

23 July 2019

EU/MS comments of on the draft paper *Addressing Issues of Concern* prepared for IP-3 by the co-chairs

The EU and its Member States appreciate and support the approach and ambition of the co-chairs. We thank the co-chairs for their work in drafting the papers which provide a good basis for the discussions at IP3 in Bangkok.

Please note that the EU and its Member States submitted on 10 July a paper as input to co-chairs' work on Issues of Concern that warrant global action. Please consider that paper as well as the comments in this document in the further work on this topic.

Addressing Issues of Concern

Mandate from OEWG3: Request that the Co-Chairs, with support of the SAICM Secretariat, and in consultation with the Bureau, undertake further work on issues of concern.

Desired outcome beyond 2020:

- To ensure that global efforts on the sound management of chemicals and waste beyond 2020 respond to new issues of concern warranting global action as well as ongoing challenges based on [an agreed approach](#) to:
 - a) Establish modalities for identifying and adopting issues of concern;
 - b) Set out mechanisms for implementation and for monitoring their progress;
 - c) Recommendations are made to the ICCM for any existing or new issue of concern moving forward

Commented [1]: General support

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Commented [3]: The breadth of the EPI ranges significantly i.e. CIP and EDCs vs. lead in paint – it might be useful to break down the issues a bit as it's very difficult to propose actions/achieve targets/goals with such broad issues. Recognising that broad actions may be necessary in some respects but it makes it hard to be SMART with targets for them.

Commented [4]: Does this refer to the same governing body as ICCM in the document 'Measures to achieve multi-sectoral and multi-stakeholder engagement'? Co-chairs' texts and terminology used should be aligned within and across documents

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Commented [NL6]: We suggest deleting this point since it is contained in point a).

Proposed definition and criteria for issues of concern¹

Proposed Text on Definition:

An issue of concern that warrants global action is an issue involving any phase in the life cycle of chemicals and waste and which has not yet been generally recognised, has been recognized but is insufficiently addressed or arises as a potentially relevant challenge from the current level of scientific information and which may have significant adverse effects on human health and/or the environment.

Proposed Text on Criteria (See ANNEX A - Current EPI Modalities):²

Information must be provided demonstrating how the issue meets the following criteria

- (i) **Magnitude of the problem and/or its impact on human health or the environment**, taking into account vulnerable subpopulations and any toxicological and exposure data gaps;
- (ii) **Issues** are integral to the vision, and need to be addressed to enhance core chemicals and waste management (including but not limited to the 11 basic elements of the Overall Orientation and Guidance (OOG) (See Annex B);
- (iii) **Extent** to which the issue is being addressed by other bodies, particularly at the international level, and how proposed action is related to, complements, or does not duplicate such work;
- (iv) **Extent** to which the problem is **relevant** across regions, particularly taking into account the needs of developing countries /countries with economies in transition, and why global collaboration on a solution is needed (e.g. international guidelines need to be developed)
- (v) **Extent** to which the issue is of a **cross-cutting** nature including:
 - a. **Multisector** engagement is **beneficial** (i.e. can be more effectively addressed by work in several sectors) and there is multisector commitment to engage (noting that it may be less of a priority to the other sector) or
 - b. Multiple types of concerted action across a number of stakeholders is **beneficial for achieving** the desired outcome, which can be more effectively addressed by cooperation across stakeholders.
- (vi) **Plan of action** and expected results including:
 - a. Demonstration that the problem has solutions that can be implemented within the proposed timeline.
 - b. Presentation of a draft work plan, with specific measurable results and timelines proposed [this could include scoping work to refine the workplan over time where appropriate

- Commented [7]:** We consider that the criteria proposed in i-vi is not formulated a criteria as such but it's rather relevant information needed for the decision-making. Criteria need to be more precise.
- Commented [8]:** A mechanism for supporting the provision may be considered here, e.g. through a possible subsidiary technical group to the ICCM.
- Deleted:** Significant impact on human health or the environment
- Commented [10]:** Links should be made to delivery of the objectives/targets to determine importance i.e. will these contribute to delivering the results we would like to see.
- Deleted:** are persistent,
- Commented [12]:** This could be revised: The issue must not be being addressed by other bodies or duplicate work elsewhere
- Commented [13]:** This needs to be concretized, i.e the problem is relevant across all or a certain number of regions. Transboundary and geographical spread seem sensible as a criteria in order to identify relevance
- Deleted:** consistent
- Deleted:** as well as management capacities, where
- Commented [14]:** To what extent is it 'cross-cutting' – this should be clarified - for example is it linked to biodiversity loss, human health impact, contributor to climate change or simply
- Commented [15]:** Some hesitation on "multisectoral" and
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¹ This text could potentially be a separate annex to the new Beyond 2020 Framework text or Conference resolution. If it is part of a resolution, it has more flexibility to be updated in the future.

² The proposed text builds on existing criteria to identify issues of concern (see Annex).

- c. Multi-stakeholder/multi-sectoral or champion support, has been demonstrated for implementation at the international level;
- d. Extent to which there are opportunities for synergies/collaboration and/or resources/funding from elsewhere and/or the project builds upon existing knowledge on a related issue has been demonstrated;

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Proposed text on mechanisms for adoption of issues of concern and for monitoring their progress:

The mechanism to adopt an issue should include:

- a. Identification, Selection, Nomination, Review and prioritization (including decision on existing EPIs)
 - o Issues of concern are nominated by countries and stakeholders through the secretariat
 - Issues shall be identified, nominated and reviewed and prioritized by decision of the ICCM based on the identified criteria above.
- b. Mechanisms for implementation
 - o Implementation of issues of concern should be guided by an agreed work plan, with clear deliverables and milestones as well as identified champions or stewards (e.g. a time-limited multi stakeholder group or committee) responsible for monitoring and guiding progress.
 - o Countries and Stakeholders make commitments to actions based on a work plan adopted by the ICCM
- c. **Tracking progress (monitoring and reporting against milestones?)**
 - o Progress against the identified expected concrete time-bound outputs should be tracked including through:
 - reports (at regular intervals as identified in the implementation plan) prepared by the lead implementing organization (s) [and or issue working group] for meetings of the OEWG, ICCM, regional meetings and or;

Commented [21]: Please see our submission on 10th of July. Further discussions are needed around the proposed process as current proposals seem to involve a fair amount of administration (in preparing and assessing nominations) which may exclude some of the actors from nominating/proposing issues (i.e. stakeholders, industry and others). It could also potentially add a significant resource burden on the secretariat which would have resource implications. Is there a role for a potential science-policy interface or could it be done via ICCM, OEWG, and progress monitored by the bureau for example?

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- Deleted:** governing body of SAICM Beyond 2020
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Deleted: <#>Once an initial set of issues is established, any proposal to take on other issues will trigger a review of the relative importance of all issues.¶
<#>This review process may determine the termination of one or more issues of concern be terminated as necessary to ensure the most important issues are addressed and taking into account that the overall capacity/resources of [Strategic Approach] stakeholders to take on new issues has not been exceeded (may need to defer it to the next decision round)¶
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d. Criteria for completion/ sunseting an issue

- In some cases there may be rationale for sunseting or bringing a particular issue of concern to a close as an identified issue of global concern.
- Options for suspending or ending work on a specific issue of concern may include:
 - Stopping after the completion of major work plan elements (deliverables have been achieved)
 - Stopping after the period of time, designated at the start of work on the issue, has elapsed; or
 - Reassessing the issue in light of **inadequate** implementation that may be a result of inadequate resources, lack of stakeholder participation and/or emerging competing priorities or desire to focus on other areas of implementation. This may trigger either suspending work on the issue for a period of time, setting an end date or advancing the issue to other fora for action as appropriate.

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e. Accelerating progress on an issue

- In some cases there may be rationale for significantly advancing an issue of concern. This may be due to new information that comes to light e.g. **scientific information** about the health and environmental impacts or risk management methodologies; increasing public concern; availability of new safer alternatives; inadequate implementation within the existing voluntary approach or other reasons as determined by the **JCCM**.
- Advancing these issues of concern may include the formation of an ad-hoc working group or committee (as determined by the ICCM):
 - to review the new information, including health and ecological concerns and factors contributing to limited success in implementation in addressing the issue and;
 - to develop options and recommendations for action which would be submitted to **JCCM** for consideration and decision.
- ICCM may then by resolution, recommend a change of action and/ or elevation of the issue for consideration in a different body.

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Commented [24]: We suggest to use the countries and stakeholders (there is often a steering group) involved in the issue of concern to review and propose these advancements. ICCM can recommend advancement and propose change of action as part of the regulatory review during the ICCM process.

CONSIDERATIONS:

The Strategic Approach should continue to provide a forum for open discussion and information exchange by all Stakeholders, as well as foster the promotion of collaborative action through partnerships and other efforts. It should build on issues and lessons learned to date.

There is a need to make a distinction between issues which primarily need support via capacity building for action at a national or regional level and issues where collective international action is needed to address a global issue.

- In some cases, a lot is known on the impacts of certain chemicals and significant action has been taken in some countries or under certain international agreements to address those chemicals. Given the potential impact of the issue and that risk management actions may already be well known, addressing these risks may be best addressed by information sharing and capacity building. The current Lead in paint issue might fall in this area for example. These could be addressed under Strategic Objective A.

Commented [26]: Not clear why this needs to be mentioned since we will have the criteria for identification of issues of concern.

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- In other cases, there are suspicions that certain chemicals or combination of chemicals or exposures are concerns but the science is truly only emerging or there are disputes on the implications of the science or how best to address the issue. In this case assuming that it is agreed that the issue is of sufficient concern, monitoring and research or joint policy development would be required before further action is decided. Nanomaterials or some endocrine disrupting substances may fall in this category. These could be addressed under Strategic Objective B.
- For certain other issues, only coordinated global action may be possible to achieve results, for example transboundary movements and controls on chemicals in products.

Annex C provides some reflections prepared by the secretariat on the workstreams of the SAICM emerging policy issues and issues of concern identified to date to help inform the discussions.

It will be important to ensure that the **issues selected are prioritized** for their likelihood and scale of impact to promote the sound management of chemicals and waste as well as on the availability of resources, knowledge and champions to achieve results.

Commented [27]: Please see comments above regarding prioritisation of IoCs

Similarly, work undertaken under **SAICM** should not duplicate work undertaken elsewhere or take on issues that are more properly within the mandate of another group but rather concentrate on key issues where international, multisectoral and multistakeholder collaboration is critical to success.

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The Global Chemicals Outlook II includes a number of relevant findings:

- A diverse set of mechanisms has been established at the international level to identify emerging issues and set priorities for action.
- Existing bodies use different procedures, methodologies, selection criteria and organizing frameworks.
- The EPI process under the ICCM has resulted in the identification of a diverse set of issues ranging from endpoint-focused issues, and specific applications, to broader management topics.
- In developing a possible future process, lessons learned from these mechanisms, ensuring the complementarity of processes, and the use of **science-based criteria for prioritization** are important.

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Based on recent experience in the GCO, it will be a challenge to achieve consensus on how to define a global issue, where international action is warranted.

Commented [29]: Suppose this is the purpose of the criteria? This has been done under current SAICM.

Finally, a decision will need to be made on what to do with the existing 'emerging policy issues' or 'issues of concern' in the light of the criteria that will apply in future. ↓

Deleted: as noted above, some issues may have naturally evolved to be an area of focus under a particular strategic objective programme of work (eg. Objective B on comprehensive and sufficient knowledge and information is available and accessible); others still may fit the 'enhanced' criteria for issues of concern warranting global action in the beyond 2020 period but may require revitalization in light of beyond 2020 mechanisms; and still others may require review in light of its status/ progress (or lack thereof) to date where upon it may come to completion as decided by the governing body....

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ANNEX A - Annex to ICCM resolution II/4 Modalities for considering emerging policy issues

Introduction

The process for the consideration of emerging policy issues by the International Conference on Chemicals Management will be open and transparent. It will be facilitated by the secretariat and provide for the participation of all stakeholders.

A. Call for nominations

1. Given that the nature of emerging policy issues will vary according to the perspectives and needs of different stakeholders, the process for nominating emerging policy issues should be an open one in which any Strategic Approach stakeholder is free to participate. The nomination procedure will be published on the Strategic Approach website. To promote communication at the national level, nominations should be copied to Strategic Approach focal points. Regions may also wish to add the subject to their meeting agendas. Because emerging policy issues will arise and evolve over time, nominations will be allowed at any point but will only be formally invited from stakeholders once during the period leading up to each session of the Conference. This periodic call for the nomination of issues will serve to encourage the systematic monitoring, review and regular discussion of emerging policy issues among Strategic Approach stakeholders. To allow for sufficient time for subsequent steps in the procedure, nominations will need to be submitted 18 months in advance of the session of the Conference at which they will be considered.

B. Submission of initial information

2. In nominating an emerging policy issue for consideration by the Conference, a proponent will be required to complete a questionnaire that includes the criteria listed below in subparagraph (b). The information to be submitted to the secretariat should include:

(a) Information demonstrating why a given issue is considered to be an emerging policy issue, in particular how it is consistent with the definition of an emerging policy issue, i.e., an issue involving any phase in the life cycle of chemicals and which has not yet been generally recognized, is insufficiently addressed or arises from the current level of scientific information and which may have significant adverse effects on human health and/or the environment;

(b) Information demonstrating how the issue meets the following criteria:

- (i) Magnitude of the problem and its impact on human health or the environment, taking into account vulnerable subpopulations and any toxicological and exposure data gaps;
- (ii) Extent to which the issue is being addressed by other bodies, particularly at the international level, and how it is related to, complements, or does not duplicate such work;
- (iii) Existing knowledge and perceived gaps in understanding about the issue;
- (iv) Extent to which the issue is of a cross-cutting nature;
- (v) Information on the anticipated deliverables from action on the issue.

3. Proponents are encouraged to include a description of proposed actions to be considered in moving forward on emerging policy issues, including a rationale for how proposed actions would address the emerging policy issues identified. Proponents are encouraged to consider a wide range of options for action, which would include identification of any tools, institutions and other mechanisms and expected resources that could support the proposed action, as described in paragraph 4 below.

4. Actions that proponents might want to consider may include:

- (a) Dissemination of information through the secretariat's clearing-house function or other mechanisms;
- (b) Recommendations from the Conference, which could include requests for action addressed to the governing bodies of intergovernmental organizations, Governments, scientific bodies, civil society stakeholders and the private sector;
- (c) Initiation of follow-up work under the auspices of the Conference, including through intersessional work at regional meetings, workshops, training sessions, webinars, teleconferences, work by subsidiary bodies, the secretariat or other mechanisms;
- (d) Specific commitments by Governments, civil society, intergovernmental organizations and the private sector, such as intersessional work or partnerships;
- (e) Relevance, as appropriate, to the Global Plan of Action and the Overarching Policy Strategy of the Strategic Approach or other mechanisms for providing capacity-building to proponents.

C. Initial review and publication of submissions

5. The secretariat will check nominations for new emerging policy issues against the agreed definition and criteria with the aim of assisting proponents in completing their nominations and sorting the nominations for future prioritization. Proponents will be contacted to provide any missing information.

6. The secretariat will compile a list of nominations, annotated with a summary of information on each of the criteria. Similar nominations will be clustered so that similar issues can be considered in thematic groups. The list of nominations and the nominations themselves will be made publicly available and an invitation to provide comments will be issued 15 months prior to the session of the Conference at which they will be considered. Comments received by the secretariat will be made publicly available.

7. The proponents of an issue will have an opportunity to revise their nomination to take into account comments or to clarify information provided and to work with other proponents to consolidate nominations that are similar or complementary. Revised nominations must be submitted to the secretariat 12 months in advance of the session of the Conference at which they are to be considered.

8. The secretariat will consolidate a final list of nominations, annotated with a summary of information on each of the criteria.

D. Prioritization of submissions

9. After publication of the nomination list, the regions may prioritize submissions by engaging formally the full range of their stakeholders. In doing so, they are encouraged to consider the criteria in paragraph 2 (b), above, and to communicate the priorities to the secretariat. Such consultations will be pursued through regional focal points and with national focal points, including non-government participants, at regional meetings or through other mechanisms.

10. The secretariat will compile input received from the regional consultations and input from other stakeholders on the prioritization of submissions.

E. Inclusion of emerging policy issues on the provisional agenda of the Conference

11. The Open-ended Working Group will consider the regional inputs and other information to assess the proposals, taking into account the criteria outlined in paragraph 2 (b) above. It should propose a limited number of priority emerging policy issues to the Conference for its consideration. Those issues will be submitted for inclusion on the provisional agenda of the next session of the Conference in accordance with the rules of procedure of the Conference.

12. In the event that an issue is nominated but not included on the provisional agenda for a session of the Conference, its proponent may seek other ways to focus attention on it. This might include:

- (a) Disseminating information about the issue through the secretariat's clearing-house function;
- (b) Including the issue as a topic for workshop agendas or internet-based consultations;
- (c) Encouraging regional groups to include the issue on the agenda of regional meetings;

- (d) Forwarding the submission to other forums or individual stakeholders with relevant mandates for their consideration;
- (e) Highlighting the issue as a possible priority for Strategic Approach participants;
- (f) Making Strategic Approach participants aware of any funding associated with the proposal that may be available for intersessional work, bilateral projects or other opportunities.

ANNEX B: 11 Elements of the Overall Orientation and Guidance (OOG) towards the achievement of the 2020 goal:

19. The following set of 11 basic elements has been recognized as critical at the national and regional levels to the attainment of sound chemicals and waste management, namely:
- (a) Legal frameworks that address the life cycle of chemicals and waste;
 - (b) Relevant enforcement and compliance mechanisms;
 - (c) Implementation of chemicals and waste-related multilateral environmental agreements, as well as health, labour and other relevant conventions and voluntary mechanisms;
 - (d) Strong institutional frameworks and coordination mechanisms among relevant stakeholders;
 - (e) Collection, and systems for the transparent sharing of, relevant data and information among all relevant stakeholders using a life cycle approach, such as the implementation of the Globally Harmonized System of Classification and Labelling of Chemicals;
 - (f) Industry participation and defined responsibility across the life cycle, including cost recovery policies and systems as well as the incorporation of sound chemicals management into corporate policies and practices;
 - (g) Inclusion of the sound management of chemicals and waste in national health, labour, social, environment and economic budgeting processes and development plans;
 - (h) Chemicals risk assessment and risk reduction through the use of best practices;
 - (i) Strengthened capacity to deal with chemicals accidents, including institutional strengthening for poison centres;
 - (j) Monitoring and assessing the impacts of chemicals on health and the environment;
 - (k) Development and promotion of environmentally sound and safer alternatives.

Annex C - Reflections prepared by the secretariat on the SAICM emerging policy issues and issues of concern identified to date.

Table 1: General categorization of the current SAICM emerging policy issues and other issues of concern

Category	Current EPI	Lead	Current types of joint cooperative actions identified in ICCM resolutions and the GPA
Promotion of related regulatory and policy measures	Lead in Paint HHP	WHO / UNEP FAO / WHO / UNEP	Awareness raising Baseline data gathering Capacity building to promote legislation at national level
Information sharing on chemicals across the lifecycle	CiP HSLEEP	UNEP UNIDO	Raise attention of chemicals of concern in various products, including: textiles, electronics, toys and building materials.
Issues with emerging scientific evidence	Nanotechnology EDC Pharmaceuticals PFOS	UNITAR / OECD UNEP / WHO / OECD WHO / FAO / UNEP OECD / UNEP	Increase awareness and understanding and promote actions Facilitate science-based information exchange Generate and share information to fill the knowledge gaps

Table 2: General reflections on these categories in moving forward beyond 2020

Category	Links to strategic objective	Reflections
Promotion of related regulatory and policy measures	A	<p>Role of Conventions: Could the existing conventions play a more pro-active role in supporting these types of efforts in moving forward? They are frequently convening regulators in their workshops.</p> <p>Likewise, more emphasis could be made on outreach in these areas at relevant COPs.</p> <p>National: Tracking national progress on these areas is important in moving forward.</p>
Information sharing on chemicals across the lifecycle	B & D	<p>How can more downstream users be encouraged to engage in this type of work? What is the incentive we can create for them?</p> <p>Many Brand initiatives have taken hold for highly intensive chemical using industries (ie textiles). Does the Beyond 2020 approach have a role to support these initiatives?</p> <p>Circular economy discussions are particularly relevant in this area, including many aspects linked to plastics.</p> <p>Could more focused work programmes allow for more private sector financing in these areas?</p>
Issues with emerging scientific evidence	B	<p>How can academia be encouraged to engage in this area? What is the incentive we can create for them? How does this link to science policy efforts?</p> <p>Currently leadership in this area is: OECD, UNEP, WHO, FAO and UNITAR... could these groups be called upon to lead something broader?</p>