



USCIB Comments on the Proposed Resolution on Chemicals in Products project and the New Emerging Issue Related to Endocrine-disrupting Chemicals for the Third International Conference on Chemicals Management (ICCM3)

USCIB and its members, which include both chemical manufacturers and downstream users, support efforts to protect human health and the environment. We are actively engaged in the activities related to the Strategic Approach to International Chemical Management (SAICM), chemicals and green economy discussions at the United Nations Environment Programme (UNEP), chemicals deliberations at the Organization for Economic Cooperation and Development (OECD) and at the Asia-Pacific Economic Cooperation (APEC) Chemical Dialogue. In addition, USCIB member companies participated in the preparatory discussions and attended the UN Conference on Sustainable Development in Rio de Janeiro, Brazil.

USCIB members are global companies which are familiar with a variety of approaches to the management of chemicals and chemicals in articles. Given our members' expertise and knowledge in responding to those measures, we would like to specifically comment on a few of the issues that will be discussed at the Third International Conference on Chemicals Management (ICCM3) which will take place from September 17-21, 2012 in Nairobi, Kenya.

Proposed Resolution on Chemicals in Products Project

USCIB greatly appreciates the opportunity it had to provide input into the project including the Workshop of the Chemicals in Products which was held from March 16-18, 2011 in Geneva, Switzerland and the Open-Ended Working Group meeting which was held from November 15-18, 2011 in Belgrade, Serbia. USCIB supports the work under SAICM to investigate existing information systems for chemicals in products. Many of the companies and the industry sectors that USCIB represents have developed robust approaches to sharing information on chemicals in products. Therefore, this project can be a valuable opportunity to exchange experiences and best practices to achieve the goal of sound management of chemicals by 2020.

However, USCIB would like to stress that any outcomes from the proposed draft Resolution should be voluntary in nature and should not give an open mandate for a stakeholder group to develop a "programme." This approach would better reflect the cooperative atmosphere that SAICM has positively established and engaged with its stakeholders. As such, we would like to offer the following specific comments to the Resolution:

Scope of the Resolution

As drafted, the proposed Resolution on Chemicals in Products is broad in scope. USCIB suggests that the Resolution be focused to ensure a clear mandate for a multi-stakeholder process to implement. Such a mandate could include, in collaboration with the relevant stakeholders,

identifying, collecting and making available best practice resources and tools for facilitating the exchange of relevant information on chemicals in products. It could also build capacity for the implementation of existing systems that facilitate the exchange of relevant information on chemicals in products, including through training tools and workshops.

Significant work has been accomplished in some industry sectors and via internationally agreed standards processes to identify priority information and key points along the life cycle where this information should be communicated. The Resolution should not give a mandate to revisit these decisions with a view of expanding the scope of those existing information systems. Rather, it should be to facilitate the development of systems that would further the goals of SAICM where they do not exist and support awareness and full implementation of existing systems.

Specify “access to relevant information”

USICB understands that sharing relevant information is important. As already stated in the draft Resolution paragraph 1, it is “access to relevant information on chemicals in products in the supply chain and throughout their life cycle” that is needed to contribute to the overall objectives of SAICM. We would like to underscore that the resolution should keep the focus on “relevant information” and as it is appropriately needed.

Protect confidential business information

Industry supports efforts to promote the exchange of appropriate information related to chemicals in products provided that confidential business information (CBI) is protected. This balance should be explicitly recognized and consistent with SAICM’s Overarching Policy Strategy (OPS). USCIB believes that any language related to addressing how to treat and/or define confidential business information should not be included in the scope of any work mandated by the Resolution as this is not the appropriate venue for such an effort. There is relevant language in the SAICM OPS.

Avoid duplication with existing approaches to information exchange on chemicals in products

USCIB welcomes the language in paragraph 3 of the draft Resolution that recognizes the Globally Harmonized System of Classification and Labeling of Chemicals and the need to avoid duplication of that work. Language should also be added to explicitly recognize relevant internationally agreed upon industry standards and avoid duplication of these efforts.

Delete the Annex to the draft Resolution

The Annex to the draft Resolution should be deleted. The Annex is not a negotiated document and is a product of the March 2011 workshop. Instead, USCIB recommends that the Resolution acknowledge the workshop and its outcomes as it is stated in the chapeau of the Resolution.

New Emerging Policy Issue Related to Endocrine-disrupting Chemicals

USCIB would like to express that further work on a nominated emerging policy issue should be selected with caution given the resource demands of other Strategic Approach Initiatives. However with regards to this issue, USCIB would like to share the following observations.

USCIB recommend that near-term SAICM work on chemicals with potential endocrine-disrupting effects be focused on scientific and technical understanding of the mechanisms of endocrine disruption and how to test for the potential to cause adverse effects via an endocrine-disrupting mechanism. The science related to measuring endocrine disruption activity is relatively new, although screening assays have been standardized or validated to varying degrees.

USCIB thinks that a SAICM effort to reflect the outcomes of activities already in place or exchange examples in the regulatory area for endocrine-disrupting chemicals would be premature at this time. Outcomes are not yet known and there are not yet sufficient examples of regulations specific to endocrine. Current regulatory efforts are geared toward identifying lists of chemicals for testing and establishing the test methods.

For instance, the program established by the U.S. Environmental Protection Agency (EPA) has not yet reached the point of determining whether any chemical has endocrine disruptor effects. This is largely due to the scientific and technical challenges inherent in establishing an effective endocrine disruptor screening and testing program. EPA's target is to complete its technical review of the initial round of testing under its Endocrine Disruptor Screening Program and issue Tier 2 test orders in fiscal year 2014. As another example, the EU is still addressing ways of dealing with endocrine disruptors under REACH and the EU Biocide and Plant Protection Product Regulations and has not yet developed a regulatory class for them. Under REACH, the European Commission is required to review by June 2013 how the rules on the authorization of endocrine disruptors are applied, while under both the Plant Protection Products Regulation ((EC) No. 1107/2009) and the Biocides Regulation (35 INER 96, 02/01/2012), the Commission must develop by December 2013 criteria for the identification of endocrine disruptors. Thus, the regulations are still at the relatively early phases of resolving scientific issues and developing criteria for identifying endocrine disruptors.

USCIB agrees with the statement that consideration should be given to updating the global assessment of the state-of-the-science of endocrine disruptors prepared by an expert group on behalf of WHO and UNEP. However, this does not necessitate adding an endocrine-disrupting chemicals item as an emerging policy issue to be worked under SAICM.