Strategic Approach to International Chemicals Management

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

Bangkok, Thailand, 1-4 October 2019
Items 3(b)i and 4(c) of the provisional agenda[1]

3(b)i: Reflections on and outcomes of the OEWG3: Co-chairs of the intersessional process to present the papers drafted at the request of the OEWG3

4(c): Development of recommendations for consideration by the fifth session of the Conference ICCM5 regarding the Strategic Approach and the sound management of chemicals and waste beyond 2020: Mechanisms to support implementation

Addressing issues of concern, prepared by the co-chairs of the intersessional process

Note by the secretariat

1. The secretariat has the honour to submit to the intersessional process a paper on addressing issues of concern developed by the co-chairs of the intersessional process on the Strategic Approach and the sound management of chemicals and waste beyond 2020 (see annex). The co-chairs were requested to develop the paper by the third meeting of the Strategic Approach Open-ended Working Group held from 2-4 April 2019 in Montevideo, Uruguay.

2. The document is set out in two sections. Section I provides a proposal from the co-chairs on text for the definition, criteria and possible modalities for adopting issues of concern. Section II of the document sets out the background and considerations behind the proposed text.

3. Participants at this meeting may wish to review the proposed text and further develop it as an output of this third meeting of the intersessional process.

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[1] SAICM/IP.3/1

Annex

Addressing issues of concern, prepared by the co-chairs of the intersessional process

Introduction:

The third meeting of the Strategic Approach Open-ended Working Group in Montevideo, Uruguay, 2-4 April 2019, requested that the co-chairs, with support of the secretariat, and in consultation with the Bureau, undertake further work on issues of concern.

The purpose of this paper is to:

i.   Provide proposed text for the definition, criteria and possible modalities for adopting issues of concern. The proposed text is based on lessons learned to date on the implementation of the Strategic Approach with respect to emerging policy issues as well as on input received from stakeholders to date (Section I);

ii. Set out considerations on issues of concern to support implementation of the beyond 2020 objectives (Section II). The considerations provide further background information for participants.

The Appendix to this document includes Conference resolution II/4, modalities for considering emerging policy issues as reference information for participants.

In preparing this paper, the co-chairs have taken into account input received at the seventh meeting of the ICCM5 Bureau held from 9-10 July 2019 in St Petersburg, Russia as well as written inputs received from stakeholders since the third meeting of the Open-ended Working Group.

Section I: Proposed text for the definition, criteria and modalities for adopting issues of concern[2]

A. Proposed Text on Definition:

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

B. Proposed Text on Criteria: [3]

Criteria can be assessed for a two-step process – i) to identify the issue and ii) to ensure measures are put in place for successful implementation (planning, resources etc.)

[A decision tree could be developed to facilitate the process of determining eligibility]

To identify an 'issue of concern', information must be provided demonstrating how the issue meets the <u>following criteria</u>:

 (i) Significant potential impact on human health or the environment, taking into account vulnerable subpopulations, ecosystems and any toxicological and exposure data gaps;

Ibis Action is needed on the issue in order to meet Sustainable Development Goals by 2030

(ii) Issues are integral to the vision, are ongoing, and need to be addressed to enhance core chemicals management[4]

(iii) Extent to which the issue is being successfully addressed by other bodies, at the regional or international level, and how the proposed action is related to, complements, or does not duplicate such effort;

(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 regional or 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. Whether multi-sectoral engagement is necessary or beneficial, recognizing the possibility of differing priorities within sectors
   b. Further consideration could be given to the likelihood of achieving progress on the issue within a specific timeframe based on preparedness for action.

(vi) Plan of action and expected tangible results (including resources mobilized if possible) including:

   a. Proposed solutions that can be implemented within the proposed timeline by stakeholders including how they would address the identified issue of concern;
   b. Presentation of draft work plan, with specific measurable results and timelines proposed this could include scoping work to refine the workplan over time where appropriate;
   c. Multi-stakeholder/ multi-sectoral and/or sponsor support has been indicated for implementation at the international level if any;

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[2] This text could potentially be a separate ANNEX to the new Beyond 2020 Framework text or a Conference resolution. If it is part of a resolution, it has more flexibility to be updated in the future.

[3] The proposed text builds on existing criteria to identify issues of concern (see Appendix).

[4] Consideration should be given to how the proposed action will further basic chemicals management as per the 11 basic elements in the OOG.

    d. Extent to which there are opportunities for synergies and collaboration and/or resources and if the project builds upon existing knowledge on a related issue has been demonstrated.

C. 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, Nomination, Selection, Review and Prioritization**
- Issues shall be selected and prioritized by decision of the international conference based on the criteria identified above. A proposal to take on an issue of concern would trigger a review of the relative importance of any others.
- The governing body may, rather than identify what is and what is not an issue of global concern, make a recommendation on how to address any issue brought forward by suggesting specific actions to address the issue.

    b. **Mechanisms for implementation**
- Implementation of actions to address issues of global concern should be guided by an agreed work plan, with clear deliverables and milestones.
- A multi-stakeholder platform should be developed to agree and implement the work plan, oversee monitoring and reporting back from stakeholders, and guiding progress.
- Countries and stakeholders make commitments to actions based on a work plan adopted by the international conference.
- Implementation will depend on the resources available and funding mechanisms in place.

    c. **Tracking progress including monitoring and reporting against milestones**
- Progress against the identified expected concrete time bound outputs should be tracked including through:
  - i. reports at meetings of the International Conference and at regular intervals as identified in the implementation plan prepared by the lead implementing organization (s) [or issue working group];
  - ii. ad hoc and or periodic reviews as requested by the Bureau within intersessional periods.
  - iii. Evaluation against criteria on progress

    d. **Criteria for completion/ sunsetting an issue**
- In some cases there may be rationale for concluding work on a particular issue of concern
  - i. A full explanation of the rationale for such action should be provided to the international conference
- Options for suspending or ending work on a specific issue of concern may include:
  - i. Stopping after the completion of major work plan elements (deliverables have been achieved [if the IoC has been adequately addressed); or
  - ii. Stopping after the period of time, designated at the start of work on the issue in the workplan, has elapsed [if the IoC has been adequately addressed]; or
  - iii. 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, or options for elevating the IoC to a level of increased obligation such as a legally binding protocol, a treaty, mandatory action plans and reporting, or other such agreement that places mandatory requirements on stakeholders.

iv. [Other issues of concern have been considered to be of higher priority by the [ICCM] in context of limited resources.

e. Accelerating progress on an issue

- o In some cases, there may be rationale for significantly advancing a particular issue of concern. This may be due to new information that comes to light, e.g., new 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 international conference.
- o Advancing on identified issues of concern may include the formation of an ad-hoc working group or committee (as determined by the international conference):
  - to review the new information, including health and ecological concerns, and factors warranting more robust actions to address the issue; and,
  - to develop options and recommendations for action which would be submitted to the international conference for consideration and decision.
- o A full explanation of the rationale for such action would be provided.
- o The international conference may then by resolution, recommend a change of action and/ or elevation of the issue for consideration in a different body or an increased obligation such as a legally binding protocol, a treaty, etc.

Section II: Background and considerations for issues of concern

Desired outcome beyond 2020:

- To ensure that global efforts on the sound management of chemicals and waste beyond 2020 respond to 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 progress;

  c) Make recommendations to the international conference for any existing or new issues of concern or emerging policy issues.

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.

- Once an initial set of issues of concern is established, any proposal to take on other issues will trigger a review by [the international conference/Secretariat] of the relative importance of all issues.
- This review process undertaken by the international conference may determine the termination of one or more issues of concern as necessary to ensure the priority issues are addressed and taking into account that the overall capacity/resources to take on new issues has not been exceeded (may need to defer it to the next decision round).

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 those issues where collective action is needed to address a global issue.

Feedback from stakeholders received through the consultation process has suggested that there is no common understanding of an issue of concern beyond the ostensive definition taken from currently accepted examples (e.g. lead paint). Consequently, there are differing and at times contradictory positions on defining criteria. For example, one suggested eligibility criterion is the presence of large bodies of evidence demonstrating a need for action. However, some stakeholders suggest that usage of this criterion would limit proactivity and flexibility in responding to emerging issues that may have more limited supporting evidence due to their relative novelty.

While the proposed definition in Section I suggests that the current amount of evidence should not be a defining criterion for identifying an issue of concern, the amount or strength of the evidence could be used to inform the recommended workplan to address it.

Another point where stakeholders expressed conflicting views was whether or not issues of concern currently being addressed in other fora or through other mechanisms should be eligible for consideration by the international conference. Some stakeholders suggest this could result in duplication of effort and to avoid this an analysis should be undertaken to determine where gaps currently exist (see Table 1: Relevant insights from the Global Chemicals Outlook – II for examples).

Others suggest such issues should be eligible, as different bodies possess different mechanisms and strengths for addressing different issues and have met with varying levels of success in advancing or resolving issues. Furthermore, efforts could be undertaken to align and compliment work with other bodies with the aim to avoid duplication. Tables 2 and 3 provide some reflections 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 importance to countries in protecting human health and the environment and are in alignment with SDG implementation, as well as on the availability of resources, knowledge and champions to achieve results.

Similarly, future work undertaken should not duplicate successful work undertaken elsewhere or take on issues that are more properly within the mandate of another group but rather concentrate on key issues that would benefit from regional, international, multi-sectoral and multi-stakeholder collaboration is critical to success.

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.

A decision will need to be taken at ICCM5 on what to do with the existing 'emerging policy issues' and 'issues of concern'. Delegates may wish to carry these issues forward into the new framework as appropriate for continuation, advancement or concluding. As noted above, some issues may have naturally evolved to be an area of focus under a particular strategic objective programme of work (e.g., 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.

Finally, feedback received through the stakeholder consultation process suggests there is an appetite to see greater alignment with the SDGs. The Co-chairs suggest that any alignment with SDGs should be undertaken with the consideration that the future of the sound management of chemicals should extend beyond the 2030 target dates.

Table 1 – Relevant Insights from the Global Chemicals Outlook-II

- Disparities remain in data collection and availability across time and countries, making the identification of baselines, trends, and emerging issues and priorities challenging. - Based on an identification of recent assessments and risk management actions taken on a chemical (or group of chemicals) not already covered under a multilateral treaty or SAICM, the GCO-II identified issues for the following chemicals or groups of chemicals: arsenic, BPA, glyphosate, cadmium, lead, microbeads, neonicotinoids, organotins, PAHs, phthalates and triclosan. - A diverse set of mechanisms has been established at the international level to identify emerging issues and set priorities for action; various bodies are engaged in international prioritization efforts, using different procedures, methodologies, selection criteria and organizing frameworks. - In developing a possible future process to identify international issues of concern beyond 2020, lessons learned from these mechanisms, and ensuring the complementarity of processes, are important, as is the use of science-based criteria for prioritization (e.g. use of information about health and environmental impacts and harm caused, and drawing on information from risk assessments). - The EPIs identification process under SAICM has resulted in the identification of a diverse set of issues ranging from endpoint-focused issues, and specific applications, to broader management topics. - Independent evaluation of SAICM found that slow, modest and uneven progress has been made in implementing actions to address the EPIs - The GCO-II provides evidence concerning a number of remaining challenges and presents a range of measures to further address the EPIs and other issues of concern.	Synthesis Report: p. 31, 43-45, GCO-II Full report: Part II, Ch. 4, 5, 6; Part V, Ch. 2 Options for action: 9

Table 2: 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 3: General reflections on these categories in moving forward beyond 2020

Category	Links to strategic objective	Reflections
Promotion of related regulatory and policy measures	A	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. Likewise, more emphasis could be made on outreach in these areas at relevant COPs. National: Tracking national progress on these areas is important in moving forward.
Information sharing on chemicals across the lifecycle	B & D	How can more downstream users be encouraged to engage in this type of work? What is the incentive we can create for them? 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? Circular economy discussions are particularly relevant in this area, including many aspects linked to plastics.

Category	Links to strategic objective	Reflections
		Could more focused work programmes allow for more private sector financing in these areas?
Issues with emerging scientific evidence	B	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? Currently leadership in this area is: OECD, UNEP, WHO, FAO and UNITAR… could these groups be called upon to lead something broader?

APPENDIX – ICCM resolution II/4 Modalities for considering emerging policy issues

Note: once criteria for the issues of concern and a mechanism for adoption have been finalized, these modalities could be amended to review the revised approach required to implement the proposal in the co-chairs paper as agreed to during the Beyond 2020 process.

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.

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