

A Group of NGOs

Views for the sound chemicals and waste management beyond 2020 instrument

Find more information here: <https://hej-support.org/SAICM-networking/>

Strategic Approach to International Chemicals Management (SAICM) is a unique instrument covering chemicals not covered by any other agreement; it is a multistakeholder and multisectoral strategy linked to health, environment, and sustainable development. However, because the SAICM mandate ended in 2020, it is envisaged that in September 2023, delegates of the fifth session of the International Conference on Chemicals Management (ICCM5) will agree on the new global instrument on chemicals and waste beyond 2020.

To develop recommendations regarding the Strategic Approach and the sound management of chemicals and waste beyond 2020, an Intersessional Process (IP) was set up in 2017. The first part of the fourth intersessional meeting (IP4) was held in Romania in September 2022, and the second and final part of IP4 meeting (IP4.2) is scheduled to take place in Nairobi, Kenya from 27 February to 3 March 2023. The aim of IP4.2 is to finalise recommendations for consideration by ICCM5 for the Strategic Approach and the sound management of chemicals and waste beyond 2020.

An outcome document developed at IP4 in Romania and entitled [IP Co-Chairs single consolidated document](#) was prepared to support the negotiations at IP4.2. It includes a compilation of recommendations from stakeholders provided during IP meetings.

For the first session of IP4, A group of NGOs¹ developed a [position paper](#) highlighting their vision and recommendations for the key features of the new Beyond 2020 instrument.

Our demands include:

Overarching framework

The Beyond 2020 Framework should become a global umbrella strategy for all existing and future treaties on chemicals and waste, including legally binding and voluntary agreements.

¹ The Alianza Ciudadana/Alianza Cidada/Citizens' Alliance, Armenian Women for Health and Healthy Environment, BAN Toxics Philippines, BUND (Friends of the Earth Germany), Centre for Environment Justice and Development (CEJAD), CEPHEP Nepal, Chemical Safety Agency (CSA), CIEDUR, Eco-Justice Ethiopia, European Environmental Bureau (EEB), German NGO Forum on Environment and Development, groundWork South Africa, Health and Environment Justice Support (HEJSupport), Journalists for Human Rights, Naturvernforbundet, PAN Germany, PAN Africa, PAN UK, PAN Asia Pacific, PAN International, PAN North America, RAPAL Uruguay, ALHEM, Swedish Society for Nature Conservation (SSNC), Taller Ecologista, Toxisphera Environmental Health Association, Toxics Link, Women Engage for a Common Future (WECF), ZERO – Association for the Sustainability of the Earth System

Sustainable Financing

The Beyond 2020 framework should ensure sustainable financing to support its implementation. In addition to the Integrated Approach to long-term funding of the Chemicals and Waste Agenda, it should incorporate novel approaches focusing on the polluter-pays principle in relation to cost-internalization.

Mandatory National Action Plans

The Beyond 2020 framework should request governments to mandatory develop and implement national action plans (NAPs) *addressing the Strategic Objectives and targets* of the framework. A report on progress made should be publicly available and provided to the International Conference on Chemicals Management.

Issues of Concern

The Beyond 2020 framework should step up the work with the existing SAICM Issues of Concern and suggested candidates, including through binding instruments.

Information transparency

The Beyond 2020 framework should request the industry to make data and information on the health and environmental effects of chemicals throughout their life cycle, including as integral parts of materials, products and their constituent components, available to stakeholders. Information on chemicals relating to the health and safety of humans and the environment should not be regarded as confidential, fully implementing the right to know.

Stakeholder engagement

The role of civil society in SAICM has always been based on equal participation in all related activities, including the decision-making process. The Beyond 2020 framework should sustain this tradition and preserve the inclusive character of the new framework.

Gender and chemicals

The Beyond 2020 framework should include Women and Chemicals as a new issue of concern to facilitate mainstreaming gender into sound chemicals and waste management at the national and international levels.

Vulnerable populations

The Beyond 2020 framework should acknowledge that vulnerable populations unjustifiably suffer from toxic chemical exposure. It should ensure that vulnerable groups are protected from harmful chemicals, waste, and regrettable substitutions and are part of related decision-making processes.

Positive developments

Some of the recommendations from the NGO position paper were included in the IP Co-Chairs single consolidated text that will be considered in Nairobi:

In the Introduction, page 5:

the need to implement the 2030 Agenda in relation to the sound management of chemicals and waste and prioritise efforts towards achievement of 2030 Sustainable Development Goals (SDGs);

In the Scope, page 5:

the involvement of all relevant sectors and stakeholders across the life cycle at all levels and the need to achieve **non-toxic circularity**, the protection of human rights and resource efficiency.

the consideration of sectorial aspects of managing chemicals and waste, in order to enhance sustainable development, **non-toxic circularity**, protection of human rights and resource efficiency.

However, all these positive aspects are bracketed. Moreover, we should consider pushing for "toxic-free" instead of "non-toxic" circularity. "Non-toxic" opens up for risk assessment and establishment of safe levels of hazardous chemicals, which is what industry wants.

1. The scope encompasses [the environmental, economic, social, health, agricultural and labour [all] aspects of managing chemicals and [their] [all] waste[s], in order to enhance sustainable development [and [non toxic] circularity[environmental integrity] [and the protection of human rights] [and resource efficiency]]. The instrument takes due account of the instruments and processes that have been developed to date and is flexible enough to take account of new ones without duplicating efforts.

In Operating Principles, page 5- 6: Collaboration, page 6

Paragraphs 2,3,4 include our demands, such as "multi-stakeholder and multisectoral approach" and collaboration with existing initiatives on chemicals and waste. However, paragraph 1 should be deleted to avoid "country driven partnerships".

1. [Country driven process, including mutually beneficial partnerships.]
2. [Take a multi-stakeholder and multisectoral approach, including partnership and mechanisms for technical cooperation that incorporates all relevant disciplines.]
3. [North-South and South-South networking and sharing of experiences.]
4. [Collaborate with existing initiatives on chemicals and waste management, including

multilateral environment agreements, United Nations bodies, private sector, civil society and academia, to fill gaps and build upon their work while avoiding duplication.]

Knowledge and information, page 6:

Though in brackets, the text includes a paragraph about the need to promote access to information for the sound management of chemicals and waste in all relevant aspects.

However, it misses the importance of indigenous and traditional knowledge, citizens science, creation of new information and a reference to the Science Policy Interface.

Participation, page 6:

The IP Co-Chairs text recognizes the importance of full and effective participation of all stakeholders, however the paragraph is bracketed and misses “equal participation”.

[Full and effective participation of all stakeholders and balanced regional representation and participation.]

Gender, page 6:

the recognition of women as agents of change and the inclusion of gender considerations in all relevant aspects of the new instrument through inter alia the development and implementation of a gender action plan

However, the text on gender contains many brackets: [Ensure gender equality, the recognition of women as agents of change and the inclusion of gender considerations in all relevant aspects of [the new instrument] through inter alia the development and implementation of a gender action plan.

It is important to secure a gender action plan.

In Targets for the sound management of chemicals and waste, page 8,9:

The IP Co-Chairs single consolidated document contains a list of targets under the Strategic Objectives A-E, including those suggested by NGOs, which provide connections to minimizing and eliminating harms associated with chemicals and wastes. Many of NGO driven targets are focused on concrete risk reduction activities and highlight crucial aspects which should be prioritised by the Beyond 2020 instrument, including the target on highly hazardous pesticides elimination, transparency of information on chemicals throughout their lifecycle, internalization of cost recovery mechanism. See Targets A2, A5, A6,A7, B1, B2, B3, B4, D5,E4, E5.

In Enhanced sectoral and stakeholder engagement, page 16:

the involvement and commitment of all relevant sectors and stakeholders at the local, national, regional and international levels is important for the sound management of chemicals throughout their lifecycle and waste

1. The involvement and commitment of all relevant sectors and stakeholders at the local, national, regional and international levels is important for the sound management of chemicals throughout their lifecycle and waste.

It is important to secure “waste” here, which depends on the agreed scope and the term “waste”.

In Financial considerations, page 20:

The IP Co-Chairs single consolidated document includes text on private sector involvement, including through levies and taxes, polluter pays principle and extended producer responsibility. However, the text is largely in brackets:

9. Governments should, [according to their national circumstances], further [facilitate] [operationalize] [facilitate the operationalizing] the private sector component of the integrated approach [through actions, legislation, and appropriate economic instruments], [including [through clarifying] the [respective] responsibilities of industry and national administration; [levies and taxes]; [the provision of incentives for the sound management of chemicals and waste]; and the promotion of measures by industry [to internalise costs]] to further implement [the precautionary principle,] the polluter pays [principle] [approach] [and approaches such as] extended producer responsibility.

In Mechanism for IoC implementation, page 14:

The IP Co-Chairs single consolidated document notes the need to develop a work plan with timelines and milestones for implementation of actions to address IoCs, including setting up a multi-stakeholder committee to oversee monitoring, reporting, periodic reviews and reporting on progress. However, it is not clear how the progress evaluation of the activities in accordance with the work plan will be conducted.

Key topics to follow at IP4.2

At IP4.2, A Group of NGOs will work on the following key topics:

Structure of the IP Co-Chairs single consolidated document

Including all procedural paragraphs in the core part of the IP Co-Chairs single consolidated document, such as rules of procedure, objectives, principles, vision, mission, scope, funding mechanism, procedural matters related to IoCs; relations to the Science Policy Panel (SPP) and MEAs, including the Plastic Treaty, references to the Overall orientation and guidance for achieving the 2020 goal of sound management of chemicals (OOG), SAICM Global Plan of Actions (GPA), Dubai Declaration. The Annexes to the document should include the work programs for IoCs, targets and indicators and milestones; rules for partnerships.

Introduction

A statement of needs should be included in the introduction explaining the reason we are having a new beyond 2020 instrument. It should call on stakeholders to take urgent actions to get rid of toxic chemical effects:

Toxic chemical exposure is a burden that disproportionately harms low and middle-income countries and has a negative impact on sustainable economic growth. Today, children are born [‘pre-polluted’ with dozens, if not hundreds, of hazardous chemicals in their bodies](#). Many of these chemicals harm the developing brains and bodies of children and have devastating lifelong and multi-generational consequences.

[There are already up to 350,000 chemicals on the global market](#). Most of them have not been tested for their hazardous properties. Nevertheless, the production of chemicals is growing and predicted to double by 2040.

SAICM stakeholders have a duty to prevent children and other vulnerable groups from being exposed to toxic chemicals and pollution, including those substances the risks of which are not well understood. As the summary report to GCO II states, “solutions exist, but more ambitious worldwide action by all stakeholders is urgently required”. Stakeholders should continue working together to ensure that chemical safety issues are part of global and national targets, development agendas and poverty eradication strategies.

The Introduction to the IP Co-Chairs text should highlight chemicals and waste as a crosscutting issue that relates to e.g. biodiversity loss, resource depletion, and climate change. All of these would be helpful – if not crucial to highlight – so that we send a very strong and clear message to the world leaders that the topic of chemicals and waste must be significantly raised on the policy agenda at all levels – from local to global. So far, the IP Co-Chairs text mentions the linkages between chemicals and waste and other environmental, health and societal priorities, such as climate change, biodiversity, human rights, universal health coverage and primary health care in brackets on Target E6 only.

The Introduction should also describe a strong link between chemical pollution and the increased number of COVID19 related deaths. Plus, the amount of plastic waste increased dramatically during the pandemic.

In addition, the Introduction should highlight the growing number of deaths associated with unsound chemicals and waste management, including pesticide poisoning and the use of highly hazardous pesticides, and toxic chemicals in consumer products, including products for children. These and many other examples of the consequences of unsound management of chemicals call for the precautionary principle, as well as the need for increased efforts to manage chemicals better.

Principles and Approaches

- 1 Alternative text is better than 1
2. Can be merged with 1, and add regional principles to the Annex
3. Keep reference to OOG

Annex A is not consistent with Annex B in Bucharest. Why changes? What is missing?

Including the existing Issues of Concern in the new beyond 2020 instrument

The IP Co-Chairs single consolidated document includes a detailed list of information that should be provided to nominate an issue of concern (IoC), including the selection and adoption processes and a mechanism for implementation of actions to address issues.

However, the document also needs to explicitly recognise all [eight issues of concern](#) identified during SAICM (2006-2020). The work on these issues should continue as part of the Beyond 2020 instrument. Governments must recognize the link of these issues to SDGs and take strong action to implement them.

A new IOMC [CRP document on IP4.2 website entitled “IP4 Discussion Document on the Way Forward for Existing EPIs and Other Issues of Concern”](#) calls **for continued work on EPIs** adopted before 2020 to continue until ICCM6 and for a report on progress at ICCM6. It also invites the responsible IOMC organizations, in consultation with stakeholders, to submit a proposal to ICCM6 including:

- (a) an assessment on how these EPIs and other issues of concern contribute to achieving the Strategic Objective(s) and Targets of the new instrument;
- b) proposing additional indicators as needed for relevant targets for these EPIs;
- (c) **the need to continue addressing them as “issues of [international] concern” in the new instrument and**
- (d) opportunities to improve implementation in regions.**

[A Survey on Emerging Policy Issues and Other Issues of Concern](#) conducted by SAICM Secretariat indicated stakeholder willingness to continue the work on all eight IoCs. The survey indicates that “Almost 75% of respondents would like to continue work on chemicals in products, 65% on highly

hazardous pesticides, and over half on hazardous substance within the life cycle of electrical and electronic products, lead in paint, perfluorinated chemicals and the transition to safer alternatives, endocrine-disrupting chemicals, and environmentally persistent pharmaceutical pollutants”. Stakeholder interest in further work on nanotechnology and manufactured nanomaterials is also growing. Desire to work on this problem was expressed by 40% of respondents, while 20% of them had never worked on this issue before.

Progress evaluation of IoCs implementation

The IP Co-Chairs single consolidated document highlights the need for setting up a multi-stakeholder committee to oversee monitoring, and reporting and encourage implementation of the workplan for each IoC. It also notes that determining the need for further work on an issue will be based on the progress evaluation of the activities carried out in accordance with the workplan.

However, it is important to recognize the urgent need for significantly advancing the work on existing IoCs. The new IOMC CRP documents suggest developing a proposal to ICCM6 for **opportunities to improve the implementation** of existing IoCs. Both voluntary action and increased commitment within and beyond the Beyond 2020 instrument must be realized to achieve this goal.

Determining the need for further work, including elevated obligations on an issue, should be based on the results of a progress evaluation. A way forward is described in an NGO document entitled [“New Mechanism of Action: elevation of obligations to progress SAICM Issues of Concerns \(IoCs\) in the post 2020 multilateral regime for chemicals and waste](#) . The [UNEP assessment report on SAICM IoCs](#) gives further support for the suggested new mechanism of action, as it identified that voluntary actions might be insufficient.

The NGO document presents a set of criteria that can help assess if work with an existing IoC is justified to continue. The suggested criteria encompass 10 “triggers”. We believe that meeting just one of these triggers would be sufficient for motivating continued, or elevated ambition level in the work with an IoC. This approach would ensure a simple, harmonized and reproducible assessment of an IoC.

At IP4.2, stakeholders should support the IOMC CRP document [“IP4 Discussion Document on the Way Forward for Existing EPIs and Other Issues of Concern”](#) that opens the possibility of including triggers for IoCs evaluation developed by NGOs.

To acknowledge the need for the way forward on existing IoCs, delegates at IP4 should support A Global Alliance on Highly Hazardous Pesticides proposed by the African Region in document [SAICM/IP.4/INF/38](#).

The need of the Alliance on HHPs can be justified by the effectiveness of the existing Global Alliance to Eliminate Lead Paint (GAELP) set up in support of Lead Paint SAICM Issue of Concern. It is an excellent example of practical work on the SAICM Issue of Concern, with NGOs succeeding in promoting eliminating lead from paint.

Target on HHPs

In IP Co-Chair single consolidated document, all targets are bracketed, including Target A7. This target emphasizes the need to eliminate Highly Hazardous Pesticides (HHPs) from agriculture.

Target A7 - By 2030, the use of Highly Hazardous Pesticides is eliminated from agriculture.]

It is important to remove brackets and secure this target in the IP Co-Chair text.

Financial considerations

In the [position paper for IP4](#), NGOs supported the proposal for a global tax to be levied on producers of basic chemicals as outlined in [The Centre for International Environmental Law \(CIEL\) and IPEN's report](#). These funds could be used to build the necessary infrastructure for sound chemicals and waste management in the Global South. The Beyond 2020 instrument should ensure that the new funding mechanism will apply to all stakeholders, including civil society organizations, working on sound chemicals and waste management.

At IP4.2, delegates should remove brackets in Part B on Private Sector Involvement, paragraph 9, to ensure that levies and taxes, internalization of cost, precautionary principle, polluter pays principle are included in the text.

9. Governments should, [according to their national circumstances], further [facilitate] [operationalize] [facilitate the operationalizing] the private sector component of the integrated approach [through actions, legislation, and appropriate economic instruments], [including [through clarifying] the [respective] responsibilities of industry and national administration; [levies and taxes]; [the provision of incentives for the sound management of chemicals and waste]; and the promotion of measures by industry [to internalise costs]] to further implement [the precautionary principle,] the polluter pays [principle] [approach] [and approaches such as] extended producer responsibility.

Information transparency in Targets under Strategic Objective B

In the [position paper for INC 4](#), NGOs noted the importance for the Beyond 2020 instrument to stress the responsibility of the industry to make data and information on the health and environmental effects of chemicals throughout their life cycle available to stakeholders.

During IP4 negotiations, not all NGO targets on data sharing were included. Target B2 highlighting the need for reliable information on chemicals in articles throughout the lifecycle is still in brackets which may result in deleting it from the final version of the text heading to ICCM5.

It is important to ensure the target stays in the text with no brackets:

Target B2- By 20XX, stakeholders in the value chain ensure that reliable information on chemicals in [materials and] articles is available throughout their life cycle [including at the waste stage], to enable informed decisions and safe management of chemicals in a clean circular economy.

Removing brackets from this target and from the text inside the target will help ensure chemical information in articles is shared across the entire lifecycle of materials and products, including to retailers, recyclers and consumers.

If accepted, this target will also inspire the negotiations of the Plastic Treaty to include the legally binding transparency requirement on chemicals in plastic materials and products across the entire lifecycle into the text of the treaty.

Target B1 as it is now in the IP Co-Cairs text, misses important parts, including information on chemicals in materials and products, as well as availability and accessibility to the public.

Target B1 - By 20xx, comprehensive data and information on chemicals, throughout their lifecycle, **[including as parts of materials and products]** are generated, made available and accessible **[to stakeholders inside and outside the supply chain and across the lifecycle]**.

It is important to secure the bracketed text in this target to ensure information sharing on chemicals in materials and products and across the lifecycle.

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