

# Extract of Advance copy of the Report of the International Conference on Chemicals Management on the work of its second session

## Resolution II/4 on Emerging policy issues

### A

#### Introduction

*The Conference,*

*Recognizing* the need to take account of current and ever changing social needs in relation to implementation of the Strategic Approach to International Chemicals Management and the importance of having procedures that enable due attention to be given to issues which may not have been generally recognized, or sufficiently addressed,

*Committed to* meeting the need for open, transparent procedures for dealing with emerging policy issues that include effective dialogue with all Strategic Approach stakeholders,

1. *Takes note with appreciation* of the proposals for cooperative action relating to the emerging policy issues of lead in paint, chemicals in products, hazardous substances within the life cycle of electrical and electronic products and nanotechnologies and manufactured nanomaterials;
2. *Requests* the secretariat to implement, subject to available resources, the procedures set out in annex I to the present resolution for receiving nominations of emerging policy issues from stakeholders, screening them for completeness and prioritizing and assessing them for future consideration;
3. *Also requests* the secretariat to report on the progress made with the work on emerging policy issues to the Open-ended Working Group at its first meeting and to the Conference at its third session.

### B

#### Lead in paint

*The Conference,*

*Considering* the decision by the World Summit on Sustainable Development to protect children's health from exposure to lead, as set out in paragraph 57 of the Summit's Plan of Implementation, which calls for the phase-out of lead in lead-based paints and in other sources of human exposure and for work to prevent, in particular, children's exposure to lead and to strengthen monitoring and surveillance efforts and the treatment of lead poisoning, and welcoming the actions identified to phase out lead in paint in the context of children's health and the environment at the meeting of ministers of the environment of the Group of Eight, held in Syracuse, Italy, from 22 to 24 April 2009,

*Acknowledging* the Dakar Resolution for Eliminating Lead in Paints, adopted by the Intergovernmental Forum on Chemical Safety at its sixth session, held in Dakar from 15 to 19 September 2008,

*Recognizing* the progress being made towards achieving a global phase-out of lead in automotive fuels by the Partnership for Clean Fuels and Vehicles,

1. *Endorses* a global partnership to promote phasing out the use of lead in paints as an important contribution to the implementation of paragraph 57 of the Plan of Implementation of the World Summit on Sustainable Development and to the Strategic Approach;
2. *Invites* all interested stakeholders to become members of the global partnership and, where appropriate, to commit themselves to contributing financial or in-kind resources or expertise towards the development and implementation of partnership activities;
3. *Requests* the global partnership to adopt terms of reference using the draft terms of reference presented to the International Conference on Chemicals Management at its second session<sup>1</sup> as their basis and to develop a business plan articulating clear milestones for progress in achieving a global phase-out of lead in paint in the following areas:

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<sup>1</sup> SAICM/ICCM.2/10/Add.1.

- (a) Raising awareness of toxicity to human health and the environment and alternatives;
- (b) Guidance and assistance to identify potential lead exposure;
- (c) Assistance to industry (manufacturers, wholesalers and retailers);
- (d) Prevention programmes to reduce exposure;
- (e) Promotion of national regulatory frameworks;

4 *Invites* the United Nations Environment Programme and the World Health Organization within their respective mandates and available resources to serve as the secretariat of the global partnership;

5. *Invites* the global partnership to report on progress to the Open-ended Working Group at its first meeting and to the International Conference on Chemicals Management at its third session.

## C

### Chemicals in products

*The Conference,*

*Recalling* the Overarching Policy Strategy of the Strategic Approach and its provisions on knowledge and information, which 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. *Agrees*, with a view to taking appropriate cooperative actions, to consider further the need to improve the availability of and access to information on chemicals in products in the supply chain and throughout their life cycle, recognizing the need for further action to fulfil 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* to implement a project with the overall objective of promoting the implementation of paragraph 15 (b) of the Overarching Policy Strategy of the Strategic Approach to International Chemicals Management with reference to relevant portions of the Global Plan of Action;

3. *Agrees* that the project will:

(a) Collect and review existing information on information systems pertaining to chemicals in products including but not limited to regulations, standards and industry practices;

(b) Assess that information in relation to the needs of all relevant stakeholders and identify gaps;

(c) Develop specific recommendations for actions to promote implementation of the Strategic Approach with regard to such information, incorporating identified priorities and access and delivery mechanisms;

4. *Recommends* 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;

5. *Invites* the United Nations Environment Programme, as part of its programme of work, to lead and facilitate the project in an open, transparent and inclusive manner, for instance through use of the Strategic Approach clearing-house mechanism and to constitute a steering group to advise it on the development and implementation of the project;

6. *Requests* each member of the Bureau of the Conference, following consultation within the member's region, to nominate one expert each from the respective region to the steering group, and the four representatives of non-governmental participants and one representative of the Inter-Organization Programme for the Sound Management of Chemicals participating in discussions of the Bureau in accordance with paragraph 2 of rule 15 of the rules of procedure to nominate one expert each and decides that the steering group should be established no later than 15 July 2009 and should operate to the extent possible using electronic means;

7. *Invites* the United Nations Environment Programme to prepare relevant background documents and to facilitate a workshop to implement the objectives indicated in paragraphs 3 (b) and (c);

8. *Encourages* interested stakeholders and organizations to provide support to the project, including by developing and using relevant information and guidelines and compiling case examples, approaches and tools;

9. *Requests* all Governments, intergovernmental organizations and non-governmental organizations, including from the private sector, to provide expertise and financial and in-kind resources on a voluntary basis to support the project;

10. *Invites* the United Nations Environment Programme to report on the project and its outcomes to the Open-ended Working Group at its first meeting and to the Conference at its third session for consideration and possible decision on cooperative actions.

## D

### **Hazardous substances within the life cycle of electrical and electronic products**

*The Conference,*

*Recalling* that the implementation of the Strategic Approach to International Chemicals Management and its objectives and the relevant work areas of the Global Plan of Action are based upon a life-cycle approach to the sound management of chemicals, including waste management,

*Recalling also* the objectives of the Strategic Approach to enhance synergies between the activities of Governments, international institutions and multilateral organization secretariats and to enhance cooperation on the sound management of chemicals between Governments, the private sector and civil society at the national, regional and global levels,

*Recognizing* the work of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal on this issue, in particular that pursuant to the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste,<sup>2</sup>

*Recognizing also* that:

(a) Near-end-of-life and end-of-life electrical and electronic products are a growing concern as a result of dumping in developing countries, which results in the illegal transboundary movement of their hazardous constituents such as heavy metals and brominated flame retardants;

(b) There is a lack of capacity to handle electronic waste in an environmentally sound manner in almost all developing countries and countries with economies in transition, leading to the release of hazardous substances causing harm to human health and the environment;

(c) There is a pressing need for the continued development of clean technology and the environmentally friendly design and recycling of electronic and electrical products, with the goal of phasing out, where feasible, those hazardous substances contained in electronic and electrical products;

(d) It is important to consider product stewardship and extended producer responsibility aspects in the life-cycle management of electronic and electrical products;

(e) The Basel Convention electrical and electronic waste programme needs further strengthening by the provision of additional and adequate resources towards its effective implementation;

(f) Other organizations, including participating organizations of the Inter-Organization Programme for the Sound Management of Chemicals, have consolidated experience and are currently undertaking efforts to address electrical and electronic products and waste,

1. *Invites* the participating organizations of the Inter-Organization Programme for the Sound Management of Chemicals and the secretariats of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the Stockholm Convention on Persistent Organic Pollutants to develop, plan and convene, within available resources, a workshop to consider issues in relation to electrical and electronic products, based on a life-cycle approach. The workshop would seek to identify and assess where issues relating to the sound management of chemicals arise during the lifespan of electrical and electronic products, including the design of such products, green chemistry, recycling and disposal, in particular in the context of the requirements of the Basel and Stockholm conventions, and would develop a series of options and recommendations for future work, through existing mechanisms to the extent possible, which would be provided at the intersessional meeting

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<sup>2</sup> UNEP/CHW.8/16\*, Annex IV.

and to the International Conference on Chemicals Management at its third session for its consideration and possible cooperative actions;

2. *Suggests* that the workshop be held in the margins of the meeting of the Open-ended Working Group meeting of the Basel Convention scheduled for May 2010 and that the workshop organizers engage with all relevant stakeholders including Governments, intergovernmental organizations, the industry sector and non-governmental organizations in both the preparation and delivery of the workshop;

3. *Requests* Governments, intergovernmental organizations, the industry sector and non-governmental organizations to provide expertise and financial and in kind resources on a voluntary basis to support the organization of the workshop referred to in paragraph 1.

## **E**

### **Nanotechnologies and manufactured nanomaterials**

*The Conference,*

*Recognizing* that there are potential benefits and potential risks to human health and the environment associated with nanotechnologies and manufactured nanomaterials,

*Recognizing also* that the development of nanotechnologies and manufactured nanomaterials should be consistent with the 2020 World Summit on Sustainable Development goals related to chemicals,

*Recognizing further* that the relevance of nanotechnologies and manufactured nanomaterials to national development needs to be appreciated by all countries;

1. *Encourages* Governments and other stakeholders to assist developing countries and countries with economies in transition to enhance their capacity to use and manage nanotechnologies and manufactured nanomaterials responsibly, to maximize potential benefits and to minimize potential risks;
2. *Requests* Governments and industry to promote appropriate action to safeguard human health and the environment, including for example through engagement with workers and their representatives;
3. *Recognizes* the role of regulatory, voluntary and partnership approaches in promoting the responsible management of nanotechnologies and manufactured nanomaterials throughout their life cycles;
4. *Agrees* that further research aimed at realizing the potential benefits and understanding better the potential risks to human health and the environment needs to be undertaken;
5. *Invites* Governments and intergovernmental, international and non-governmental organizations, the industry sector, the academic community and other stakeholders to work together on research in order to maximize synergies and understanding;
6. *Recommends* that Governments and other stakeholders begin or continue public dialogue on nanotechnologies and manufactured nanomaterials and strengthen the capacity for such engagement by providing accessible information and channels of communication;
7. *Encourages* the wider dissemination of human health and environmental safety information in relation to products containing nanomaterials, while recognizing the need to protect confidential business information in accordance with paragraph 15 (c) of the Overarching Policy Strategy of the Strategic Approach to International Chemicals Management;
8. *Requests* Governments and intergovernmental, international and non-governmental organizations, including the private sector, subject to available resources:
  - (a) To facilitate access to relevant information, realizing the needs of different stakeholders;
  - (b) To share new information as it becomes available;
  - (c) To use upcoming regional, subregional, national and other meetings to further increase understanding of such information, for example through the use of workshops if appropriate;
9. *Invites* Governments and other stakeholders to develop a report that focuses on nanotechnologies and manufactured nanomaterials including, in particular, issues of relevance to developing countries and economies in transition, and to make the report available to the Open-ended Working Group at its first meeting and to the International Conference on Chemicals Management at its third session;
10. *Invites* relevant international organizations, including the Organisation for Economic Cooperation and Development, other organizations participating in the Inter-Organization Programme for

the Sound Management of Chemicals and the International Organization for Standardization, to engage in dialogue with stakeholders with a view to gaining further understanding of nanotechnologies and manufactured nanomaterials;

11. *Notes* the role of existing information exchange systems such as the Strategic Approach website and its information clearing-house and that additional information exchange could be developed as appropriate.

## **Annex to 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;

(h) Highlighting the issue as a possible priority for Strategic Approach participants;

(i) 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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