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Fourth meeting of the intersessional process considering the Strategic Approach and the sound management of chemicals and waste beyond 2020

Bucharest, Romania, 23-27 March 2020

Item 6 of the provisional agenda¹

Any other business

**The International Code of Conduct on Pesticide Management:
a FAO/WHO voluntary framework promoting multi-stakeholder and
multi-sectoral engagement**

Note by the secretariat

The secretariat has the honour to circulate, in the annex to the present note, the contributions of the Food and Agriculture Organization of the United Nations (FAO) prepared in collaboration with the World Health Organization (WHO) and the members of the FAO/WHO Joint Meeting on Pesticide Management (JMPM), for the information of participants. The document describes the multi-stakeholder and multi-sectoral platform provided by the International Code of Conduct on Pesticide Management and outlines the need and opportunities for similar arrangements beyond 2020. The document presented in the annex has been developed and submitted by FAO and has not been formally edited by the Secretariat.

¹ SAICM/IP.4/1

Annex

The International Code of Conduct on Pesticide Management: a FAO/WHO voluntary framework promoting multi-stakeholder and multi-sectoral engagement

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1. Introduction

Since its inception, SAICM has provided a multi-stakeholder and multi-sectoral platform for the sound chemical management. Recent discussions for the Beyond 2020 process have reiterated the importance of an integrated approach to protect health and the environment while achieving economic benefits from the use of chemicals. Already in 2015, the fourth session of the International Conference of Chemicals Management (ICCM-4) emphasized the need for continued and *strengthened* multi-sectoral and multi-stakeholder involvement. The subsequent discussions at the 2nd and 3rd meetings of the Intersessional Process (IP-2 and IP-3) have further stressed that the future framework for chemical management has to underline and encourage enhanced multi-sectoral cooperation and action. However, it was noted during those same meetings that the participation and representation of the different sectors and stakeholders in SAICM up to now have been uneven. The representative of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) indicated at both IP-2 and IP-3 meetings that this resulted in some sectors and stakeholder groups being more strongly represented in SAICM than others. The 2006-2015 SAICM independent evaluation² (published in 2019) also noted that *“over 80% of NFPS³ SAICM national focal points are located within the environment sector with few representing the agriculture, health or labour sectors. This general lack of cooperation and collaborations between ministries is limiting the multi-sector ambition of SAICM.”*

The IP-3 meeting provided more concrete opportunities for investigating ways to increase multi-sector participation. First IP-3 co-chairs prepared a paper on “Additional measures to achieve multi-sectoral

² http://www.saicm.org/Portals/12/Documents/meetings/OEWG3/doc/OEWG_3_3_ADVANCED.pdf

³ SAICM National Focal Points

and multi-stakeholder engagement” (SAICM/IP.3/3) that set out considerations and measures to enhance such engagement to accelerate achievement of the objectives beyond 2020. Second, FAO, as the intergovernmental organization (IGO) leading work and policy development on agro-chemicals, organized a sectoral meeting on agricultural in the margins of IP-3. The meeting had a fruitful discussion, in particular on highly hazardous pesticides (HHPs), one SAICM emerging policy issue (EPI), identifying challenges and gaps, proposing valuable suggestions and recognizing the importance of engagement of all stakeholders. Participants in that sectoral meeting agreed that closer collaboration between sectors and partners would support future endeavours for the sound management of agrochemicals under a SAICM framework and would contribute to sustainable agriculture, as well as aiding in meeting the SDGs. Last, IP-3 encouraged contributions from the agricultural sector for IP-4 deliberations to promote achieving enhanced sectoral engagement in the beyond 2020 process.

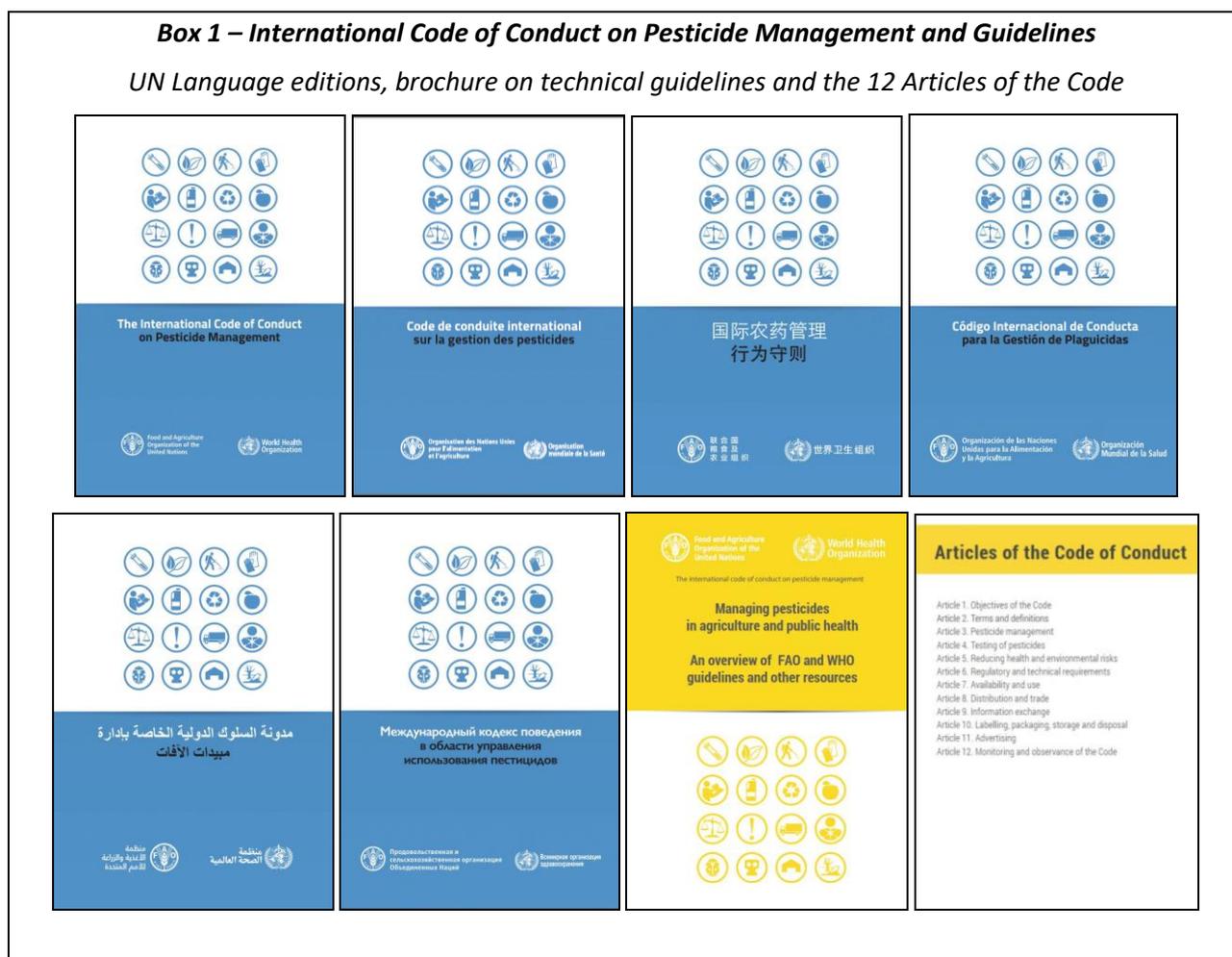
Therefore, FAO in collaboration with WHO, and in consultation with panel members of the Joint Meeting on Pesticide Management (JMPPM), has prepared this information paper to illustrate how cross-sectoral and multi-stakeholder engagement has been working for many years at the international level in the agro-chemical area. This paper is meant to inform the IP-4 discussions and participants on experiences of the agricultural sector, working closely with the health and environmental sectors and engaging with governments, NGO, academic and industry stakeholders on pesticide risk reduction through a voluntary framework, the **International Code of Conduct on Pesticide Management**.

2. What is the International Code of Conduct on Pesticide Management?

The [International Code of Conduct on Pesticide Management](#) (therein referred to as the “Code of Conduct”) is a voluntary framework to guide government policy makers and regulators, the private sector, civil society, and other stakeholders on best practices in managing pesticides throughout their lifecycle. It provides voluntary standards of conduct on all pesticide uses, for all public and private entities engaged in or associated with the production, distribution, sale, use, regulation and management of pesticides, as well as the disposal of obsolete pesticides. It has been designed for use within the context of national and regional legislation as a basis to determine whether (proposed) pesticide-related actions constitute acceptable practices.

As pesticides are used in agriculture and public health, including vector control, FAO and WHO have been working together since 2007 for enhancing and promoting the implementation of the Code of Conduct. Its most recent version⁴, dated 2014, was endorsed at high level in both organizations, by the FAO Conference in June 2013 and the WHO Executive Board in January 2014. Furthermore, as the environment sector plays an important role in pesticide management, through environmental evaluations and monitoring of pesticide uses and waste, the UN Environment Programme (UNEP) already actively contributes to the activities, is a member of JMPPM and is expected to join FAO and WHO in endorsing the Code of Conduct in the near future. This is a good example of inter-agency collaboration from multiple sectors.

⁴ The 2014 version of the Code of Conduct is the fourth version. The first version was approved in 1985 and was then entitled “the International Code of Conduct on the distribution and use of pesticides”.



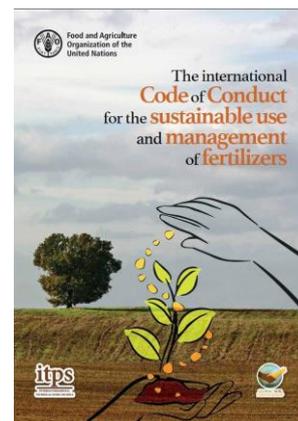
The Code of Conduct is supported by a series of (more than 30) technical guidelines that are developed and revised regularly to provide updated and detailed technical guidance to support the implementation of the 12 Articles of the Code of Conduct. A [2019 brochure](#) on FAO/WHO guidelines and other resources provides an overview of these guidance documents (see Box 1) that cover all stages of the pesticide lifecycle.

The Code of Conduct has been designed and developed as a **voluntary instrument**. Although the drafting of the text is subject to thorough and extensive exchanges among stakeholders, involving active discussions to agree on the final wording, the voluntary nature of this framework has provided flexibility in the negotiations and has made it possible to address issues of priority and global emerging concerns, such as HHPs, a major problem for rural pesticide users in many locations. This voluntary approach has been instrumental in progressing the topic of pesticide management to prevent health and environmental effects, particularly in low- and middle-income countries (LMIC). Having said that, now that the Code of Conduct has proved quite successful for more than two decades in providing structured guidance to key sectors and particularly to resource poor countries (e.g. 89 % of the countries have implemented a pesticide legislation based on the Code of Conduct), it could pave the way for a legally-binding instrument to make pesticide management even more visible on and effective for the sustainable development agenda.

The Code of Conduct on Pesticide Management, by its content, scope, nature and process, should be considered as a good example for guiding the development of other international codes in other areas, such as managing chemicals and waste.

The most recent example of a new framework for managing risks and promoting sustainability is the [International Code of Conduct on Fertilizers](#), published in 2019 by FAO.

Last, it is interesting to recall that one of the Governance Objectives of the [SAICM Overarching Policy Strategy](#) (OPS) was "To promote relevant codes of conduct..."



3. Who is responsible for the Code of Conduct on Pesticide Management?

The Code of Conduct is supported by the FAO/WHO **Joint Meeting on Pesticide Management (JMPM)**. The JMPM works as an *advisory body* to FAO and WHO on the implementation of the Code of Conduct and on any new developments, problems or issues regarding pesticide regulation and management. JMPM members are drawn from two international expert panels: the FAO Panel of Experts on Pesticide Management and the WHO Panel of Experts on Vector Biology and Control. In the past, for about the first 20 meetings before 2007, only the FAO Panel was involved. With the broadening of the Code of Conduct scope beyond agricultural pesticides, the WHO Panel has been associated and has been fully involved in the JMPM since 2007, showing the engagement of the health sector. As a third key international partner, UNEP is already involved in JMPM as an Observer, is mentioned in the Code of Conduct and is also expected to join formally the JMPM in the near future to reflect the importance of the environmental issues in pesticide management.

Although the JMPM is neither well known nor highly visible on the international scene, it constitutes a key group of experts who guide FAO and WHO and discuss regularly the latest issues in science, policy or impacting the public (including vulnerable populations) related to pesticide management. In short, the JMPM is the **custodian** of the Code of Conduct, making sure that it is up to date and aligned with current best practices, monitoring its implementation in countries, and providing practical guidance to countries.

Box 2: The FAO/WHO Joint Meeting on Pesticide Management

How does it work in practice?

- The JMPM is supported by FAO and WHO (and by UNEP in future).
- FAO and WHO runs the JMPM Secretariat that administers all practical aspects dealing with the JMPM, its meetings and the publication of the various documents, including the Code of Conduct and its guidelines.
- The JMPM meets once a year face to face for 3-4 days; and 2-3 additional times per year in intersessional meetings by electronic means.
- The core JMPM group ("Panel") is made of FAO and WHO independent experts who are nominated by FAO and WHO. On average, the joint Panel is currently made up of 10-12 experts; this will expand with UNEP joining the meeting.

- The JMPM Panel agrees on the yearly JMPM recommendations (see the 2019 JMPM Recommendations in Appendix 1). These recommendations guide the work of FAO and WHO for the subsequent years and could be useful to inform the work of SAICM Beyond 2020
- The JMPM group also includes pesticide-relevant observers from IGOs (UNEP and the Organisation for Economic Co-operation and Development (OECD)), from industry (CropLife International (CLI), International Biocontrol Manufacturers Association (IBMA) and Agrocare) and from NGOs (Pesticide Action Network (PAN) and International POPs Elimination Network (IPEN)), who participate in all meetings, except closed sessions.
- The JMPM's main work is to develop technical guidelines, as a process to implement the 12 Articles on the Code of Conduct.
- Also, the JMPM reviews areas of concern and future policy issues, alerts FAO and WHO to new developments, problems or issues in pesticide management and regulations that merit attention.
- The JMPM organizes field visits during its meetings to discuss real cases of pesticide use and management and to collect comments and feedback from stakeholders in the field.
- The JMPM drives the process for any important changes to the Code of Conduct leading to new versions that are to be endorsed by the FAO Conference and the WHO Executive Board.

As mentioned above, the JMPM recommendations (Appendix 1) cover many issues around pesticide management and the joint work of FAO and WHO towards enhanced guidance. In addition, it tackles several areas dealing with governance or Code of Conduct implementation aspects. The 2019 recommendations particularly highlighted HHPs, which is one of the SAICM EPIs. As many JMPM members are also involved in the SAICM and in the beyond 2020 process, there is strong alignment of the JMPM work with the international chemical work. Last, all JMPM members are well aware of the SDGs and the importance of agricultural and health sector engagement to achieve these goals.

4. The Code of Conduct and the JMPM - an example of an international multi-stakeholder and multi-sectoral collaboration

As seen above, the development of the Code of Conduct under the leadership of the JMPM and supervision of FAO and WHO, has involved the collaboration of experts and observers from various countries and backgrounds. The geographic balance among experts is ensured by FAO and WHO so that all regions are represented. JMPM experts, although appointed in their personal capacity, work in government agencies, evaluation/registration boards, regional institutions, laboratories, academia, etc. They have technical knowledge in specific areas of pesticides: agronomy, chemistry, toxicology, residues, environment, public health, etc. In addition, the observers, representing the private and public interests, bring supplementary expertise and views to the JMPM discussions.

This multi-stakeholder and cross-sectoral collaboration is considered, by all those parties involved in the development of the Code of Conduct and of its technical guidelines, as extremely fruitful and essential to cover cross-cutting issues. While the size of the JMPM is limited compared to SAICM, this multi-stakeholder and multi-sectoral experience at a small scale has proved very useful and enriching, and is an example of an effective technical/policy interface body to support implementation of sound pesticide management.

5. Sectoral contributions on HHPs to SAICM

One of the main cross-sectoral contributions to SAICM from the pesticide sector was prepared for ICCM-4 in 2015. Following stakeholder consultations and meetings, FAO, WHO and UNEP jointly put forward a proposal on action to address HHPs from a agricultural, health and environment perspective (SAICM/ICCM.4/8⁵). This proposal included a draft resolution and proposed strategy on HHPs. Subsequently, in meeting, ICCM-4 adopted Resolution IV/3 (Annex I of SAICM/ICCM.4/15 – Resolution IV/3 on highly hazardous pesticides, reproduced in Appendix 2) that recognized HHPs as an issue of concern and called for concerted action to address HHPs, with emphasis on promoting agro-ecologically based alternatives and strengthening national regulatory capacity to conduct risk assessment and risk management. Stakeholders were encouraged to align efforts and, in order to ensure coherence, be guided by the definition of HHPs in the Code of Conduct and the guidelines on HHPs later published in 2016.

Building from ICCM-4 momentum, FAO and other stakeholders have focused their efforts on regional and national programmes aiming at reducing risks of HHPs to human health and the environment, as well as promoting sustainable agriculture approaches (e.g. agroecology). FAO has supported a number of national and regional activities and cross-sectoral workshops, e.g. in Southern Africa, the Caribbean and the Pacific, to identify HHPs (according to the eight JMPM criteria), to make an assessment of HHP actual needs and uses, to develop options for risk mitigation, to develop regional and national strategies on HHPs and to promote regional harmonization of pesticide management. In the margins of IP-3 in October 2019, FAO participated in a stakeholders' dialogue on HHPs and was tasked to lead the development of a global strategy on HHPs with concrete targets, along with a roadmap to guide global actions on phasing out HHPs. The global strategy on HHPs, supported by the JMPM at its November 2019 meeting, is to be presented at ICCM-5 meeting in October 2020, and will be a key framework to create consensus and determine a common path to follow for the phase-out of HHPs globally.

6. Sectoral and JMPM contributions and engagement in Beyond 2020 process

As stated in the introduction, involving the agricultural sector in the Beyond 2020 process in a visible and meaningful manner is essential for an efficient and encompassing new approach to chemicals management. FAO, with support of some JMPM members and observers, along with IOMC representatives, have already been involved in the IP discussions and technical working groups.

- Regarding Targets, Indicators and Milestones:
it will be important to ensure that there are targets and indicators of relevance to agriculture contributions to the work beyond 2020. Currently one IOMC indicator, maintained by FAO, monitors the number of countries that have implemented pesticide legislation based on the Code on Conduct on Pesticide Management.
- Regarding governance:
 - the new arrangements will need to suit and be inclusive of the agriculture sector. The Beyond 2020 process is an opportune time for the agricultural sector to have an active governance role in implementation of the new approach, especially through the Code of Conduct.
 - the agriculture sector should be adequately represented in any subsidiary bodies set up in future
 - as already mentioned in the SAICM OPS, relevant international Codes of Conduct could be promoted
 - regarding the creation of a new science-policy interface for chemicals and waste at the international level, it is interesting to note that both FAO and WHO are jointly working in the

⁵ <http://www.saicm.org/Portals/12/documents/meetings/ICCM4/doc/K1502177%20SAICM-ICCM4-8-e.pdf> (English version, also available in other UN languages)

Codex Alimentarius Commission (CAC), the UN body charged with protecting the health of consumers and ensuring fair practices in food trade under the Joint FAO/WHO Food Standards Programme. Expert scientific advice is provided by three independent joint FAO/WHO expert committees:

- The Joint Expert Committee on Food Additives (JECFA) evaluates the safety of food additives, contaminants, naturally occurring toxicants and residues of veterinary drugs in food. JECFA performs risk assessments and provides advice to FAO, WHO and the member countries of both organizations, as well as to the CAC.
- Joint Meeting on Pesticide Residues (in food) (JMPR) reviews residues and analytical aspects of pesticides, estimates the maximum residue levels, reviews toxicological data and estimates acceptable daily intakes (ADIs) for humans of the pesticides under consideration.
- Joint Meeting on Pesticide Specifications (JMPS) reviews product specifications and analytical methods and establishes product standards.

7. Challenges and conclusions

With their long-standing experience in pesticide management, based on both a multi-stakeholder and multi-sectoral approach through the JMPM, JMPR and JMPS, the FAO and WHO together, in close partnership with UNEP, and private and public stakeholders, have demonstrated that synergies and effective collaboration among the agricultural, health and environment sectors can lead to developing and implementing a key international framework such as the International Code of Conduct in Pesticide Management. This voluntary standard of conduct, specific to one chemical area, i.e. pesticides, complements other legally binding instruments such as the MEAs and voluntary mechanisms such as SAICM.

Beyond providing one example of a working framework promoting multi-stakeholder and multi-sectoral engagement and complementing SAICM, the agricultural sector advocates for a greater capacity and an increased representation within national and regional focal points of the Beyond 2020 approach. Because of the cross-cutting nature of pesticides, FAO, at its national/workshops on pesticide management, whether they address legislation, registration, use, disposal, HHPs and alternatives, etc. always invites representatives of the ministries of agriculture, health and environment, reinforcing national sectoral cooperation. As a result of the same cross-cutting nature of chemicals, FAO strongly supports the IOMC as an institutional coordination mechanism supporting the work of the ICCM, Bureau and secretariat and representing all chemical sectors among IGOs. Therefore, at the global and policy level, FAO strongly believes that promoting multi-stakeholder and multi-sector in the Beyond 2020 approach for chemicals will support international efforts to mainstream the sound management of chemicals across government departments and other stakeholders.

As underlined by the SAICM evaluation, one main barrier limiting the multi-sector ambition of SAICM has been the over-representation of the environment sector in all SAICM meetings, OEWG, IP or ICCM. Alone, the environment sector will not achieve the relevant SDGs, nor effectively address the EPIs and other issues of global concern such as the HHPs. The need for a strengthened multi-sectoral approach, with adequate role and responsibilities of the agricultural and health sectors, will be instrumental in mainstreaming sound chemicals and waste management into the broader development agenda. The agricultural sector, jointly with the health sector, therefore, actively supports the Beyond 2020 process.

Appendix 1

FAO/WHO JMPM Recommendations As presented on the last day of the 12th JMPM meeting, 22 November 2019

Note: small edits may be included in the final published version

JMPM guidelines

The JMPM recommends further inclusion of cross cutting issues in all guidelines such as the precautionary principle, HHPs, and the hierarchy of control, the latter to show where the guideline fits into the hierarchy.

The JMPM recommends that the WHO and FAO secretariats seek assistance from communications services to make the guidelines more user friendly.

The JMPM recommends endorsement of the guidelines on personal protection after minor amendments.

The JMPM recommends finalization of the:

- Household pesticide guideline
- Inspection guideline
- Licensing guideline

The JMPM recommends updating of the:

- Monitoring guideline
- Labelling guideline
- Aerial guideline
- Registration data requirements guideline

The JMPM recommends development of new guidelines on:

- Risk reduction during phase-out of pesticides
- Pesticide regulation for suicide prevention

The JMPM recommends the review of potentially outdated guidelines on:

- Application equipment
- Policy development
- HHPs
- Registration
- Efficacy
- Advertising
- Drafting guidelines

Labelling guideline

The JMPM recommends updating the labelling guideline to include chronic toxicity in the colour coding.

Aerial spraying guideline

The JMPM recommends that the JMPM working group use the template to start the review process and update the aerial spraying guideline.

Laboratories

The JMPM recommends further work by FAO and WHO to improve access to and strengthen capacity for laboratory analysis of pesticide quality and residues in under-resourced countries.

Surveillance

The JMPM recommends that consideration be given to incorporating the work of UNEP's African chemical observatories (Chem Obs – a project to build capacity) in relevant JMPM guidelines.

The JMPM invites UNE to present their Chem Obs findings at the next JMPM meeting.

HHPs

The JMPM recommends that the JMPM review the HHP criteria.

The JMPM recommends that a review of the current HHP guideline be initiated.

The JMPM recommends that the FAO and WHO secretariats develop a guideline on identification, assessment, and management of compounds under criterion 8.

The JMPM recommends that the JMPM secretariat write a discussion paper and initiate a dialogue on the concept of HHP lists.

The JMPM recommends sharing of information on steps that countries are taking to successfully limit adverse effects resulting from pesticide use.

The JMPM recommends that the work to develop a global action plan on HHPs be continued in consultation with governments and other stakeholders.

The JMPM recommends that when a country bans a pesticide for national use it should simultaneously stop production and export.

Biopesticides

The JMPM recommends updating the registration toolkit to include data requirements and testing and evaluation guidance for biopesticides, to be developed by a small group of experts.

The JMPM recommends that WHO and FAO in cooperation with other stakeholders organise a global workshop on biopesticides to increase training for users and regulators.

U.N. special rapporteur recommendations

The JMPM recommends that as the guidelines are worked on, the recommendations of the U.N. rapporteur be taken into consideration.

Increasing JMPM visibility and impact

The JMPM recommends improving its profile on the web by improving the JMPM page. The JMPM page should have links to other pesticide management organisations to illustrate different activities

The JMPM recommends developing documents that highlight its work, to be distributed at FAO, WHO, and UNE governing body meetings.

Next JMPM meeting

The JMPM recommends including an agenda item at the next JMPM meeting for panel member presentations about pesticide management activities.

Code of Conduct

The JMPM recommends that a process for revising the Code be started to update and include missing subjects such as: JMPM, precautionary principle, biopesticides, the registration toolkit, and cooperation at ministerial level.

The JMPM recommends considering how to give more weight to the Code of Conduct by making it legally binding.

JMPM funding and functioning

The JMPM recommends that FAO and WHO seek funding sources to allow the JMPM to fulfill its function.

The JMPM supports continuing the process for UNEP to join the JMPM, which should improve the JMPM's engagement with environment assessment and risk management.

The JMPM recommends the finalization and adoption of its terms of reference.

WHO hazard classification of pesticides

The JMPM supports WHO's inclusion of chronic toxicity (GHS) in the hazard classification of pesticides.

The JMPM recommends that WHO consider including the JMPM HHP criteria in the hazard classification along with acute and chronic toxicity classifications.

Appendix 2

ICCM4 report, Annex I, Resolution IV/3

IV/3: Highly hazardous pesticides

The Conference,

Mindful of the overarching goal of the Plan of Implementation of the World Summit on Sustainable Development, as set out in its paragraph 23, of aiming to achieve, by 2020, that chemicals are used and produced in ways that lead to the minimization of significant adverse impacts on human health and the environment,

Recognizing that highly hazardous pesticides cause adverse human health and environmental effects in many countries, particularly in low-income and middle-income countries,

Noting with appreciation the revised International Code of Conduct on Pesticide Management (2014) of the Food and Agriculture Organization of the United Nations and the World Health Organization, which draws specific attention to highly hazardous pesticides, as well as the significant work being done by the Food and Agriculture Organization, the United Nations Environment Programme, the World Health Organization and others to raise awareness and inform and guide pesticide regulators, industry, civil society and other stakeholders on the identification and elimination of unacceptable risks from highly hazardous pesticides,

Recognizing that additional action on highly hazardous pesticides by Strategic Approach stakeholders will be needed in order to attain the objectives of the Strategic Approach,

Reaffirming that Strategic Approach stakeholders should decide the extent to which they will be able to take individual and cooperative action on highly hazardous pesticides while respecting domestic and international obligations,

Welcoming the initiative of the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme and the World Health Organization to develop, in consultation with other stakeholders, a proposal for a strategy to address highly hazardous pesticides in the context of the Strategic Approach as an issue of concern,

1. *Supports* concerted action to address highly hazardous pesticides in the context of the Strategic Approach and welcomes with appreciation the strategy set out in part II of the proposal on highly hazardous pesticides;⁶
2. *Encourages* relevant stakeholders to undertake concerted efforts to implement the strategy at the local, national, regional and international levels, with emphasis on promoting agroecologically-based alternatives and strengthening national regulatory capacity to conduct risk assessment and risk management, including the availability of necessary information, mindful of the responsibility of national and multinational enterprises;
3. *Welcomes* the offer of the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme and the World Health Organization to develop modalities for international coordination in the context of the Inter-Organization Programme for the Sound Management of Chemicals;

⁶ SAICM/ICCM.4/8.

4. *Invites* appropriate organizations of the Inter-Organization Programme for the Sound Management of Chemicals to facilitate collaboration, cooperation and contributions of stakeholders in the implementation of the strategy;

5. *Invites* Strategic Approach stakeholders to report, through the secretariat, on progress on implementing the strategy to the Open-ended Working Group at its third session and to the Conference at its fifth session.
