

Strategic Approach to International Chemicals Management (SAICM)

The way forward on emerging policy issues

Preparations for the second session of the International Conference on Chemicals Management (ICCM)

Teleconference of the “Friends of the Secretariat”, Wednesday 14 January 2009

Secretariat summary of discussion

1. The Friends of the Secretariat held a teleconference on 14 January 2009 to assist with the preparations for emerging policy issues at second session of the International Conference on Chemicals Management under agenda 4 (f) of the draft agenda. The focus of the teleconference discussion was on the additional guidance and process for preparing Conference papers on the emerging policy issues identified for detailed consideration, and the clarification of a number of points requested by the Government of the United States, which had arisen following the last teleconference of the Friends held on 12 December 2008.

Participation

2. The following stakeholder representatives participated in the teleconference:
- (a) Governments, represented by official SAICM regional focal points (in this case Argentina, Japan, Nigeria, Romania and Sweden), plus up to two regional representatives per region, (in this case Iran, Jamaica, South Africa, Switzerland, Thailand, and the United States) [*Absent: Belarus, Egypt, Georgia, and Cuba*], The Government of the Czech Republic also participated in the teleconference.
 - (b) Non-governmental organizations, represented by IPEN/Environmental Health Fund (for public interest NGOs), the International Society of Doctors for the Environment (ISDE, for the health sector), the International Council of Chemical Associations (ICCA, for industry) and International Trade Union Council (ITUC, for the labour sector).
 - (c) Intergovernmental organizations represented by secretariat of the OECD, on behalf of Inter-Organization Programme for the Sound Management of Chemicals (IOMC). The secretariat of the Intergovernmental Forum on Chemical Safety (IFCS) also participated in the teleconference. [*Absent: ILO, UNEP and WHO.*]

Facilitator

3. The representative of the Government of the Czech Republic agreed to facilitate discussions at the teleconference, following her role as co-chair of the informal discussions held in Rome on 23 and 24 October 2008. The final hour of the teleconference was facilitated by the representative of the secretariat.

Adoption of agenda

4. The draft agenda prepared by the secretariat was adopted with no amendments.

Clarifications requested by the United States

5. The teleconference participants had before them an extract from the record of the informal discussions held in Rome on 23 and 24 October 2008 which had determined the follow-up actions to be undertaken in preparation for the consideration of emerging policy issues at the second session of the Conference; the summary record of teleconferences held on 27 November and 12 December 2008 which had resulted in the identification of four emerging policy issues for detailed consideration at the second session of the Conference, and which had provided commentary on the list of annotated submissions on emerging policy issues prepared by the secretariat to assist completion of the follow-up work from Rome.

6. The representative of the Government of the United States introduced its submission, distributed on 8 January 2009, identifying the following four points for clarification by the Friends of the Secretariat: the specific emerging policy issues that may be considered in detail at the second session of the Conference; the range of relevant outcomes or actions that the Conference may wish to consider; broader views and concerns with the current process moving forward on emerging policy issues in advance of the Conference; and views on the specific set of emerging policy issues slated for discussion at the second session of the Conference. After introducing the item, it was noted that several of the issues raised would be the subject of specific agenda items during this teleconference.

7. The Friends of the Secretariat confirmed their understanding that while as a practical matter four issues had been identified in advance for further preparation, it would be a matter for the Conference to determine which emerging policy issues it would consider in detail during its second session. While the agreement to a “way forward on emerging policy issues” had been formulated during the informal discussions held in Rome to assist remaining preparations for the second session of the Conference, this agreement did not limit the Conference in any way. The Friends shared the understanding that any Strategic Approach stakeholder could identify and request the Conference to consider additional emerging policy issues but noted practical considerations of the limited time at the session.

8. In relation to the range of possible outcomes or actions that may be considered by the Conference, the secretariat stated that use of the term “resolution” in the summary record of 12 December 2008¹ was a term used loosely to refer to the proposed outcomes on each issue which, could be reflected in a resolution of the Conference or, less formally in the report of the session. The Friends noted that the term “resolution” did not imply any particular type of action or actions(s). The Friends confirmed their view and hope that a full range of possible collaborative actions on a number of emerging policy issues might be prepared for consideration. One participant requested that further guidance in the form of a list of possible actions on any issue might be prepared for the remaining preparatory work. However, another participant drew attention to the need for learning from the experience both in preparing for the Conference and from considerations during the Conference itself before considering the need for future guidance. The illustrative list of generic possible actions referred to in the submission of the Government of the United States was noted.

9. By way of general introduction to a longer discussion of the guidance developed by the secretariat to facilitate the preparation of documents on specific emerging policy issues, concerns were expressed about the likelihood that work on the four identified issues may be difficult to monitor overall if the processes, timeframes and manner of working were not harmonized. The Friends discussed these concerns in order to identify whether any additional guidance was needed, taking into account the nature of each selected emerging policy issue, the mix and number of proponents, the potential stakeholders and the fact that possible contributing work was at different stages of completion, with work on some topics emanating from existing international institutions.

¹ Paragraph 14 of the secretariat summary of discussion stated that “The meeting document [to be prepared ahead of the Conference] could be supplemented by any proposals for draft resolutions or other ICCM action when ready”

Accordingly the Friends focused their discussions on ways to improve the transparency in the work processes that would be followed, how best to communicate information on who was facilitating the

work on each issue, how stakeholders could participate, and how the work would be brought to closure to an acceptable standard within the timeframes available. The discussions of the Friends on work processes led to proposals for a number of additional points to be added to the guidance that had been prepared by the secretariat and contained in document 7 for the teleconference. These additional points have been recorded under the agenda item “additional guidance” below.

Update on the identification of facilitators

10. The secretariat informed the Friends that following its last teleconference on 12 December 2008, it had initiated contact with the proponent of each of the selected emerging policy issues to inform them of the outcome of their nomination and to invite their participation in the necessary additional preparatory work. Because more than one proponent had separately nominated each selected emerging policy issue, the secretariat had proposed that proponents may wish to form a group to undertake the requested work and that work might be facilitated by a nominated person. The proponents were invited to consider this proposal and to nominate a facilitator that could lead the work on behalf of the group and maintain contact with the secretariat and interested stakeholders. The secretariat informed the Friends of the progress made in respect of each emerging policy issue identified for discussion at the second session of the Conference. Following discussion in which a range of views were expressed, the Friends were comfortable with the following arrangements:

(a) For “**Nanotechnology and manufactured nanomaterials**” (originally nominated by IOMC, Japan and IFCS), the Chair of the OECD Working Party on Manufactured Nanomaterials (Mr. Jim Willis, United States) would be invited to join Mr. Georg Karlaganis (Switzerland) in facilitating the preparatory work provided that this was acceptable to members of IFSC Forum Standing Committee with whom consultations had not been completed. The IFCS secretariat informed the Friends that she would complete consultations on this matter 20 January 2009.

(b) Work on “**Chemicals in products**” (originally nominated by EU, Japan and in the case of IFCS, specifically for toys and chemical safety) would be facilitated by Ms Johanna Lissinger-Peitz (Sweden) subject to consultations with the IFCS Forum Standing Committee. The IFCS secretariat undertook to confirm the acceptability of this arrangement by 20 January 2009.

(c) For “**Electronic waste**” (originally nominated by the African region and the Government of Peru), consultations would be completed between the African region and the Government of Peru to best determine how to facilitate the work. It was noted that the secretariat of the Basel Convention on the Control of Transboundary Movement of Hazardous Waste had agreed to provide technical support. Arrangements would be further communicated by 22 January 2009.

(d) Work on “**Lead in paints**”(originally nominated by Toxics Link with acknowledgement of the relevance to the submission on “Substitution and alternatives” made by IFCS), would be facilitated by the secretariat of the IFCS subject to confirmation by the US by 20 January 2009. The US stated that its submission on “lead and cadmium” also mentioned the issue of lead in paint and opportunities for enhancing management capacity.

Additional guidance

11. The Friends had before them the proposed guidance for facilitating the additional work on each of the identified emerging policy issues contained in document 7 for the teleconference. The principal issues discussed were the nature of the requested background information paper and the shorter document setting out the range of actions to be requested of the Conference, the membership of the groups that would contribute to the further preparatory work on each issue, the role to be played by secretariat in each of the groups; and the future opportunities for the Friends of the Secretariat to

review the work on emerging policy issues before issuance of documents for the second session of the Conference.

12. The Friends discussed the need for the background information paper to be as informative as possible and the need for the range of cooperative actions to reflect the broad range of possibilities for each issue. Given the role of the suggested group on each issue as primarily one of gathering and presenting information and views in the best and most coherent way, the Friends requested that the additional guidance include the importance of clearly identifying any divergent views. This was considered particularly important in the shorter document setting out the possible cooperative actions to be requested of the Conference.

13. The Friends encouraged the nominated facilitator of each group to take an open and transparent approach to the work. Individual members of the Friends of the Secretariat could participate in the groups and all participants of the Friends would inform their constituents of the facilitator(s) for each issue and the availability of progress reports and opportunities to comment. Such a process would be further supported by the secretariat making information available on the SAICM website about the work, including identifying the facilitator(s) and the committed timeframes for key stages of the work and communicating this information to the Friends of the Secretariat and SAICM Focal Points. Stakeholders having an interest in participating in the work on any of the issues would be directed to contact the relevant facilitator(s). The US stated its view that groups should operate under the draft rules of procedure of SAICM that include a consensus-based position.¹⁴ The SAICM secretariat would participate in each group and provide editorial assistance to ensure consistent formats etc. in the documents. The secretariat would compile the proposed actions on each issue in a single document which would be made available to the Conference in languages The secretariat informed the Friends that due to the other work being completed in preparation for the Conference, it was not possible for it to draft individual background information papers. The secretariat would elaborate the guidance for the conduct of the additional preparatory work taking into consideration the advice from the teleconference and, if possible, circulate a revised version of this draft to the Friends along with the summary of the teleconference proceedings on 16 January 2009. A format for the information papers to ensure consistency would also be included.

15. The Friends of the Secretariat discussed opportunities for reviewing the outputs of the working groups on each identified emerging policy issue. A range of views was expressed. Several participants were of the view that it would not be appropriate for the Friends to be involved in a review of the specific content as they would essentially be external to the development process. Another concern focused on the practicalities of further engagement of the Friends of the Secretariat given the tight timeframes for the work that were needed. The secretariat was requested to monitor the overall work, the quality of the documentation being produced and the integrity of the processes being followed, in accordance with the guidance developed in consultation with the Friends. It was concluded that the Friends should be primarily engaged through direct participation in the working group on each issue and that there would be an opportunity for a brief review of the outputs from the groups in a teleconference of the Friends during the week of 9 March 2009. Switzerland was asked to accelerate the completion of the work on nanotechnology and manufactured nanomaterials with this timeframe in mind.

16. The secretariat agreed to facilitate the finalisation of issue-specific workplans for completing the additional preparatory work in consultation with the agreed facilitator(s), harmonising arrangements as much as possible across the issues. These workplans would be distributed to the Friends of the Secretariat and communicated via the SAICM website.

17. The Friends discussed how the revised additional guidance could be best applied in the case of the issue "lead in paints" since a working group of the Forum Standing Committee had already prepared a proposal for the consideration of the Conference following Forum VI held from 15 to 19 September 2008 in Dakar, Senegal. The Friends noted that the proposal of the IFCS working group was already being translated by IFCS into languages for consideration by the Conference. The IFCS secretariat undertook to act as the facilitator for the requested information paper and proposed

cooperative actions taking into account the anticipated contributions from SAICM stakeholders that may not have contributed to the discussions at Forum VI and in the working group that followed. It was suggested that the paper emanating from the IFCS working group be appended to the information document being prepared for the Conference.

Any other business

18 The IFCS secretariat asked about the status of work on the development of a longer-term procedure for modalities of carrying out the functions of the Conference on emerging policy issues, as requested in the Rome informal discussions. The secretariat informed the Friends that it was preparing a proposal in this regard incorporating the experience gained so far in the preparatory work. The secretariat agreed to circulate this proposal to the Friends of the secretariat for consultation by email.

19. The Friends noted that the secretariat intended to convene a future teleconference to assist with the preparatory work on financial matters in advance of the second session of the Conference.

20. The proposed date for the teleconference of the Friends on emerging issues in the week of 9 March 2009 would be confirmed by follow-up email.
