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on Chemicals Management
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Item 5 (c) of the provisional agenda*

Implementation of the Strategic Approach: new and emerging policy issues

Report on the chemicals in products project, including draft recommendations

Note by the secretariat

The secretariat has the honour to circulate in the annex to the present note a report on the chemicals in products project, including draft recommendations, for the information of participants at the current meeting. The report has been provided as received and has not been formally edited.

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* SAICM/OEWG.1/1.

Annex

Report to the
SAICM Open-ended Working Group
on the
Chemicals in Products Project

from

UNEP / DTIE
Chemicals Branch

May, 2011

INTER-ORGANIZATION PROGRAMME FOR THE SOUND MANAGEMENT OF CHEMICALS

A cooperative agreement among **FAO, ILO, UNEP, UNIDO, UNITAR, WHO, World Bank and OECD**

BACKGROUND

1.   Chemicals are an essential part of our everyday life. They are present in practically all products manufactured by mankind. A key to protecting human health and the environment is to share adequate and relevant information on chemicals in manufactured products throughout the production chain and further down the value chain and to ensure that the necessary information for safe handling and use, recycling and disposal of products is available, accessible and transferred to the relevant stakeholders in a timely and understandable manner throughout the product life cycle. Sustainable use of resources is important in a world where consumption is steadily increasing and this can be achieved through an increase in appropriate and safe recycling of materials from discarded products. In order to do so it is important to know what is in the products to be recycled such that they are handled safely and recycled in an optimum way.

2.   Producers are central in collecting and making available such information, and retailers, recyclers and consumers should have access to information for informed choices and for proper waste management. The majority of current efforts are aimed at ensuring that harmful chemicals are not present in a product and legislation and control measures are designed to achieve that. Few systems are developed to inform on what exactly is in the product. Despite efforts by some stakeholders to provide information, the current lack of information on chemicals in products is one of the obstacles to achieving a reduction of risks from these chemicals and a more sustainable handling of resources, which, with sufficient cooperative action, can be one of the keys to achieving sustainable development. Avoiding an uncoordinated patchwork of information systems and maximizing compatibility with existing systems can benefit all stakeholders and reduce costs.

3.   The Overarching Policy Strategy of the Strategic Approach to International Chemicals Management (SAICM) in its provisions on knowledge and information state, among other things, the objective of ensuring that information on chemicals throughout their life cycle, including, where appropriate, chemicals in products, is available, accessible, user-friendly, adequate and appropriate to the needs of all stakeholders[1]. In its provisions on governance[2] the Overarching Policy Strategy notes the role of governments and governance tools to achieve the sound management of chemicals throughout their life cycle that are multi-sectoral, comprehensive, effective, efficient, transparent, coherent and inclusive and ensure accountability, taking into account the circumstances and needs of countries. Knowledge and information about chemicals in products is fundamental to the sound management of chemicals throughout the life cycle of products and chemicals in products are an important cross-cutting issue involving a broad range of stakeholders with specific information needs within and outside the value chain.

4.   Current efforts and capacities to provide information about chemicals in products are insufficient to understand fully the risks that may occur to human health and the environment throughout the life cycle of products and for informed decision-making. For effective and efficient information generation and accessibility, cooperative action is needed at all levels with the involvement of all relevant sectors and stakeholders, in accordance with national authorities and regulations and within available resources.

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[1]   Report of the first session of the International Conference on Chemicals Management (SAICM/ICCM.1/7), annex II, paragraph 15(b)(i)

[2]   Report of the first session of the International Conference on Chemicals Management (SAICM/ICCM.1/7), annex II, paragraph 16

INTRODUCTION

5.   In May 2009, the second session of the International Conference on Chemicals Management adopted a resolution agreeing to implement a project on chemicals in products with the overall objective of promoting the implementation of paragraph 15 (b)[3] of the SAICM Overarching Policy Strategy. The project would include the development of specific recommendations for further international cooperative action for consideration at the third session of the Conference in 2012. The Conference invited UNEP to lead and facilitate the project. The Conference agreed that the following tasks be undertaken:

> - collect and review existing information on information systems pertaining to chemicals in products including but not limited to regulations, standards and industry practices;
>
> - assess that information in relation to the needs of all relevant stakeholders and identify gaps;
>
> - develop specific recommendations for actions to promote implementation of the SAICM with regard to such information, incorporating identified priorities and access and delivery mechanisms.

6.   The resolution recommended that proposals for cooperative actions should take into account the Globally Harmonized System of Classification and Labelling of Chemicals and avoid any duplication of efforts under that system.

PROJECT ACTIVITIES AND OUTCOMES

7.   A primary scoping phase of the Chemicals in Products project involved a survey sent to SAICM focal points designed to identify good examples provided through existing information systems, to collect views from SAICM stakeholders on the focus and priorities for the upcoming assessment of stakeholder information needs and to determine which priority product sectors should receive first attention. The results were considered at a Scoping Meeting in December 2009 where participants agreed that product sectors of highest priority were: *children's products/toys, electronics, clothing, construction materials*, food packaging and personal care products from which the former four were selected for more in-depth examination.

8.   Following the Scoping phase the project undertook analytical activities, including an overview of existing systems[4] providing a global screening of systems for information on chemicals in products and describing needs of stakeholders for such information. The overview report suggested a two-tier approach to information flow on chemicals in products. The two tiers aim to address a) the challenges of knowing and transmitting information on what substances are present in the product and b) the challenge to interpret and evaluate that information to serve differentiated stakeholders' needs.

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3   SAICM Overarching Policy Strategy Paragraph 15 (b) "To ensure, for all stakeholders: i. That information on chemicals throughout their life cycle, including, where appropriate, chemicals in products, is available, accessible, user friendly, adequate and appropriate to the needs of all stakeholders. Appropriate types of information include their effects on human health and the environment, their protective measures and regulation; ii. That such information is disseminated in appropriate languages by making full use of, among other things, the media, hazard communication mechanisms such as the Globally Harmonized System of Classification and Labelling of Chemicals and relevant provisions of international agreements;"

4   Kogg & Thidell *Chemicals in Products - An overview of existing systems for providing information regarding chemicals in products and of stakeholders' needs for such information-* http://www.chem.unep.ch/unepsaicm/cip/default.htm

9.   The major stakeholder groups involved in the value chain of products and in need of information on chemicals contained in them include manufacturers/producers, retailers, distributors, consumers and end-of-life actors. Stakeholders outside the actual value chains also needing information include policy makers, government agencies, non-governmental organizations, research and academia, and the media. The type of information needed for the products include producer related information to enable traceability, chemical content, and instructions for safe use, handling and disposal.

10.   Case studies were carried out through different institutions with the aim to:

- provide reviews of the state-of-the-art for chemicals in products information exchange in the chosen sectors;

- identify the specific needs of the different stakeholders of the selected sectors for information on chemicals in products, map out the information flows in the sector and perform a gaps analysis; and

- identify obstacles in providing/accessing information and look for possible actions that could help overcome such obstacles.

11.   Towards the completion of the case studies a small Sector-expert Consultation for the Chemicals in Products Project was held in December 2010 convening the individual institutes and sector-experts in order to:

- share the collective research results of the institutes as the case studies neared completion;

- exchange experts' experiences and knowledge from the different sectors on product chemical information;

- identify critical issues with regard to exchange of information on chemicals in products, especially on the data provider's side; and

- discuss possible measures or options that could help overcome obstacles for providing information.

12.   The Consultation concluded that there is a push by chemicals manufacturers to provide information on chemicals they supply further down the production chain. At the other end of the production chain, producers / brand owners are trying to pull down information on the chemical content in materials and components from actors higher up in the chain. However, between these two ends in the production chain there is usually an interruption of information exchange that needs to be overcome. Considering this, and the information needs among stakeholders further down the value chain, the Consultation suggested that the flow of information could be handled in a two-tier manner with the first tier addressing the need to ensure that information is provided throughout the production chain and the second tier addressing the needs further down the value chain by tailoring of information to stakeholders' needs, including for consumers and end-of-life treatment actors.

13.   The Consultation further suggested that based on the work done to date in the project on chemicals in products, undertaking one or more pilot projects would be the most useful and positive next step forward. Such a project would require commitment from a few

leading companies in the selected sector. A pilot study could address such issues as the scope and format of an information system on chemicals in products; the methods to promote widespread use of such a system; identification of systems that could be used as a basis on which to build a new information system or further develop an existing one; methods to raise awareness and understanding among stakeholders to ensure an effective system is developed; special needs and capacity building for developing countries and countries with economies in transition; and resource implications for different stakeholders.

14.   A synthesis report of the principal outcomes of the project overview report[4], the four sector case studies and the Consultation meeting was prepared to identify major and common findings including suggestions made for taking the project forward. The synthesis report, which is available to the current meeting as an information document[5], summarizes the gaps, obstacles and commonalities from the four sector reports and from the project overview report. The commonalities identified included information needs within all the studied sectors for decisions by product designers, for actors within the production chain concerning the chemicals they use, for governments and distributors to oversee the safe composition/content of products, for consumers for informed purchasing, for recyclers to be able to properly direct materials back into production processes and for waste handlers to exercise proper disposal. Certain sectors also identified specific segments of the life cycle where information needs were particularly high. Other major common issues included that there were market leaders in all sectors, legal regulation was a driver to the provision of information and that significant gaps currently exists in information exchange.

15.   A Workshop of the Chemicals in Products Project was held from 16 to 18 March 2011 to discuss the outcomes of the previous meetings, the four case studies and the synthesis report. The Workshop included presentations from industry representatives and other stakeholders on current efforts to increase availability and access to information on chemicals in products. In addition, the Workshop served to raise awareness and understanding of the project and its outcomes among a wider audience of SAICM stakeholders and provided an extended role to those present to inform other stakeholders about the project. The main goal of the Workshop was to identify elements to be addressed in the recommendations for cooperative actions to be presented at the current meeting and thereafter finalized for consideration by the International Conference on Chemicals Management at its third session in 2012. Discussions were held in breakout groups to determine principal concerns, issues and elements to address when going forward. In general, it was proposed that some form of framework be developed to improve the availability of and access to information on chemicals in products. The outcomes of subsequent plenary discussions have been used to prepare the proposed draft recommendation. The report of the Workshop is available to the current meeting as an information document.[6]

PROPOSED ACTION

16.   Taking the above into account, the Open-ended Working Group might wish to deliberate the following elements and potential activities for a proposed draft recommendation to the International Conference on Chemicals Management at its third

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5   The report entitled Synthesis of findings under the UNEP-led Project on Information on Chemicals in Products is available to the current Working Group as SAICM/OEWG.1/INF/5. To note: these are the findings prior to the March 2011 CiP Workshop.

6   The report of the March 2011 Workshop of the Chemicals in Products Project is available to the current Working Group as SAICM/OEWG.1/INF/6.

session. The Conference might consider adopting a resolution to initiate a multi-stakeholder process as referred to in the Draft Recommendation below to facilitate the flow of information on chemicals in products.

DRAFT RECOMMENDATION

Recalling that at its second session in 2009, the International Conference on Chemicals Management adopted a resolution[7] 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 a multi-stakeholder process should be established, subject to available resources, with a mandate to develop a proposal for an international non-legally binding framework (hereinafter called the Framework) 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 Framework 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;

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7   SAICM/ICCM.2/15, resolution II/4 C.

3.   *Recommends* that a proposal for the Framework 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 Framework;

4.   *Urges* that the proposed Framework 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 Framework 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 could include the establishment of a Technical Working Group charged with the task to develop the proposal for the Framework, and to which representatives from major stakeholder groups from throughout the product life cycle be invited;

7.   *Urges* that the Framework 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) and15 (c) of the SAICM Overarching Policy Strategy[8];

8.   *Also urges* that, during the development of the Framework, 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 Framework 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 Framework for facilitating information flow on chemicals in products, including associated pilot demonstration project(s);

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

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 Framework 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 Framework for consideration to the International Conference on Chemicals Management at its fourth session.

ANNEX

ELEMENTS TO BE CONSIDERED FOR INCLUSION IN A FRAMEWORK TO
IMPROVE ACCESS AND AVAILABILITY TO INFORMATION ON CHEMICALS IN
PRODUCTS

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[9] 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

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9   The report of the March 2011 Workshop of the Chemicals in Products Project is available to the current
Working Group as SAICM/OEWG.1/INF/6.

- 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

(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

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