

SAICM/OEWG.1/CRP.9
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English only

**Open-ended Working Group of the International Conference
on Chemicals Management**
First meeting
Belgrade, 15–18 November 2011

Draft decisions submitted by the Committee of the Whole

Note by the secretariat

The annex to the present note contains the draft decisions of the Open-ended Working Group submitted by the Committee of the Whole. The text is reproduced as submitted and not formally edited.

Annex

I. Emerging policy issues

The Open-ended Working Group,

Recalling resolution II/6 of the International Conference on Chemicals Management,

Transmits to the third session of the International Conference on Chemicals Management, for its consideration and possible adoption, the draft resolution as set out in the annex to the present decision, bearing in mind that it does not necessarily represent agreement among participants, contains divergent views where indicated, and is subject to further deliberations by the Conference.

Annex

A. Lead in paint

The Conference,

Recalling the decision by the World Summit on Sustainable Development to protect children's health from exposure to lead as set out in paragraph 7 of the Summit's Plan of Implementation,¹

Having reviewed the implementation of resolution II/4 B, on lead in paint, of the second session of the International Conference on Chemicals Management, and the endorsement therein of a global partnership to promote the phasing out of the use of lead in paint,

Noting the establishment by the United Nations Environment Programme and the World Health Organization of the Global Alliance to Eliminate Lead Paint as the global partnership referred to in resolution II/4 B,

Welcoming section I of decision 26/3, on lead and cadmium, of the Governing Council of the United Nations Environment Programme at its twenty-sixth session to request the Executive Director, among other things, to continue to promote and facilitate work in relation to the Global Alliance to Eliminate Lead Paint,

1. *Welcomes* the establishment of the Global Alliance to Eliminate Lead Paint by the United Nations Environment Programme and the World Health Organization, and the report on its progress to date;²
2. *Also welcomes* the completion of the business plan for the Global Alliance, which includes specific goals, clear milestones and indicators for progress in achieving a global phase-out of lead in paint;
3. *Recognizes* that national initiatives to eliminate lead paint serve also as an example of a practical enabling demonstration of the implementation of the Strategic Approach to International Chemicals Management;
4. *Welcomes* the support for the Global Alliance expressed by participants at regional meetings of the Strategic Approach in Africa, Latin America and the Caribbean, and Asia and the Pacific;
5. *Also welcomes* the support provided to the Global Alliance by the Global Environment Facility as part of its strategy on sound chemicals management;
6. *Encourages* all Governments, civil society organizations and the private sector to contribute to the Global Alliance's work and to provide technical and financial assistance wherever possible;
7. *Expresses support* for the Global Alliance's proposal to establish an international lead poisoning prevention day of action, with initial focus on the elimination of lead in paints, and encourages all Governments, industry and civil society organizations in all regions to organize related activities in cooperation with the Global Alliance;

¹ *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.

² *This footnote would refer to a pre-session document providing a progress report.*

8. *Invites* the United Nations Environment Programme and the World Health Organization, as secretariat of the Global Alliance, to report on progress in the implementation of the business plan of the Global Alliance to the International Conference on Chemicals Management at its fourth session.

B. Chemicals in products

The Conference.

*[Recalling that at its second session in 2009, the International Conference on Chemicals Management adopted a resolution³ to implement a project with the overall objective of promoting the implementation of paragraph 15 (b) of the SAICM Overarching Policy Strategy, and that *inter alia* would develop recommendations for further international cooperative action for consideration by the Conference at its third session in 2012,*

[Recognizing that continued international cooperation is essential to increase stakeholders' access to information on chemicals in products throughout the life cycle and that prompt concerted action is needed to promote harmonization, thereby avoiding an uncoordinated patchwork of information systems and maximizing compatibility with existing systems and benefits to all relevant stakeholders,

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

[Acknowledging with appreciation the progress made to undertake the specific tasks set out to meet the goals of this first phase of the project including the survey, the results of the case studies, the synthesis report and the results and conclusions of the different meetings held since the second session of the International Conference on Chemicals Management,

[Having considered the results of the project activities and especially of the international Workshop of the Chemicals in Products Project held in March 2011 and the proposals for elements, as specified in the attached annex, to include in a framework to facilitate information flow on chemicals in products,

[1. *Agrees, with a view to taking appropriate cooperative actions, to address the need to improve availability and access to relevant information on chemicals in products in the supply chain and throughout their life cycle, recognizing the need for further action to contribute to 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 that the multi-stakeholder process established by the second session of the Conference³ should be expanded, subject to available resources, with a mandate to develop a proposal for an international program for information on chemicals in products (hereinafter called the CiP Programme) with the overall goal to facilitate and guide the provision, availability and access to information on chemicals in products among all stakeholder groups. The main objective of the CiP Programme would be to facilitate the development, expansion and implementation of information systems on chemicals in products throughout the entire life cycle, including by building on experiences and work undertaken to identify and address the gaps and obstacles faced by stakeholders to access or provide information on chemicals in products;*

[3. *Recommends that a proposal for the CiP Programme should take into account the Globally Harmonized System of Classification and Labelling of Chemicals, avoid any duplication of efforts under that system and provide for the future development of general and sector specific guidance or guidelines to support stakeholders' implementation of the CiP Programme;*

[4. *Urges that the proposed CiP Programme take into consideration major stakeholders and their specific needs as identified during the first phase of the chemicals in products project taking into account elements suggested by the Workshop of the Chemicals in Products Project and as set out in the annex to the present recommendation;*

[5. *Underlines that the CiP Programme should identify roles and responsibilities of the major stakeholder groups while providing for flexible and differentiated approaches to meet the needs of individual sectors and individual stakeholder groups, including through flexible and adaptable guidance, both general and sector specific, on what information could be transferred and how the information access and exchange can take place by considering best practices and taking successful experiences, progress and developments into account;*

[6. *Suggests that the multi-stakeholder process continue to be advised by the Steering Group established under the resolution II/4, and consider the inclusion in the Steering Group of further*

³ SAICM/ICCM.2/15, resolution II/4 C.

stakeholder groups as necessary;

[6bis. *Further suggests* that the multi-stakeholder process could include small expert groups to explore different issues, for example, to develop sector specific guidelines and activities, exchange experiences across sectors and to share, develop and implement best practices;

[7. *Urges* that the CiP Programme take into consideration stakeholder needs and accessibility to information on chemicals as well as best practices for access to that information taking full account of paragraphs 15 (a), 15 (b) and 15 (c) of the SAICM Overarching Policy Strategy⁴;

[8. *Also urges* that, during the development of the CiP Programme, cooperative action be undertaken to implement pilot projects, taking into account chemical information needs throughout a product's entire life cycle and situations in developing countries, to demonstrate the applicability of the CiP Programme in one or more sectors;

[9. *Also urges* that due address be paid to the special needs of developing countries and countries with economies in transition, including *inter alia* financial assistance, capacity building and training, and improved access to technology;

[10. *Encourages* industry or business organizations, Governments, regional economic integration organizations, intergovernmental organizations and other international organizations, non-governmental and civil society organizations and academic institutions to actively participate in the development of the proposal for the CiP Programme for facilitating information flow on chemicals in products, including associated pilot demonstration project(s);

[11. *Urges* the private sector, all Governments, intergovernmental organizations and non-governmental organizations to provide adequate human, financial and in-kind resources on a voluntary basis to support the development of a proposal for the CiP Programme for facilitating information flow on chemicals in products, including pilot demonstration project(s);

[12. *Invites* the United Nations Environment Programme to take the lead in implementing the process in an open, transparent and inclusive manner and to submit the proposed CiP Programme for consideration to the International Conference on Chemicals Management at its fourth session.

⁴ Report of the first session of the International Conference on Chemicals Management (SAICM/ICCM.1/7), annex II, paragraphs 15 (a), (b) and (c)

Annex

Elements to be considered for inclusion in a framework to improve access and availability to information on chemicals in products⁵

In response to its objective to develop elements to be addressed in recommendations for cooperative actions, the Workshop on the Chemicals in Products Project held in March 2011 identified the following elements for consideration in the development of a framework to improve access and availability to information on chemicals in products. While the following text does not constitute negotiated text it does represent the overall outcome of the workshop largely based on reports from discussions in breakout groups.

The framework could be generic and, consistent with the Strategic Approach to International Chemicals Management, voluntary in nature. The framework could stimulate activities in specific product sectors and allow flexibility to accommodate the different needs of those sectors.

The framework could identify:

- (a) The roles and responsibilities of the major stakeholder groups
- (b) Principles on what information could be transferred to different stakeholders and how that transfer could take place
- (c) Build on existing experiences of best practices

The development of the framework could base itself on an analysis of critical elements of best practices for chemicals in products information, draw on the sector case studies prepared for toys, electronics, construction materials and textiles, a document that had been developed entitled: An overview of systems for providing information regarding chemicals in products and of stakeholders' needs for such information, and presentations made during the International Workshop on Information on Chemicals in Products by all stakeholder representatives. It could also draw on conclusions from that Workshop and other meetings held during the development of the project.

During the development of the framework, the needs of stakeholders for information should be recognized and should be implemented in a balanced approach that at the same time recognizes and respects the important concept of intellectual property and protection of confidential business information.

When developing the framework the following could be taken into consideration:

- (a) Establishment of principles that determine what information could be provided to address stakeholders needs for example which chemical substances, types of information to address etc.
- (b) Provision and communication of information between different stakeholders:
 - Development of technical requirements for new information exchange methods including best practices of existing methods, and
 - Strengthening of existing information exchange methods to broaden the acceptance and implement their use
- (c) Encouraging partnerships across all the stakeholders, including public-private partnerships
- (d) Implementing actions to gain buy-in by industry and other stakeholders and ensure success; one possible activity could be "business cases" highlighting the benefits and added value of improved flow of information for key players in the value chain
- (e) Building on existing and on-going work on cost of inaction, capacity building, and technical and financial assistance for developing countries and countries with economies in transition that would assist governments to assess the costs and benefits related to information systems

⁵ This Annex is extracted from the report of the March 2011 Workshop of the Chemicals in Products Project. The term "Framework" was agreed to at that meeting and changed subsequently to "Chemicals in Products Programme" as reflected in the Draft Resolution agreed to at first meeting of the Open ended Working Group

- (f) Awareness-raising of existing systems, in particular to governments, the informal economy, small and medium size enterprises and the public, and strengthening capabilities to implement those systems
- (g) Addressing how to define and treat confidential business information
- (h) Development of guidance documents and could consider the above-mentioned issues and focus on, for example:
 - (i) Best practices including lessons learned and successful systems
 - (ii) Using standardized languages
 - (iii) Transfer of knowledge
 - (iv) Policy guidelines consistent with paragraph 16 of the SAICM Overarching Policy Strategy
 - (v) Proposals for regulatory tools

C. Hazardous substances within the life cycle of electrical and electronic products

The Conference,

Recalling Resolution II/4D on Hazardous substances within the life cycle of electrical and electronic products,

Recognizing that hazardous chemicals within the life cycle of electrical and electronic products, [if not managed in a precautionally, safe and environmentally sound manner.] can pose severe risks to the health of workers and communities and the environment where such products are made, recycled, and where they are disposed,

Recognizing that interventions to address this issue can be made at different points in the life cycle including the upstream, midstream, and downstream parts of the life cycle,

Recognizing further the work at subsequent regional meetings held under the auspices of the Strategic Approach to International Chemicals Management from 2009 to 2011,

Recognizing the synergistic role that the Stockholm Convention on Persistent Organic Pollutants and the Basel Convention play when addressing hazardous substances within the life cycle of electrical and electronic products,

Recognizing further the efforts of industry and other stakeholders in addressing hazardous substances within the life cycle of electrical and electronic products,

Noting with appreciation the successful realization of the International Workshop on Hazardous Substances in the Life Cycle of Electrical and Electronic Products⁶ from 29 to 31 March 2011 in Vienna as proposed by Resolution II/4D,

1. *Encourages* all stakeholders to consider the recommendations and the key messages on hazardous substances within the life cycle of electrical and electronic products provided by the above mentioned workshop when deciding which further actions take ;

2. *[Invites* Inter-Organization Programme for the Sound Management of Chemicals, Basel Convention, Stockholm Convention, World Customs Organization, Government, health sector, industry, civil society, and other stakeholders to consider taking further action and taking the lead in the relevant activities,]

3. *[Decides* to continue to work to create an international set of best practice resources in this area⁷, drawing on existing initiatives, including:

(a) Tools that lead to progress in the development of designs that reduce and eliminate the use of hazardous chemicals in the production of electrical and electronic products;

(b) Business standards and practices for tracking and disclosing the presence of chemicals in the manufacturing, use and end-of-life stages of electrical and electronic products;

(c) Potential safer substitutes in electrical and electronic product applications, for chemicals of concern, [including chemicals that are persistent, bioaccumulative and toxic, carcinogens, mutagens, reproductive or developmental toxins, neurotoxins, neurodevelopmental toxins, respiratory toxins, immunotoxins, organ system toxins and endocrine-disrupting compounds];

(d) Green purchasing strategies used by businesses and Governments;

(e) Extended producer responsibility policies;

(f) Provisional strategies and actions that should be implemented until elimination is possible or substitutes are available;]

4. *Invites* donors, including Governments and public and private organizations, to provide financial and in kind resources for further work in this area.

⁶ SAICM/OEWG.I/INF/7.

⁷ Identification, prioritization and completeness of the work area listed in (a) to (f) should be further considered, taking into account the recommendations for upstream, midstream and downstream and key messages of the workshop referred to in the preamble of the present decision, as well as other existing efforts including industry and multilateral stakeholder initiatives and relevant international standards at ICCM3.

D. Nanotechnologies and manufactured nanomaterials

The Conference,

Mindful of the overarching goal articulated in Paragraph 23 of the Johannesburg Plan of Implementation to ensure that by 2020 chemicals are produced and used in ways that minimize significant adverse impacts on the environment and human health;

Recalling the Dakar Statement on Manufactured Nanomaterials adopted by the Intergovernmental Forum on Chemical Safety at its sixth session;

Further recalling resolution II/4 E on nanotechnologies and manufactured nanomaterials adopted by the International Conference on Chemical Management at its second session;

Considering the specific needs of developing countries and countries with economies in transition;

Considering the resolutions on nanotechnologies adopted by the African and GRULAC regions during their regional meetings held in the period 2009-11;

Taking into account the ongoing work of the IOMC and participation organisations and ISO, including lessons learnt on effective mechanisms for information exchange;

Taking into account the report on nanotechnologies and manufactured nanomaterials prepared by the SAICM secretariat for the Open Ended Working Group and the third session of the ICCM, in particular its conclusions recommending further actions to be undertaken under SAICM.

1. *Underlines* that SAICM provides a suitable framework for addressing nanotechnologies and manufactured nanomaterials
2. Encourages all SAICM stakeholders to facilitate information exchange on nanotechnologies and manufactured nanomaterials in order to improve global transparency and allow better decision making processes; Examples of such information might include risk assessments, risk reduction measures, and information on environment, health and safety research,
3. *Recommends* the development of international technical and regulatory guidance and training materials for the sound management of manufactured nanomaterials.
4. *Requests* that all SAICM stakeholders continue to support the public dialogues on all aspects of nanotechnologies and manufactured nanomaterials, including on the benefits and risks of manufactured nanomaterials throughout their life cycle
5. *Invites* relevant international organizations including participating organizations of the IOMC, such as OECD and UNITAR, to continue to support efforts to facilitate information exchange, develop guidance and training materials, and support public dialogues regarding nanotechnologies and manufactured nanomaterials.
6. *[Invites] [Calls for]* industry to continue and enhance their stewardship role and responsibilities [as manufacturers and suppliers of] [in relation to] nanotechnologies and manufactured nanomaterials, and to participate and support, [including in financial terms], awareness raising, information exchange and training activities, as well as in public dialogue and risk research
7. *Invites* the UN Committees of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals to monitor the progress of international scientific work, review the applicability of the GHS criteria in relation to manufactured nanomaterials, and if needed prepare a work plan for their adaptation ;
8. *[Invites the Conferences of Parties of the Rotterdam, Stockholm and Basel Conventions to consider whether manufactured nanomaterials and their applications fall under their respective mandates, and in cases they do not, whether they should .]*
9. *[Invites all stakeholders, in particular ICCA, to identify manufactured nanomaterials and generate information to enable the safe handling and use throughout their life cycle and make these information available through appropriate dissemination mechanisms developed through ICCA].*
10. *[Recommends the development of pilot projects at national level to enhance capacity to address the sound management of nano technologies and manufactured nanomaterials]*
11. *[Recommends that all intersessional activities related to manufactured nanomaterials give special attention to their full life cycle and occupational exposure.]*

E. Managing perfluorinated chemicals and the transition to safer alternatives

The Conference,

Recalling resolution II/5 on managing perfluorinated chemicals and the transition to safer alternatives,

1. *Welcomes* the efforts on gathering and exchanging information on perfluorinated chemicals (PFCs) that have taken place to date to support the implementation of resolution II/5 on perfluorinated chemicals and the transition to safer alternatives;

2. *Notes* that there remains a significant need for additional work to support the implementation of resolution II/5;

3. *Welcomes* the establishment of the OECD/UNEP Global PFC Group as an important mechanism to broaden the participation in this work beyond the OECD region and to achieve further progress in this area;

4. *Invites* the OECD/UNEP Global PFC Group to carry this work forward and to report on progress to the Conference.

5. *Requests* the OECD/UNEP Global PFC Group to closely collaborate with the Secretariat of the Stockholm Convention on Persistent Organic Pollutants and UNIDO on PFC-related activities.

Annex

Terms of reference of the global PFC group

Composition

1. The Global PFC Group would be an inclusive group, and would welcome up to 5 representatives from each of the SAICM regions, non-governmental organizations, and other international organizations, as well as current OECD participants on PFCs activities and observers. The composition of the Group could be as follows:

Regional representatives

[Africa]
[Asia-Pacific]
[Central and Eastern Europe]
[Latin America and the Caribbean]
[Western Europe and Others]

Non-Governmental Organizations

[Health sector]
[Industry sector]
[Public interest sector]
[Trade unions sector]

IOMC

[IOMC representative]

Stockholm Secretariat

[Stockholm Secretariat]

OECD

[OECD country]
[OECD stakeholder]

Global PFC Group Secretariat

[UNEP Secretariat]
[OECD Secretariat]

Objectives of the Global PFC Group

2. The aim of the Global PFC Group is to facilitate information exchange and information gathering on PFCs i.e. perfluorinated octylsulfonate, perfluorooctanoic acid, their related substances and products and mixtures containing these substances *:

- ◀ On the product content and environmental release ;
- ◀ On alternatives in uses and the potentially safer alternative substances of technologies for their uses;
- ◀ On criteria for identifying potentially safer alternative substances or technologies;
- ◀ On the necessity and possibility of technology transfer;
- ◀ On progress in and examples of regulatory actions and voluntary programmes;
- ◀ On environmental fate and transport;
- ◀ On monitoring;
- ◀ On emissions;
- ◀ On exposure of humans and the environment;
- ◀ On the potential effects of these substances and alternatives on human health and the environment

Proposed work for 2011-2012

3. The main elements of work that have been proposed include:
 - (i) PFC survey among major producers in 2012;
 - (ii) Information sharing on alternative substances and technologies through the PFC Web Portal, webinars and side-events;
 - (iii) Promotion of stewardship and regulatory activities through the PFC Web Portal, webinars and side-events; and
 - (iv) Reporting progress to ICCM3.
4. These activities could be carried-out provided that sufficient voluntary contributions are made available.
5. It is foreseen that the Global PFC Group would work through conference calls and emails rather than face-to-face meetings. It should therefore be a group that requires limited resources to operate.

Governance structure

6. OECD and UNEP, Chemicals Branch will chair the teleconferences and carry-out the secretariat functions for the Global PFC Group.
 7. The Global PFC group will at its first meeting discuss, eventually amend and adopt the terms of reference for the Global PFC group, as well as discuss and adopt a work programme.
 8. The Secretariat will be responsible for:
 - ◀ Organizing meetings of the Global PFC group;
 - ◀ Consultation with SAICM Secretariat to ensure coordination of inputs for the International Conference on Chemicals Management;
 - ◀ Consultation with other stakeholders outside the Global PFC Group;
 - ◀ Preparation of progress reports to SAICM (International Conference on Chemicals Management).
 9. The new group will receive secretarial support from OECD and UNEP's Chemicals Branch, and work together with the SAICM Secretariat.
- * The focus of the work will be on Long-chain perfluorinated compounds i.e.:
- ◀ Perfluorocarboxylic acids with carbon chain lengths C8 and higher, including perfluorooctanoic acid (PFOA);
 - ◀ Perfluoroalkyl sulfonates with carbon chain lengths C6 and higher, including perfluorohexane sulfonic acid (PFHxS) and perfluorooctane sulfonate (PFOS); and
 - ◀ Precursors of these substances that may be produced or present in products.

For definition purposes "precursor" means a substance that has been recognized as having the potential to degrade to perfluorocarboxylic acids with a carbon chain length of C8 and higher (including PFOA) or perfluoroalkyl sulfonates with a carbon chain length of C6 of higher (including PFHxS and PFOS).

II. New emerging policy issues**A. Endocrine-disrupting chemicals**

The Open-ended Working Group,

Mindful of the overarching goal of the Johannesburg Plan of Implementation, as contained in Paragraph 23, to ensure that by 2020 chemicals are produced and use in ways that minimize significant adverse impacts on the environment and human health;

Mindful also of the non-binding, voluntary and multi-stakeholder nature of SAICM;

Recognizing the potential adverse effects of endocrine disruptors for human health and the environment;

Recognizing further that the need to protect humans and ecosystems and their constituent parts that are especially vulnerable as contained, *inter alia*, in paragraph 14(b) of the Overarching Policy Strategy;

Considering the special needs of developing countries and countries with economies in transition;

Recognizing the ongoing efforts among SAICM stakeholders, including intergovernmental organizations and civil society, scientific community as well as representatives of public interest NGOs, trade unions, and the health sector;

Having considered the proposal for endocrine disrupting chemicals as a new emerging policy issue, the Open Ended Working Group:

1. *[Agrees* that the proposal meets the criteria for an emerging policy issue.]
2. *Considers* that information dissemination and awareness raising are particularly relevant at this point in time.
3. *Recognizes* the present difficulties of some countries to mobilize required resources to address this as an emerging policy issue.
4. *[Recognizes* the merit of further discussions at the International Conference on Chemicals Management at its third session, and *recommends* that the Conference considers][Encourages the proponent to consider] options contained in paragraph 5 of SAICM/OEWG.1/14 in the light of work being undertaken by the different SAICM stakeholders.

B. Environmentally Persistent Pharmaceutical Pollutants

The Open-ended Working Group,

Considers that the proposal did not meet the criteria for an emerging policy issue.
