lamps for efficient energy lighting;
 - (vii) Undertaking a scientific study of the fate of priority hazardous substances, especially brominated flame retardants in electrical and electronic waste during processing;
- (b) **Information needs about hazardous substances in electronic products and electronic waste along the product chain in their life cycle**
- (i) Filling data gaps on exposure routes and establishing an appropriate format by which to supply information;
 - (ii) Presenting and communicating information on hazardous substances in electrical and electronic equipment and electronic waste to stakeholders with a view to protecting human health and the environment;
 - (iii) Developing a global system to exchange information on hazardous substances in electrical and electronic equipment and electronic waste that would complement the Globally Harmonized System of Classification and Labelling of Chemicals, bearing in mind the entire supply chain;
 - (iv) Developing a global information database on the hazardous substance content of electrical and electronic products and waste that would include guidance on sound management;
 - (v) Labelling electrical and electronic products adequately to provide information about the hazardous substances contained in the products, including their origin and a tracking system based on life cycle;
 - (vi) Harmonizing the criteria for the classification of hazardous substances and the rules on labelling and packaging for hazardous substances in electronic waste;
- (c) **Development of technical guidance and capacity-building**
- (i) Developing and harmonizing definitions and categorization of hazardous substances in electronic waste as reflected in national regulations and legislation;

- (ii) Building the capacity of developing countries and countries with economies in transition, in addition to small island developing States, in sound hazardous chemicals management;
- (d) Governance**
- (i) Establishing a global framework or mechanism to provide solutions and guidance to prevent harmful near end-of-life exports of used electronics that may not technically be waste but for which the environmental liabilities of their import far outweigh the benefits to the receiving country;
 - (ii) Identifying gaps in national legal frameworks and developing appropriate national, regional and global frameworks on sound hazardous chemicals management in electrical and electronic equipment waste;
 - (iii) Developing legislative guidance for extended producer responsibility, individual producer responsibility and product stewardship, especially in developing countries and countries with economies in transition, with regard to hazardous substances in electrical and electronic equipment and electronic waste;
- (e) Awareness-raising and education**
- (i) Promoting awareness of hazardous substances in electrical and electronic equipment and waste electrical and electronic equipment and of the need for national, regional and global control actions to all stakeholders, especially policymakers, lawmakers, regulatory authorities, Customs authorities, women, young people and the media;
 - (ii) Developing a global system of information exchange on hazardous substances in electrical and electronic equipment and waste electrical and electronic equipment, bearing in mind the entire supply chain;
 - (iii) Promoting labelling systems to inform the users of the hazards in products, the need for recycling and mechanisms in place for safe disposal;
 - (iv) Linking the electronic waste issue with the other emerging issues on information on chemicals in products and the Marrakech Process.¹³

13 The Marrakech Process on Sustainable Consumption and Production is a global multi-stakeholder process to support the implementation of sustainable consumption and production and the elaboration of a 10-year framework of programmes on sustainable production and consumption that will be reviewed by the Commission on Sustainable Development during the 2010–2011 two-year cycle. See: <http://www.unep.fr/scp/marrakech/>

Annex IV

Lead in paint

Explanatory notes

1. Consistent with the guidance provided by the informal Friends of the Secretariat planning group, the proposed actions are specific to the issue of lead in paint. While lead in paint is a significant source of exposure, there are other uses of lead in products such as batteries and toys that may also be significant sources of exposure. Several contributors suggested therefore that the scope of the proposed actions should be broadened to include other sources of human exposure to lead. The Conference may wish to consider modifying the scope of the proposed actions in its deliberations.
2. The proposed action has been developed by the co-facilitators based on the proposal submitted to the Conference at its second session by an ad hoc working group of the Forum Standing Committee of the Intergovernmental Forum on Chemical Safety. Comments received by the co-facilitators while carrying out the preparatory work on this issue have been used to amend the present submission as appropriate.
3. The proposed partnership would use as models the partnership formed during the World Summit on Sustainable Development to promote clean fuels and vehicles, which has been very effective, and the Global Mercury Partnership established by the United Nations Environment Programme.¹⁴

Proposed resolution

Global partnership to promote the implementation of the measures contained in paragraph 57 of the Plan of Implementation of the World Summit on Sustainable Development on phasing out the use of lead in paint

The Conference,

Recalling the commitment made in paragraph 57 of the Plan of Implementation of the World Summit on Sustainable Development¹⁵ to phase out lead in lead-based paints and in other sources of human exposure and to work to prevent, in particular, children's exposure to lead and strengthen monitoring and surveillance efforts and the treatment of lead poisoning,

Acknowledging the Dakar Resolution for Eliminating Lead in Paints adopted by the Intergovernmental Forum on Chemical Safety at its sixth session,¹⁶

Recognizing the progress being made towards achieving a global phase-out of lead in automotive fuels by the Partnership for Clean Fuels and Vehicles established under the United Nations Environment Programme,

Recalling its commitment under the Dubai Declaration on International Chemicals Management¹⁷ to work towards closing the gaps and addressing the discrepancies in the capacity to achieve sustainable chemicals management between developed countries on the one hand and developing countries and countries with economies in transition on the other by addressing the special needs of the latter and strengthening their capacities for the sound management of chemicals and the development of safer alternative products and processes, including non-chemical alternatives, through partnerships, technical support and financial assistance,

Recalling also paragraph 7 (d) of the Overarching Policy Strategy of the Strategic Approach, which aims to promote and support the development and implementation of, and further innovation in,

14 http://www.chem.unep.ch/mercury/partnerships/new_partnership.htm.

15 *Report of the World Summit on Sustainable Development*, Johannesburg, South Africa, 26 August-4 September 2002 (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

16 SAICM/ICCM.2/INF/5.

17 SAICM/ICCM.1/7, annex I.

environmentally sound and safer alternatives, including cleaner production, informed substitution of chemicals of particular concern and non-chemical alternatives,

1. *Agrees* that a global partnership to support concerted action to promote the phasing out of lead in paint will be an important contribution to both the implementation of paragraph 57 of the Plan of Implementation of the World Summit on Sustainable Development and the implementation of the Strategic Approach to International Chemicals Management;

2. *Decides* to establish a global partnership to promote the phasing out of lead in paint under the auspices of the International Conference on Chemicals Management and in accordance with the terms of reference set out in the appendix to the present resolution;

3. *Encourages* Governments, regional economic integration organizations, intergovernmental organizations and other international organizations, industry or business organizations, non-governmental and civil society organizations and academic institutions to participate in that global partnership;

4. *Recognizes* that attaining the goals and objectives of the global partnership will require sufficient human, financial and in-kind resources, and therefore encourages all Governments, intergovernmental organizations and non-governmental organizations, including from the private sector, to provide such resources on a voluntary basis;

5. *Requests* the [secretariat of the Strategic Approach to International Chemicals Management] [Chemicals Branch of the Division of Technology, Industry and Economics of the United Nations Environment Programme], within available resources, to service the global partnership;

6. *Invites* the global partnership to report on progress in its work to the International Conference on Chemicals Management at future sessions.

Appendix

Lead in paint

Terms of reference for a global partnership to promote the implementation of the measures contained in paragraph 57 of the Plan of Implementation of the World Summit on Sustainable Development on phasing out the use of lead in paint

1. The following terms of reference are for a global partnership to phase out the use of lead in paint to support implementation of paragraph 57 of the World Summit on Sustainable Development Plan of Implementation,¹⁸ in which participants agreed to:

Phase out lead in lead-based paints and in other sources of human exposure, work to prevent, in particular, children's exposure to lead and strengthen monitoring and surveillance efforts and the treatment of lead poisoning.

2. The global partnership is established under the auspices of the International Conference on Chemicals Management.

Overall goal

3. The overall goal is to promote the implementation of paragraph 57 of the Plan of Implementation by preventing children's exposure to lead via paints containing lead and to minimize occupational exposures to lead in paint.

Objectives

4. The broad objectives are to phase out the manufacture and sale of paints containing lead and eventually to eliminate the risks from such paint, since such substances contribute to childhood lead exposure. Specific objectives are:

(a) To raise the awareness of government authorities and regulators, private industry, manufacturers, consumers, workers, trade unions and health-care providers about the toxicity of lead in paints and the availability of technically superior and safer alternatives;

(b) To catalyse the design and implementation of appropriate prevention-based programmes to reduce and eliminate risks from the use of lead in paint. When processes for phasing-out lead are put in place in installations manufacturing paint, arrangements must be made to ensure a fair transition that protects workers' health [and employment];¹⁹

(c) To provide assistance to paint manufacturers that continue to produce and market paints containing lead to enable them to phase out lead from their paints;

(d) To promote the establishment of appropriate national regulatory frameworks to stop the manufacture, import, sale and use of paints containing lead for applications likely to contribute to childhood lead exposure;

(e) As appropriate, to promote international third-party certification of new paint products to help consumers to recognize paint and coatings without added lead;

(f) To provide guidance and promote assistance to identify and reduce potential lead exposure in and around housing, such as household dust, and also in childcare facilities and schools in which paint containing lead is present. Guidance and assistance should also be provided to industrial facilities producing or using paint containing lead to reduce workers' lead exposure.

¹⁸ *Report of the World Summit on Sustainable Development*, Johannesburg, South Africa, 26 August-4 September 2002 (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

¹⁹ One contributor proposed deleting "employment" as it views this issue beyond the scope of the Strategic Approach.

Membership

5. The global partnership is a voluntary and collaborative relationship between various parties, whether governmental, non-governmental, public or private, in which all participants agree to work together systematically to attain the overall goal of phasing out the use of lead in paint.
6. The global partnership is open to Governments, intergovernmental organizations and representatives of civil society and the private sector that support the partnership goal. It is open also to any other entity or individual who agrees to work towards the goal of the partnership.
7. Participation will be encouraged from the following groups:
 - (a) Representatives of national Governments including those:
 - (i) That have already phased out the use of lead in paint in their countries and are willing to share experiences and provide help to those who are now prepared to do so;
 - (ii) Where paints containing lead continue to be sold;
 - (b) Representatives of relevant intergovernmental organizations (such as the World Health Organization, the United Nations Environment Programme, the International Labour Organization, the United Nations Industrial Development Organization and the United Nations Institute for Training and Research);
 - (c) Representatives of the lead industry and the paint and coatings industry,
 - (d) Representatives of international and national companies that manufacture paints and coatings; and possibly of their relevant trade organizations;
 - (e) International and national medical, housing and public health organizations;
 - (f) Academics with expertise in relevant fields;
 - (g) Representatives of international and national non-governmental organizations that work on environmental health issues and that have experience of public outreach and awareness campaigns or of implementation of prevention programmes at the community or national levels;
 - (h) Trade unions at the local, national and international levels, so as to foster the effectiveness of the partnership.

Guidance for a working definition of “lead paint”

8. The following criteria are used as a working basis for defining “lead paint”:
 - (a) The term “lead paint” includes paints, varnishes, lacquers, stains, enamels, glazes, primers or coatings used for any purposes;
 - (b) Lead is added to the paint, varnish, lacquer, stain, enamel, glaze, primer or coating;
 - (c) The total lead concentration is defined on a weight percentage of the total non-volatile portion of the product or in the weight of the dried paint film.

Activities

9. Partnership activities may include:
- (a) Actions proposed to tackle lead in paint, including the significant exposures that result from previous lead paint applications on buildings:
 - (i) Exchanging information on the effects of lead on health;
 - (ii) Exchanging information on pathways of exposure to lead paint for children and adults;
 - (iii) Providing technical expertise in the design and implementation of studies to estimate the distribution of levels of lead in blood in the populations of other nations;
 - (iv) Encouraging nations to monitor health to estimate the prevalence of lead in human blood;
 - (v) Building capacity and sharing information to monitor health to estimate the prevalence of lead in human blood;
 - (vi) Building capacity and providing training to develop and maintain high-quality laboratory testing for lead in blood;
 - (vii) Encouraging nations to conduct monitoring to estimate the prevalence of lead in the environment (for example, in water, soil and animals);
 - (viii) Exchanging information on lead levels in paints in various countries;
 - (ix) Exchanging information on national, provincial, State and local regulations and legislation on lead concentrations in paints permitted in various countries;
 - (x) Exchanging information on labelling and certification systems with regard to the presence and concentrations of lead in paint;
 - (xi) Discussing and providing technical assistance on steps that could be taken to phase out lead from paints and surface coatings such as lacquers, veneers and powder coatings worldwide;
 - (xii) Encouraging the use of financial incentives to support the use of lead-free paints;
 - (xiii) Developing guidelines for establishing national standards, including those that would permit the use only of lead-free paints;
 - (xiv) Encouraging nations to require that only lead-free paint may be used in construction activities or renovations being supported with government funds;
 - (xv) Providing guidance for and information on effective enforcement of national standards, including on how to avoid smuggling of lead paint;
 - (xvi) Building the legal enforcement capacity of environmental health officers in ministries, local authorities and mines;
 - (xvii) Providing international support to developing countries by devising further methods to enact comprehensive legislation to phase out lead paint completely;
 - (xviii) Exchanging information and providing international support to strengthen and harmonize existing national legislation that focuses on protecting public health in relation to the phase-out of lead paint;
 - (xix) Sharing knowledge on the availability of substitutes to replace lead compounds in paints;
 - (xx) Assessing the hazards of substitutes for lead compounds in paint;
 - (xxi) Assessing the feasibility of the voluntary phase-out of the production of lead in paint in cooperation with business and industry, including at the (sub)regional level;
 - (xxii) Encouraging wholesalers and retailers to halt sales of lead paints;

- (xxiii) Encouraging nations to conduct housing surveys to estimate the prevalence of lead paint in their housing stock;
- (xxiv) Developing guidelines with descriptions of simple analytical methods and test kits to identify lead paints;
- (xxv) Building capacity and providing information and knowledge in human and laboratory equipment to facilitate laboratory tests for lead paint;
- (xxvi) Building capacity and providing information and knowledge to help officials in a range of ministries to test for lead paint;
- (xxvii) Exchanging information on methods to make housing and other buildings with lead paint safe for occupancy by children and pregnant women;
- (xxviii) Minimizing risks of previously applied lead paint in buildings by using effective containment;
- (xxix) Enhancing the elimination of lead paint in schools and other buildings where children will be present, given children's susceptibility to lead;
- (xxx) Exchanging information on suggestions for warning labels on new cans of paint alerting users to the health risks that could result if the surfaces being prepared for repainting contain lead paints;
- (xxxi) Exchanging information on safe methods to conduct repair or renovation activities on the interior and exterior of homes and other buildings that contain lead paint to minimize exposures to residents and workers and to minimize releases to the environment (including from wastes) that may contribute to future exposures;
- (xxxii) Discussing and building capacity on how to reach health providers, caretakers and parents on how to minimize children's exposure to lead from lead paint hazards as part of efforts to minimize exposures to all sources of lead exposure in the household;
- (xxxiii) Discussing steps to teach renovators, painters and other professionals how to minimize children's exposure to lead from lead paint;
- (xxxiv) Exchanging information on steps to warn workers of their vulnerability and exposure to lead in small-sized and medium-sized enterprises, in particular in developing countries;
- (xxxv) Exchanging information to promote general public awareness of the hazards of lead paint;
- (xxxvi) Exchanging information on safe disposal of lead paint waste;
- (xxxvii) Developing approaches to manage and store waste containing lead paints.

10. Activities will be developed and implemented following the lead sponsor approach. The lead sponsor(s) for each activity in collaboration with interested partners will prepare a workplan, timeline, budget and fund-raising plan.

11. The global partnership will develop and implement a monitoring mechanism for tracking progress on activities undertaken through and by the partnership.

Method of work

12. The global partnership will undertake its work primarily through electronic communication mechanisms. Opportunities in conjunction with regional meetings of Strategic Approach stakeholders and international, regional and national meetings on chemical management will be used.

13. The global partnership will be supported by the [secretariat of the Strategic Approach to International Chemicals Management] [Chemicals Branch of the Division of Technology, Industry and Economics of the United Nations Environment Programme]. Subject to the availability of resources, the [secretariat of the Strategic Approach to International Chemicals Management] [Chemicals Branch of the Division of Technology, Industry and Economics of the United Nations Environment Programme] will:

- (a) Provide administrative and secretariat support;
 - (b) Facilitate information exchange;
 - (c) Help to bring new partners to participate in the global partnership, as appropriate; and facilitate reporting on progress of the global partnership to the International Conference on Chemicals Management.
14. A chair will be designated from among the members to facilitate the overall coordination of the global partnership.

Resources

15. Each entity or individual, upon becoming a member of the global partnership, will commit to contribute resources (financial or in-kind) or expertise to the development and implementation of partnership activities. Members will work to identify potential relevant donors and resources including, Government donors or other institutional donors with an interest in providing resources to for the partnership activities.
16. A budget and fund-raising plan will be prepared for each activity by the lead sponsor(s) and interested partners. Countries and organizations in a position to do so are encouraged to provide the identified resources needs. Submission of project activity proposals to the Quick Start Programme of the Strategic Approach will be pursued.
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