Virtual Working Group 3

Collect any additional feedback electronically on:

i) Annex B, responding in writing to part (a) and (b) of the mandate.

ii) Invite proposals on how to deal with existing emerging policy issues.

ANNEX B:

Issues of [international] concern

We prefer to adopt the expression "international" to give the desired dimension, even though we believe that a regional or national issue may imply an issue with an international dimension. This guidance is valid for the entire text, unless there is a specific note.

I. Definition

1. An issue of [international] concern that warrants concerted action is an issue involving any phase in the life cycle\(^1\) of chemicals\(^2\) and [associated] waste, which has not yet been generally recognised, or has been recognised but is insufficiently addressed, or arises as a potential concern from current levels of scientific data and information\(^3\)\(^4\) [taking into account differing scientific capacities and the ability to assess the impact of the chemicals under consideration] [taking into account the precautionary approach] and which may have [significant] adverse [impact] [effects] on human health and/or the environment.

We prefer to keep all expressions within brackets, excluding “detect”, as they indicate the necessary scientific knowledge, considering the capacities and differences among participants, as well as the precautionary approach. Some stakeholders may not be able to carry out a risk assessment study, but this does not eliminate the problem and other participants should assist. We suggest excluding the terms “significant” and “effects” because they are extreme, “significant” with “adverse” is redundant and “impacts are stronger, inasmuch as effects will always be observed”.

II. Criteria

1. The following criteria are to be used during the process of scientifically assessing a [to trigger the] nomination for an issue of [international] concern:

   We suggest excluding the excerpt because we find it redundant.

   a. [Demonstrated [significant adverse] effect impact on human health and/or the environment] [In at least 3 [end points taking into account the following information:]

To maintain correlation with the definition, we suggest excluding ‘significant’, as well as ‘effect and including impact’. Besides, we suggest the following wording to make the idea clearer at the end of the item: “in at least 3 end points taking into account the following information”:

(i) [Toxicity,]

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\(^1\) Outcome of IP3 thematic group C on mechanisms to support implementation.

\(^2\) Including all stages from the extraction of raw material and/or design to the waste stage.

\(^3\) In particular substances, groups of substances, mixtures, materials and products.

\(^4\) Taking into account differing scientific capacities in the sensitivity to detect the chemicals under consideration.
(ii) Bioaccumulation;
(iii) Toxicity for reproduction;
(iv) Mutagenicity;
(v) Exposure data [gaps];
   For us, lack of data is also a relevant factor.
(vi) Vulnerable populations;
   We suggest: “data on exposure of vulnerable populations.”
(vii) [Ecosystems][Ecotoxicity];
   We suggest changing “ecosystem” for “ecotoxicity”, since ecotoxicity at a
   trophic level is sufficient to reflect on the entire ecosystem.
(viii) Persistence;
(ix) [Carcinogenicity;]
(x) [Endocrine disruption;]
(xi) [Other toxicities].
   We suggest deleting the item since it is included in item (i).
b. Whether or not the issue is being addressed by the chemicals and waste related
   MEAs or other bodies, at the regional or international level;

c. [Whether or not the issue is of relevance in at least [xx] of the five UN regions;]
d. The issue has not yet been generally recognised, or has been recognized but is
   insufficiently addressed, or arises as a potential concern from current levels of
   scientific data and information.]
   For us, it is a very important item because it covers omissions that have not been rectified
   by science or that have been overlooked.

e. Production chains that cause unaddressed environmental and health impacts and
   that are not recyclable should be included as a matter of concern.
   We suggest including this item to highlight the dimension of production chains and the
   demands of the Dubai Declaration.

III. Information Requirements

1. To nominate an issue of [international] concern, the following information
   [should][must] be provided:
   In our opinion, “should” is better and closer to the precautionary approach.
   a. [Science based demonstrated] Adverse effects on human health and/or the
      environment, taking into account [including inter alia] women, children and
      other vulnerable populations, biodiversity ecosystems and any toxicological and
      exposure data [gaps];
      For Brazil, vulnerable populations are better adapted to assessments and are not restrictive
      to new realities. “Science based demonstrated” should not be a limiting factor, especially
      when it comes to vulnerable populations.
   b. [Issues are integral to the vision of the Beyond 2020 Framework, are ongoing, and
      need to be addressed to enhance basic chemicals management5. Furthermore, the extent to which action is needed on the issue in order [for countries] to meet
      the Sustainable Development Goals by 2030 should be considered:] We think it is more comprehensive and can be interesting for the 2030 Agenda.
   c. Extent to which the issue is being [successfully] addressed by [chemicals and
      waste related MEAs or] other bodies, at the regional or international level, and
      how the proposed action is related to, complements, or does not duplicate such effort;

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5 Consideration should be given to how the proposed action will further basic chemicals management as per the 11 basic elements in the Overall Orientation and Guidance.
In our opinion, it does not seem appropriate for the beyond 2020 arrangement to assess the work done under chemicals and waste related MEAs. This task should be performed by COPs and UNEA itself, as appropriate.

d. Extent to which the problem is relevant [in at least [xx] of the five UN regions], particularly taking into account the needs of [developing countries /countries with economies in transition /low and middle income countries];

e. Extent to which the issue is of a cross-cutting nature including at the sectoral level; 
   We think it is very important.

f. Existing knowledge and perceived gaps in understanding about the issue.

IV. Mechanisms for adoption of issues of [international] concern and for monitoring their progress

1. The mechanism to adopt an issue should include:

   A. Identification, Nomination, Selection, Review and Prioritization

      1. Issues [shall] should be selected and prioritized [adapted] by a decision of the [relevant body] [ICCM], based on the criteria identified under section II [an assessment of the information submitted under section III] above [and in a precautionary manner].
   
      The process for submitting an issue for consideration by the [relevant body] [ICCM] [shall] should include:

      Brazil suggests the use of “should” to maintain consistency with the exclusion of “adopted”. As for institutional matters, we would like to call attention to possible institutional burdens and a potential diversion of budgetary resources at the expense of the very implementation of the beyond 2020 objectives and targets, as well as the promotion of the environmentally sound management of chemicals and waste at the international level.

      a. Nomination of issues of [international] concern:

         1. The nomination procedure will be published on the Strategic Approach website. The process for nominating issues of [international] concern is open to any stakeholder. To promote communication at the national level, nominations should be communicated to Focal Points. Regions may also wish to add the subject to their meeting agendas. Because issues of [international] concern will arise and evolve over time; nominations will be allowed at any point. However, nominations must be submitted with sufficient time to allow for a thorough scientific assessment of the nomination with the view to providing a recommendation six months prior to a decision by [meeting of the ICCM] [the relevant assessment body]. This periodic call for the nomination of issues will serve to encourage systematic monitoring and regular discussion on issues of [international] concern among stakeholders.

            We suggest the exclusion of “scientific” because it is redundant.
b. Proponents are encouraged to include proposed actions to be considered in moving forward on issues of concern, such as:

(i) Outlining how the proposed issue meets the [definition of issues of [international] concern][criteria under section II above];
(ii) [Proposed [solutions][actions]][required financial needs and technical assistance] that can be implemented within the proposed timeline by stakeholders including how they would address the identified issue of concern;

We think it is very important to make reference to proper means of implementation, such as financial resources, technical assistance and technology transfer.
(iii) [Presentation of draft work plan, with SMART actions and timelines, taking into account the measures set out in section D below. This could include keeping work to refine the workplan over time where appropriate.]

We suggest removing this paragraph since we understand that this process should take into due account national circumstances and capacities.
(iv) Extent to which there are opportunities for [synergies][linkages with other issues] and collaboration and if the [project] builds upon existing knowledge on a related issue has been demonstrated;
(v) [Multi-stakeholder multi-sectoral and/or sponsor support that has been indicated for implementation.]
(vi) Further consideration could be given to the likelihood of achieving progress on the issue within a specific timeframe based on preparedness for action;
(vii) What regional and/or international collaboration is needed to address the issue.

B. Mechanisms for implementation

1. [Implementation of actions to address issues of [international] concern should be guided by the proposed work plan.;]

2. [The [Secretariat][ICCM] should [establish][agree on] a multi-stakeholder committee to [prepare][agree on] a proposed workplan;]
   As for institutional matters, we would like to call attention to possible institutional burdens and a potential diversion of budgetary resources at the expense of the very implementation of the beyond 2020 objectives and targets, as well as the promotion of the environmentally sound management of chemicals and waste at the international level. Besides, any proposal for implementation should take into due account national circumstances and capacities.

3. The [ICCM] [secretariat][in consultation with a multi-stakeholder committee] should agree on [and implement] the [proposed][agreed] work plan [with clear timelines and milestones.]

4. [All stakeholders should implement the agreed workplan;]

5. All stakeholders [in a position to do so] are encouraged to [facilitate][take] actions [in line with the agreed workplan with clear timelines and milestones] and/or provide [required] funding [and necessary assistance] towards the implementation of [proposed][agreed] activities [,which should be registered and transparent to all].

C. Tracking progress including monitoring and reporting against milestones

1. The secretariat, in consultation with a multi-stakeholder committee, will oversee monitoring and reporting back from stakeholders, and guide progress towards implementation of the workplan, through:
   As for institutional matters, we would like to call attention to possible institutional burdens and a potential diversion of budgetary resources at the expense of the very implementation of the beyond 2020 objectives and targets, as well as the promotion of the environmentally sound management
of chemicals and waste at the international level. Besides, any proposal for implementation should take into due account national circumstances and capacities.

a. reports to meetings of the relevant body, and at regular intervals as identified in the proposed workplan prepared in accordance with section A, above;
b. periodic reviews within intersessional periods, and/or as requested by the Bureau;
c. reporting on progress as outlined in the proposed workplan.

D. Criteria for determining the need for further work on an issue\textsuperscript{8}

1. In some cases, there may be rationale for significantly advancing a particular issue of [international] concern, likewise, there may be rationale for concluding work on a particular issue of [international] concern.

a. Determining the need for further work on an issue will be based on the results of a progress evaluation;
b. A full explanation of the rationale on a way forward should be provided by the secretariat, in consultation with a multi-stakeholder committee, to the relevant body following the progress evaluation of the activities carried out in accordance with the workplan.

As for institutional matters, we would like to call attention to possible institutional burdens and a potential diversion of budgetary resources at the expense of the very implementation of the beyond 2020 objectives and targets, as well as the promotion of the environmentally sound management of chemicals and waste at the international level. Besides, any proposal for implementation should take into due account national circumstances and capacities.

\textsuperscript{8} Additional text was provided by the representative of European Environment Bureau on behalf of a group of NGOs in reference to this section, as outlined in their information document “New Mechanisms of Action: criteria for elevation of obligations to progress SAICM Issues of Concerns (IoCs) in the post 2020 multilateral regime for chemicals and waste (updated version 30 September 2019)”.

Other questions from the mandate:

Part (ii) Identification, nomination, selection, review and prioritization of the issues of concern; determining the need for further work on an issue of concern.

With the suggestion for the inclusion of “c” in “ii Criteria”, we think we are able to achieve the main goals of the Dubai Declaration and the 2030 Agenda. Additional identifications may be considered in the future.

Part (iii) Proposals on how to deal with existing emerging policy issues.

We suggest the emerging policy issues that have been already identified by UNEP and WHO, for instance, are treated in the same way as the initial 12 POPs of the Stockholm Convention and included without the proposed technical assessment for future issues.