



**UNITED NATIONS ENVIRONMENT PROGRAMME**



**PROCEEDINGS OF THE  
WORKSHOP ON DEVELOPMENT OF  
NATIONAL INSTITUTIONS AND  
LEGAL INFRASTRUCTURES FOR  
SOUND MANAGEMENT OF  
CHEMICALS IN THE LATIN  
AMERICAN AND CARIBBEAN REGION**

**PANAMA CITY, PANAMA  
12-13 FEBRUARY 2008**

**KEMI – THE SWEDISH CHEMICALS AGENCY**



<b>9:30</b>	<b>: Experience from Panama</b>	<i>Maria Ines Esquivel Panama</i>
<b>10:00</b>	<b>US EPA's Chemical Management Program Regulatory and Voluntary Tools</b>	<i>Ana Corado US EPA</i>
<b>10.30</b>	<b>Coffee</b>	
<b>10:45</b>	<b>Working Groups</b>	
	Introduction: The need for a core administration and Cross-sectoral coordination and cooperation	<i>Arnis Ludborzs Latvia</i>
<b>11.00</b>	<b>Breakout groups</b>	
<b>12.30</b>	<b>Report to plenary from breakout groups</b>	
<b>13.00</b>	<b>LUNCH</b>	
<b>4<sup>th</sup> Session:</b>	<b>INVOLVEMENT OF THE PRIVATE SECTOR AND CIVIL SOCIETY IN THE AREA OF CHEMICALS CONTROL</b>	
<b>14 :00</b>	<b>Views from the private sector</b>	<i>ICCA</i>
<b>14:20</b>	<b>Views from civil society</b>	<i>Fernando Bejarano Gonzales CAATA</i>
<b>14:40</b>	<b>The need for engaging the private sector and civil society in chemicals control</b>	<i>Kaj Madsen UNEP Chemicals</i>
<b>15:00</b>	<b>Coffee</b>	
<b>15:15</b>	<b>Working groups</b>	
<b>16:45</b>	<b>Plenary discussion on results of working groups</b>	
<b>5<sup>th</sup> Session:</b>	<b>CONCLUSIONS AND CLOSURE</b>	
<b>17:15</b>	<b>Concluding discussion and closure</b>	

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## INTRODUCTION

The Strategic Approach to International Chemicals Management (SAICM) that was adopted 6 February 2006 at the International Conference on Chemicals Management in Dubai, United Arab Emirates, recognized, in the Dubai Declaration, that there was a lack of capacity for the sound management of chemicals in developing countries and countries with economies in transition. This was also recognized in the Bali Strategic Plan for Technology Support and Capacity Building adopted by the Governing Council of the United Nations Environment Programme (UNEP) in February 2005 at which time chemicals were appointed as one of the thematic areas.

Within its environment mandate, UNEP has been working with capacity building in the sound management of chemicals in developing countries and countries with economies in transition for a number of years, including through implementation of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, together with training in access to information of relevance for the sound management of chemicals.

Capacity building for the sound management of chemicals is part of the seventh objective of the Millennium Development Goal on environmental sustainability and was recognized as such in paragraph 56 (k) of the 2005 World Summit Outcome which stresses that support is needed to the developing countries in strengthening their capacity for sound management of chemicals and hazardous wastes by providing technical and financial assistance, as appropriate.

Sound management of chemicals will depend on the development of national institutions and infrastructures including legislation, regulation and assessment of chemicals together with their monitoring and enforcement. However, most developing countries, and many countries with economies in transition, have been unable to establish the necessary national legal, technical and institutional infrastructures for the sound management of chemicals. The main gap seems to be the absence of a framework legislation regulating the obligations of manufacturers, importers and professional users of chemicals.

To respond to these concerns, UNEP, in cooperation with KemI, the Swedish Chemicals Agency, decided to organize a series of regional workshops as far as possible in conjunction with regional meetings of SAICM. The connection to the regional consultations will ensure that regional and national focal points for SAICM implementation, as well as national policy and decision makers, intergovernmental organizations, and non-governmental organizations involved in the sound management of chemicals throughout their life-cycle, will be present at those meeting and will provide synergies with the planned implementation activities of the SAICM Secretariat. The overall objective of the workshops was to promote and facilitate the development of national legal and institutional infrastructures. Those could be achieved through:

- identification and assessment of needs and non-financial barriers for the development of national institutions and infrastructures including an assessment of tools for facilitation of the development of national legal and institutional infrastructures and recommendations for development of tools for meeting those requirements;

- development of tools (toolkit) for facilitation of the development of national legal and institutional infrastructures and testing the toolkit in a number of countries from the four United Nations regions with developing countries and countries with economies in transition;

ensuring that the tools for facilitation of the development of national institutions and legal infrastructures meet national needs.

It is expected that the identification and assessment of needs and non-financial barriers will be based on experience of countries that have already carried out either development of National Profiles on chemicals management or National Implementation Plans for the Stockholm Convention as they will have useful practical experience with implementation of plans for management of chemicals and the problems they have faced. It is further expected that the recommendations for the development of tools will be based on an assessment of gaps in, for instance, guidance on different aspects for the development of national institutions and infrastructures.

### **The framework for the workshops**

**Phase one** is based on regional workshops to identify and assess the needs and non-financial barriers for the development of national institutions and legal infrastructures together with a discussion and recommendation of the elements of a toolkit to meet the identified needs and non-financial barriers.

**Phase two** will consist of implementation of the conclusions from the workshops through development of a toolkit on development of legal and institutional infrastructures and subsequent testing in countries.

**Phase three** will consist of a discussion of the results from the testing of the toolkit in countries in order to identify whether there is a need for amendments to the toolkit.

The outcomes of the workshops are expected to form the basis for a future targeted approach to development of national legal and institutional infrastructures based on tools that are developed according to the needs of countries and which can be used as guidance for national activities including training.

The first workshop on development of national institutions and infrastructures for sound management of chemicals (in Central and Eastern Europe) was held in Riga, Republic of Latvia, 7 to 8 December, 2006. The second workshop on development of national institutions and infrastructures for sound management of chemicals (in Asia and the Pacific) was held in Bangkok, Thailand, 7 to 8 December, 2007. The current proceedings are the results of the third workshop on development of national institutions and infrastructures for sound management of chemicals for the Latin American and Caribbean region, held in Panama City, Panama 12 to 13 February, 2008.

The workshop in Panama focused on the first preventive steps in the supply chain of chemicals, that are to be taken before or when chemicals are placed on the market and taken into use, often called “Chemicals Control”. The purpose of the workshop was to identify and assess the needs and non-financial barriers for the development of national institutions and legal infrastructures for chemicals control. The workshop consisted of five sessions during one and a half days with introductory presentations to the three themes from countries, the private sector and civil society.

The three themes were:

- Development of national legal infrastructures;
- Development of national institutions;
- Stakeholder involvement.

There were planned group discussions for the three main sessions in relation to the theme of each session. A number of questions were developed to provide guidance for the working groups. They were, however, not to be considered as covering all issues of relevance for the specific topic in question. The Working Groups were therefore invited to consider other questions that they might consider relevant. The questions and the results from respective groups are provided following the presentations for the sessions.

The workshop has been made possible by funding from the Swedish Government.

#### Relationship with other UNEP activities

The establishment of national legal and institutional infrastructures for the sound management of chemicals will require financial resources which might be an important barrier for the establishment of the legal and institutional infrastructures in developing countries and countries with economies in transition. To ensure additional financial resources, SAICM recommended integration (mainstreaming) of sound management of chemicals into the development agenda. The costs of establishment of and sustaining national legal and institutional infrastructures for the sound management of chemicals should therefore be an integrated part of the development agenda for developing countries and countries with economies in transition.

UNDP and UNEP have developed a programmatic partnership on mainstreaming of sound management of chemicals into the development agenda, which will be tested in a number of countries, such as Uganda, Zambia, Cambodia, Macedonia and Ecuador.

The integration of sound management of chemicals into the development agenda consists of a number of steps including an analysis of the gaps in national legal and institutional infrastructures for sound management of chemicals and means to fill these gaps in light of the identified priorities.

There are two core guidance tools that are being tested in the country projects:

- UNEP/WHO Health and Environment Linkage: Managing the linkages for sustainable development – A toolkit for decision makers
- UNDP Technical Guide for Mainstreaming the Sound Management of Chemicals in MDG-Based Policies and Plans

These two central guidance documents are supposed to be supported by other detailed guidance on specific aspects to be developed in the future.

Detailed guidance on legal and institutional infrastructures is currently not available and the present workshop and its follow-up activities will try to fill that gap and is through this part of the UNEP/UNDP programmatic partnership on mainstreaming of sound management of chemicals into the development agenda.

# CAPACITY BUILDING FOR CHEMICALS CONTROL – NATIONAL LEGISLATION AND INSTITUTIONS

Bengt BUCHT

Slide 1

Capacity building for chemicals control - national legislation and institutions.

Bengt Bucht  
Swedish Chemicals Agency

UNEP workshop  
Panama Feb 2008

Slide 4

Two main options for chemicals risk management in the supply chain

A. Measures before or at placing on the market - "chemicals control" = risk prevention - the "new" approach:

- Bans/restrictions of sales and use of chemicals
- Information by the supply chain on risks and safe use of chemicals

B. Measures at handling (transport, storage, use, ...) - exposure and emission reduction = traditional risk reduction

- Personal protection, safety instructions, training, ventilation, closed use, reduced use, emission/waste purification, ...

Both options to be used

Slide 2

Some basics

- Supply chain = the base
- Chemicals Control = risk management at placing on the market steps of supply chain - first preventive step
- Chemicals legislation = legislation on chemicals control
- Responsibilities and obligations
  - of enterprises
  - of governmental institutions
- Organisation and resources
  - of enterprises
  - of governmental institutions

Slide 5

Increasing trade in and use of chemicals calls for improved chemicals control

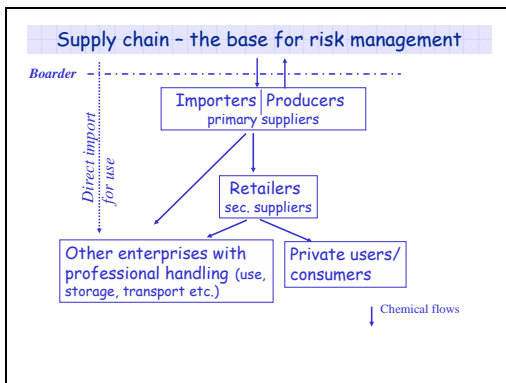
Huge product/goods flows in society

huge material flows

large flows of chemicals

chemical risks to H&E

Slide 3



Slide 6

Risk management of chemicals in products - chemicals control a horizontal issue

- Health and Environment and Safety (H,E,S)
  - Protection of
    - Consumers and Workers
    - Environment/ecosystems
    - Property
- and international trade of goods
  - Need for harmonized regulations to promote
    - Health, environment and safety
    - Business

Many ministries take interest in chemicals control

## Slide 7

### Chemicals risk management

1. **Getting knowledge of hazardous properties of chemicals**
  - Testing, data finding, hazard/general risk assessment
2. **Information to users on risks and on safe use**
  - Classification, labelling, SDS, ...
3. **Choice of chemicals - technical and risk aspects**
  - Substitution, bans, restrictions
4. **Assessing risks and taking measures for risk reduction at use and other handling**

Who does what ?

## Slide 10

### Pre-market - Post-market control?

1. Pesticides, food additives, drugs: approval by authorities = **pre-market control**.
2. Other chemicals: government/agencies steer by general regulations expressing responsibilities of enterprises and by control/supervision = **post-market control**.

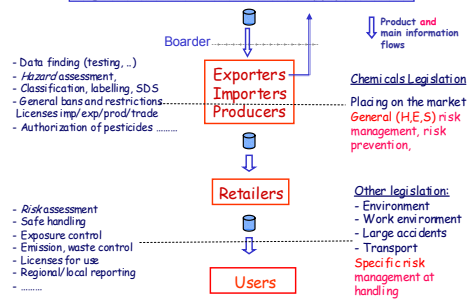
## Slide 8

### Only suppliers and users of chemicals can provide for a safe use of chemicals

- Not possible for governments to assess all risks nor to regulate all uses of all chemicals.
  - Great number of chemicals in use
    - ~30-50 000 substances in practical use (millions identified)
    - ~50 000- preparations on the market
  - Use is scattered and varying
  - Fast development of new products and of changes in use
- **Governments/authorities do not have resources or qualifications needed for total control**

## Slide 11

### Legislation on chemicals in the supply chain



## Slide 9

### Roles of actors

- Enterprises must be given the **main responsibility** for a safe marketing and use of chemicals.
- Government/agencies steer and supervise

#### Challenges

- Find appropriate roles of government and enterprises
- Decentralization/delegation to the extent possible

## Slide 12

### Where to get information on chemicals?

1. Enterprises must inform on their **products - risk and use information must accompany the products!!**
  - Users (handlers) of chemicals and of goods (enterprises, employees, consumers) need **information from suppliers** of chemicals in order to organise a safe handling.
2. Regulations on classification, labelling and SDS are basic for chemicals control.
  - **Implementation of GHS!**
3. Generally available information on chemical **substances**:
  - Literature (books, handbooks, )
  - Electronic tools (websites, data bases, )

## Slide 13

### Information/support from state authorities?

General information and advice on

- regulations and on their interpretation
- where to find data on chemicals
- how enterprises may organise their work is OK

Specific information/advice from authorities to enterprises on

- hazardous effects of chemicals
- how to classify, label, make SDS - how to solve problems
  - is normally **not possible** in practise and
  - is **legally problematic** - transfers responsibility from enterprises to authorities
  - makes enterprises passive

## Slide 16

### Chemicals legislation regulating placing on the market

1. Basic Chemicals Legislation (parliament).
  - Co-ordination with other legislation on chemicals risk management (environment, working environment, transport..)
  - Laying down general responsibilities of enterprises (suppliers)
  - Establishing responsibilities/tasks of government, ministries, authorities (co-ordination, co-operation)
2. Secondary legislation - specified regulations on
  - Assessment, classification/labelling/SDS, bans/restrictions, biocides, reporting, licensing, ....

## Slide 14

### Suppliers/users have to build own capacity

- Organisation and routines for chemicals control (for data finding, assessment, classific., labelling, SDS etc)
- Expertise (own or external consultants, support from associations!)

## Slide 17

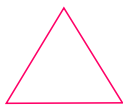
### International standards are important

1. Implementation of international agreements on chemicals (GHS, POP's, PIC, SAICM, ILO, ISO, ..):
  - facilitate risk assessment and risk management
  - simplify and harmonise national regulations
  - improve national and international availability of information on risks and safety
  - facilitate export/import
2. International agreements should be implemented in general legislation on
  - chemicals (GHS, PIC, POPs conventions, SAICM),
  - environment (POPS, Basel),
  - other

## Slide 15

### State infrastructure needed

Legislation  
Law and secondary legislation



Institutional set up  
Ministries, authorities

Resources  
- Economic  
- Expertise - quantity/quality

## Slide 18

### Institutional organisation and co-operation essential for chemicals control

- > *Policy level:* main ministry for legislative actions
- > *Management level:* main "chemicals management institution" for daily expert work
- > *Enforcement level:* inspectorates for supervision - **crucial level**

## Slide 19

### Possible tasks for central government authority(ies) for chemicals control. Demanding!

- International work on expert/management level (GHS, POP, PIC, ...)
- Propose/prepare decisions on legislation etc.
- Other support to the government in policy issues
- Manage systems for classif./label., restrictions, biocides, plant protection products, other substances, etc.
- Monitor/assess use of chemicals.
- License enterprises placing chemicals on the market - data base
- Co-operate with other state institutions
- Co-operate with trade, industry and other stakeholders
- Guide and advice enforcement agencies

## Slide 22

### No enforcement = "no law"!

- Establishment of and instructions for appropriate inspectorates
- Clear tasks - qualified inspectors
- Legal rights for inspectors: to get information, to site visits, to issue orders.
- Sanctions in case of violation of law - clear legal responsibilities of enterprises

## Slide 20

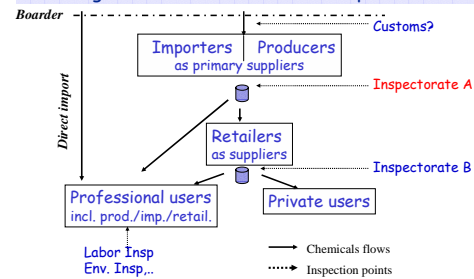
### Common experiences

#### Possible problems in DC's (others)

- > Split, fragmentary, missing legislation on chemicals
  - > Problems for enterprises to find and comply with legislation
  - > Problems for ministries/agencies
- > Many ministries and agencies involved
  - > Inadequate delegation from parliament and government
  - > Split and unclear responsibilities - overlapping tasks
  - > Lacking co-ordination & co-operation
  - > Duplication of work
  - > Conflicts
  - > Lack of enforcement
- > Inefficient use of available resources - existing split resources may be considerable!
- > Inefficient control of chemical risks

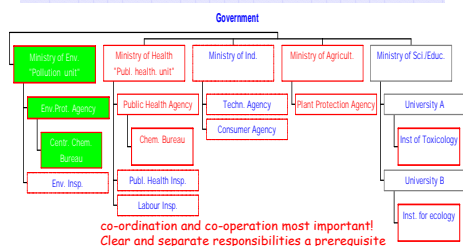
## Slide 23

### Organisation of enforcement important



## Slide 21

### Organisation of institutions - an example



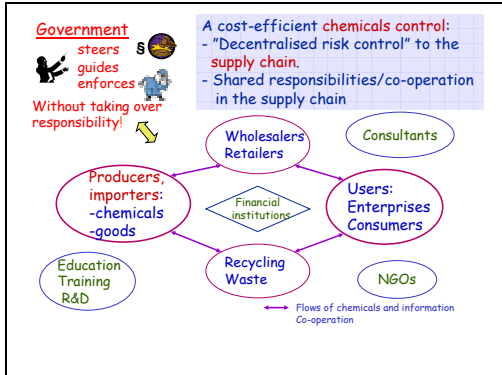
## Slide 24

### Challenge for many countries To organise a cost efficient legal and institutional system

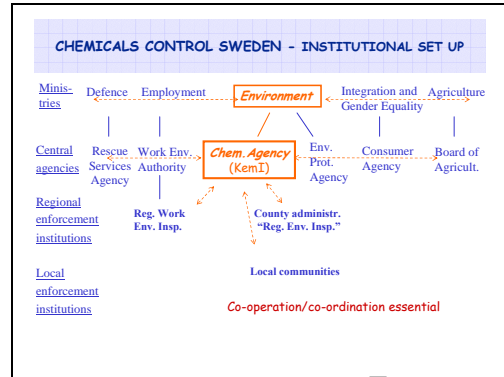
- > Establish chemicals legislation for placing on the market step
  - > integrate, co-ordinate chemicals legislation with other legislation
- > Decentralise decision making
  - > delegation to ministries and authorities
- > Organise government management of chemicals legislation
  - > differentiate and make clear the roles and responsibilities of ministries/agencies and of enterprises
  - > ensure co-operation/co-ordination between government institutions
  - > Concentrate resources
- > Make enterprises to take their responsibility
  - > inspections, enforcement, sanctions
- > Ensure a constructive dialogue between ministries/agencies and enterprises/associations

= to implement SAICM

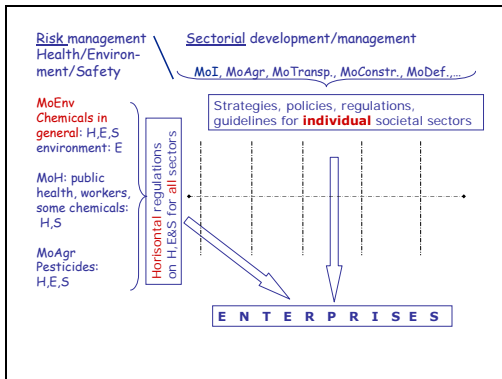
### Slide 25



### Slide 27



### Slide 26



### Slide 28

NGO's  
?

- Avoid pitfalls/traps!
  - Don't act in a way to take over responsibility of authorities (or enterprises) -don't try to solve problems
  - Don't request authorities to do the work of enterprises, to solve problems
- Make the system work - be a watchdog, convey knowledge, raise awareness, activate consumers, activate media, ..
  - Push/press for improved work of enterprises in the flow chain
  - Push/press for more efficient public administration - all levels. Government institutions should be your allies, not enemies!
- Develop co-operation between NGO's - env. NGO's, labour unions!, consumer NGO's

# LEGAL FRAMEWORK GOVERNING THE MANAGEMENT OF CHEMICALS IN JAMAICA

Gillian GUTHRIE

Slide 1

**Legal Framework governing the Management of Chemicals in Jamaica**

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Gillian Guthrie  
Ministry of Health and Environment

Slide 4

**Policy Framework (select)**

- National Hazardous Substances and Hazardous Wastes Management Policy (*draft*)
- National Solid Wastes Management Policy
- Hazard Mitigation Policy (*hazard mitigation and risk reduction to included as a component in all policies*)
- Policy and Strategy towards Environmental Management Systems (*draft*)

Slide 2

**Context**

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Jamaica is a net importer of chemicals, therefore the regulatory framework governing chemicals management is focused primarily on the regulation of the country's borders and the domestic situation.

There are several pieces of legislation which exist to address different aspects of management of chemicals in Jamaica, but there are still some gaps and challenges.

Slide 5

**Legislative Framework**

**Chemicals Control –**

- **Chemicals Act (draft)**
- **Pesticides Act (1987)**
  - Jamaican specifications for the labeling of retail packages of pesticides
- Precursor Chemicals Act (1999)
- Customs Act

**Health**  
Public Health Act

**Consumer Protection**  
□ Consumer Protection Act

Slide 3

**INTERNATIONAL AGREEMENTS RELATED TO CHEMICALS MANAGEMENT**

Name of Agreement	Date of Ratification/ Accession	Focal Point/Designated National Authority
Basel Convention	January 23, 2003	Ministry of Health and Environment (FP) National Environment and Planning Agency (NEPA) (CA)
Rotterdam Convention	August 20, 2002	Pesticides Control Authority (DNA)
Stockholm Convention	June 1, 2007	Ministry of Health and Environment (FP)
Montreal Protocol on Ozone Depleting Substances	March 31, 1993	Ministry of Health and Environment (FP) NEPA (Ozone Unit)
SAICM		Ministry of Health and Environment (FP)

Slide 6

**Environment -**

**Natural Resources Conservation Authority Act**

- Natural Resources (Permits and Licences) Regulations
- Natural Resources Conservation (Air Quality) Regulations
- Natural Resources Conservation (HazardousWastes)(Control of Transboundary Movement) Regulations
- Pollutant Release and Transfer Register (PRTR) Regulations (*draft*)
- Wastewater and Sludge Regulations (*draft*)

## Slide 7

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**Wastes Management**

- National Solid Waste Management Act (2003)

**Consumer Protection**

- Consumer Protection Act (2006)

**Transport**

- Shipping Act (1998)
- Maritime Areas Act
- Road Traffic Act

## Slide 10

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**Gaps in the legislative framework**

1. Finalization and enactment of :
  - **Chemicals Act** (*legislation would assist the country in fulfilling its obligations under the Stockholm and Rotterdam Conventions – primarily the industrial chemicals*)
  - **Pollutant and Release Transfer Register Regulations** under the Environment legislation (NRCA Act)
2. Development of legislation for:
  - the intra-island management of hazardous wastes (*storage, transportation, treatment, disposal and public education*)
  - Development of legislation for GHS

## Slide 8

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**Accidents**

- Disaster Preparedness and Emergency Management Act

**Worker Protection**

- Factories Act
- **Occupational Health and Safety Act (draft)**

**Standards**

- **Standards Act and the Weight and Measures Act**  
(standards for the labeling, packaging, testing of dangerous goods)

## Slide 11

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**Key challenges**

- Risk reduction and risk assessment strategies need to be strengthened
- **Data collection** to inform policy formulation and development of legislation
- Development of infrastructure to support the sound management of chemicals
  - laboratory facilities within the public sector
  - centralized treatment, storage and disposal sites for hazardous wastes
- **Monitoring and Enforcement** (*increased capacity required and ongoing training of key groups, including Customs Officers, enforcement officers in the relevant public sector agencies and the police*)
- Increased sector-specific and public education and awareness on the sound management of chemicals

## Slide 9

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**National Coordination Mechanisms related to chemicals management**

- Inter-Agency Coordination Mechanism for the management of chemicals and hazardous wastes
  - Chemical safety website ([www.chemicalsafety.gov.jm](http://www.chemicalsafety.gov.jm))
  - SAICM, Rotterdam, Basel and Stockholm Convention focal points represented on this body
- National POPs Review Committee
- National Ozone Commission

## Slide 12

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**Some Emerging Issues**

- GHS
- Mercury, Lead and Cadmium
- New POPs under the Stockholm Convention
- Electronic wastes (particularly computing equipment and used and end-of-life mobile phones)

# DEVELOPMENT OF NATIONAL LEGAL INFRASTRUCTURES: EXPERIENCE OF URUGUAY


Jacqueline ALVAREZ

## Slide 1

Development of Legal and Institutional Infrastructures on  
Sound Management of Chemicals SAICM Implementation

### Development of national legal infrastructures Experience of Uruguay

Jacqueline Álvarez  
Ministry of House, Land Planning and Environment  
URUGUAY



Panama City, 12 y 13 February 2008

## Slide 4

Development of Legal and Institutional Infrastructures on  
Sound Management of Chemicals SAICM Implementation

### → NATIONAL STATUS

Life cycle

- **Introducing a chemical on the market:**
  - Main source: importation, practically no production
    - No need for testing, except for quality reasons.
  - Registers only for pesticides used as agrochemicals and at households (far from perfect, still needs coordination among agencies)
    - Registers are required for commerce purposes
    - Case by case : UNDER PESTICIDE FRAMEWORK
- **Efforts to deal with chemicals as a whole:**
  - ✓Transport: following UN rules, but with national legislation and regional approach
  - ✓Classification and labelling: GHS (to be introduced)
  - ✓Uses: very difficult to control, problems because of misuses
  - ✓Wastes: guidelines to deal with them. Good legislation to control transboundary movements
- **Importance of Chemicals Convention: help setting framework**

Now: New challenges

## Slide 2

Development of Legal and Institutional Infrastructures on  
Sound Management of Chemicals SAICM Implementation

- RATIONALE
- STEPS
- OPTIONS
- DECISION MAKING

## Slide 5

Development of Legal and Institutional Infrastructures on  
Sound Management of Chemicals SAICM Implementation

### SHOULD INDUSTRIAL, CONSUMER AND AGRICULTURAL CHEMICALS BE DEALT WITH IN COMMON OR SEPARATELY?

ONE CHEMICAL: DIFFERENT USES

TOGETHER

SEPARATELY

REGISTERS

- USE DEPENDANT
- SAME STEPS (avoid misuse)

RESTRICTIONS BANS

GENERAL FRAMEWORK NEEDED

HAZARD DATA

SPECIFIC USES INFORMATION

RISK COMMUNICATION AWARENESS

IMPORTATION

TRANSPORT

CLASSIFICATION

STORAGE

WASTES

LABELLING


## Slide 3

Development of Legal and Institutional Infrastructures on  
Sound Management of Chemicals SAICM Implementation

### → RATIONALE

Life cycle

- **Easy concept**
- **Difficult to implement and enforce**
- Gap analysis: lack of complete inf. Or availability
- Opens the door to early problem detection: also a disadvantage
- Common solutions identification
- Implies communication and coordination between agencies and political will.



## Slide 6

Development of Legal and Institutional Infrastructures on  
Sound Management of Chemicals SAICM Implementation

### → STEPS

Information gathering

- Identification: International conventions and regional agreements, chemicals of concern within some countries (find reasons of listing)
- National situation (import, transits, importers, including if exists academic studies and not much of modelling)
- Chemicals itself vs alternatives
- Costs implicated

National Reports

Criteria and prioritizing (principles of precaution, substitution)

List settings

HIGH PRIORITY CHEMICALS

## Slide 7

Development of Legal and Institutional Infrastructures on

Sound Management of Chemicals SAICM Implementation  
→ RISK MANAGEMENT OPTIONS

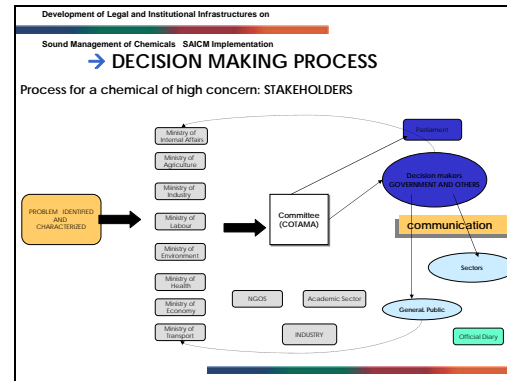
1. LEGISLATION :

- levels: - NATIONAL
  - Parliament : LAW (only general issues)
  - "Executive Power" ( Decree)
- MINISTERIAL
  - chemical by chemical addressing a particular stage of life cycle or
  - a particular action directed to "polluter" "user"
- LOCAL (municipal level, or direct action)

- extent - banning, restrictions, permits (for new enterprises : impact evaluation according to a list)

- gaps: economic implications not always addressed, legal implications most of the times addressed

## Slide 10



## Slide 8

Development of Legal and Institutional Infrastructures on

Sound Management of Chemicals SAICM Implementation  
→ RISK MANAGEMENT OPTIONS

2. THROUGH NON LEGAL MEASURES AS A FIRST APPROACH

Ex. -Dioxins and furans minimization by technology changing

- Incentives
- Indicators of progress/achievements
- Promoting and suggesting alternatives (specially at agriculture)
- Clean production practices
- ISO 14000 or accreditation requirements

3. CAPACITY BUILDING AND PUBLIC AWARENESS

- Targets: workers, pesticides users, trainers (teachers, professors)
- Brochures, games, web sites, data bases

## Slide 11

Development of Legal and Institutional Infrastructures on

Sound Management of Chemicals SAICM Implementation

**Some lessons learnt**

- PERFECT LEGAL FRAMEWORK DOES NOT EXIST
- PARTNERS ARE ESSENTIAL
- CASE BY CASE IS A GOOD APPROACH, BUT GENERAL FRAMEWORK IS NEEDED
- MORE THAN ONE SOLUTION IS POSSIBLE, BEING CREATIVE IS PART OF THE WORK

CHEMICALS BELONGS TO ALL AND EACH PART IS REQUIRED TO HAVE A WELL PIXELLED PICTURE

## Slide 9

Development of Legal and Institutional Infrastructures on

Sound Management of Chemicals SAICM Implementation  
→ RISK MANAGEMENT OPTIONS

SITUATIONS that URUGUAY has gone through regarding high priority chemicals

Type of chemical	INITIAL STATUS	OPTION USED
DEAD	8 pesticides POPs listed in SC with partial restrictions only for registering	- BAN whole life cycle Exception: - for standards import → stockpiles management
HALF DEAD	Use in small quantities but no production. There are alternatives, no costs implications. (example: pesticides)	Process established: 1.Ban importation (exception standards, investigation) 2.Stop registers. 3. Set a deadline for commercialization 4.Set a deadline for end of use and becoming a stockpile. 5.Measures to phase out /elimination following BAT and BEP
	Extent of use recognized and even though alternatives are available, it can't be replaced immediately (example PCB)	Long time strategy, involving industry Ban imports Inventory updating on permanent basis
"ALIVE"	Extent of use recognized and alternatives not available or too expensive	- Restrictions to activities, areas, quantities - Changing of technology: dates established

Previously: inventory taking

## Slide 12

Development of Legal and Institutional Infrastructures on

Sound Management of Chemicals SAICM Implementation

**THANK YOU !**

Jacqueline Alvarez  
Head Hazardous Chemicals Department  
Ministry of House, Land Planning and Environment  
URUGUAY

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# EXAMPLES OF LEGAL INSTRUMENTS FOR THE SOUND MANAGEMENT OF CHEMICALS IN LATIN AMERICA AND THE CARIBBEAN

Andrea SALINAS

Slide 1

**El Manejo Seguro de Químicos:  
Decisiones hoy afectan al  
futuro de todos.**


Slide 4

 Elementos de Buenas Practicas Legales para el Manejo Seguro de Químicos: Ejemplos de América Latina

**Principios de Manejo Seguro de Químicos**


- Principio “Contaminador-Pagador”
- Enfoque Preventivo
- Principio Precautorio
- Gestión integral del Ciclo de Vida de la sustancia química
- Principio de Sustitución
- Derecho a la Información Ambiental
- Participación Ciudadana

Slide 2

 Center for International Environmental Law/  
Centro de Derecho Ambiental Internacional

**Elementos de Buenas  
Practicas Legales para el  
Manejo Seguro de  
Químicos:  
Ejemplos de América  
Latina**


Slide 5

 Elementos de Buenas Practicas Legales para el Manejo Seguro de Químicos: Ejemplos de América Latina

Definimos “Buenas Practicas” como:

- Reglamentos aprobados donde se ponen en práctica uno de los principios de manejo seguro de químicos.
- Son estrategias que pueden ser efectivas bajo condiciones de limitada capacidad institucional.

Slide 3

 Elementos de Buenas Practicas Legales para el Manejo Seguro de Químicos: Ejemplos de América Latina

**Proyecto Realizado por la OEA:**  
“El Marco Legal e Institucional para el Manejo Seguro de Químicos Tóxicos Persistentes (PTS) en Chile y Nicaragua”

**Proyecto Realizado por el PNUMA:**  
“Elementos de Buenas Practicas en Marcos Legales para la Implementación del Convenio de Estocolmo sobre Contaminantes Orgánicos Persistentes (COPs) en América Latina”

Disponible en:  
<http://www.chem.unep.ch/Legal/Stockholm%20Good%20Practice%20Final.pdf>

Slide 6

**Legislación sobre registro de plaguicidas:**  
Aplicando Principios de: Prevención; Gestión integral del Ciclo de Vida; Contaminador-Pagador (Responsabilidad Extendida del Productor de la sustancia química)

## Slide 7

**Poca legislación consolidada sobre químicos industriales ...**

... salvo a un creciente marco legal respecto a los PCB

(La legislación de PCBs aplica los principios de: Gestión integral del Ciclo de Vida; principio Contaminador-Pagador; Principio de Sustitución; Participación Ciudadana)

## Slide 11

Ejemplos de buenas practicas legales

➤ **Registro de Plaguicidas**

- Responsabilidad Extendida del Productor de químicos
- Códigos Aduaneros Armonizados para la importación de químicos
- Manejo de PCBs
- Acceso a la Información


## Slide 8

Un creciente marco legal sobre:

- Manejo de desechos sólidos: separación y minimización de desechos sólidos, y el reciclaje.
- Gestión de desechos industriales y residuos peligrosos.

(Aplicando los Principios de: Prevención, Precaución, Gestión Integral del Ciclo de Vida; principio Contaminador-Pagador; Participación Ciudadana)

## Slide 12

 **Brasil** Ley de Plaguicidas Ley 7902 y Reglamento 4074

- Se niega la solicitud de registro de una producto cuando se evidencia el daño al ambiente, es carcinógeno, mutágeno, teratageno o disruptor endocrino.
- Solo se registra un plaguicida si su toxicidad al ser humano y al ambiente es demostrado ser es menor o igual que otros plaguicidas registrados por el mismo uso.


## Slide 9


**Acceso a la Información**

(Primer Elemento de la Participación Ciudadana):

1. Requerimientos de reportes de información;
2. Acceso público a la información ambiental;
3. Creación de sistemas nacionales de información ambiental.

## Slide 13

 **Ley 274 de Nicaragua y su reglamento** – La reevaluación formal del registro de un plaguicida puede ser iniciado por el gobierno o la sociedad civil con la presentación de datos sobre efectos adversos sobre la salud humana o el ambiente.

 **Ley 26744 del Perú** – se realice un estudio de evaluación de riesgos (EIA) para el registro y re-registro periódico de los plaguicidas.

## Slide 10

Ejemplos de buenas practicas legales

- Registro de plaguicidas
- Responsabilidad Extendida del Productor de la sustancia química
- Códigos Aduaneros Armonizados para la importación de químicos
- Manejo de PCBs
- Acceso a la Información
- Minimización de Desechos
- Manejo de Desechos Tóxicos

## Slide 14

Ejemplos de buenas practicas legales

- Registro de Plaguicidas

➤ **Responsabilidad Extendida del Productor**

- Códigos Aduaneros Armonizados para la importación de químicos
- Manejo de PCBs
- Acceso a la Información


## Slide 15



**Brazil** Ley 4074 y su Reglamento 334

- Responsabilidad Extendida del Productor para remanentes de plaguicidas prohibidos y vencidos y la gestión de envases.
- Responsabilidad sobre la recolección, tratamiento y disposición final de los plaguicidas obsoletos y envases.
- Son los responsables de la disposición final -- importadores, fabricantes, titulares y vendedores.
- Fabricantes y vendedores de plaguicidas tienen que establecer facilidades para la gestión de los plaguicidas obsoletos y las envases.

## Slide 19



**Caso: El Código Aduanero Brasileño**

CÂMARA DE COMÉRCIO EXTERIOR. RESOLUÇÃO No 23, DE 28 DE JULHO DE 2003. Ministério do Desenvolvimento, Indústria e Comércio Exterior

CAPÍTULO 29. PRODUTOS QUÍMICOS ORGÂNICOS  
2903.59.10 Aldrin  
2903.59.20 Heptacloro  
2903.59.30 Clordano  
2903.59.40 Mirex (dodecacloro)  
2903.62 --Hexaclorobenzeno e DDT (1,1,1-tricloro-2,2-bis(p-clorofenil)etano)  
2903.62.10 Hexaclorobenzeno  
2903.62.20 DDT  
2903.69.18 Bifenilas policloradas (PCB); terfenilas policloradas (PCT) .

## Slide 16



Instituto Nacional de Processamento de Embalagens Vazias - inpEV:  
[www.inpev.org.br](http://www.inpev.org.br)



Associação nacional de Defesa Vegetal

[www.ANDEF.com.br](http://www.ANDEF.com.br)

## Slide 20

**Ejemplos de buenas practicas legales**

- Registro de Plaguicidas
- Responsabilidad Extendida del Productor
- Códigos Aduaneros Armonizados para la importación de químicos

➤ **Gestión de PCBs**

- Acceso a la Información

## Slide 17

**Ejemplos de buenas practicas legales**

- Registro de Plaguicidas
- Responsabilidad Extendida del Productor
- **Códigos Aduaneros Armonizados para la importación de químicos**
- Manejo de PCBs
- Acceso a la Información

## Slide 21



**Argentina: Ley Nacional de Presupuestos Mínimos para la Gestión y Eliminación de PCBs (Ley 25670 de 2002)**

El Ministerio tiene el deber de:

- Promover el uso de **alternativas** a los PCBs;
- **Coordinar con la sociedad civil** para promover alternativas y apoyo técnico; y
- Facilitar **acceso a las alternativas para las PYMES** (pequeñas y medianas empresas).

## Slide 18

**Códigos Aduaneros Armonizados a nivel de Sub-Regiones**

- Una herramienta para controlar la importación y para la fiscalización de prohibiciones y restricciones de químicos y desechos.
- MERCOSUR aprobó una nomenclatura común para las sustancias listadas en los Convenios de Estocolmo y Róterdam, con el objetivo de armonizar los códigos aduaneros nacionales
- Con estos acuerdos de armonización se facilita el cumplimiento de las prohibiciones de importación.

## Slide 22

**Ejemplos de buenas practicas legales**

- Registro de Plaguicidas
- Responsabilidad Extendida del Productor-Generador
- Códigos Aduaneros Armonizados para la importación de químicos
- Gestión de PCBs

➤ **Acceso a la Información**

## Slide 23

### Leyes sobre el Acceso a la Información de América Latina:

1. Obligan a la industria y al estado a proporcionar información sobre la generación y manejo de químicos (y desechos tóxicos);
2. Hacen efectivo el derecho al acceso a la información ambiental;
3. Crean Sistemas Nacionales de Información Ambiental.

## Slide 27

Vacío en Legislación Latinoamericana que hace efectivo el derecho al acceso a la información ambiental:

La información sobre efectos en la salud y el medio ambiente **no debe ser clasificado como confidencial.**

## Slide 24

### Legislación estableciendo requisitos de reportar



- CONSELHO NACIONAL DO MEIO AMBIENTE – CONAMA. *RESOLUÇÃO/conama/N.º 006 de 15 de junho de 1988*. Publicada no D.O.U. de 16/11/88, Seção I, Pág. 22.123



- SECRETARÍA DE AMBIENTE Y DESARROLLO SUSTENTABLE. *Ley Nacional 24.051. Residuos Peligrosos*, art. 60, para. (f). Promulgada de hecho: 8 de enero de 1992. Publicada en el Boletín Oficial el 17 de enero de 1992.



- Registro de Emisiones y Transferencia de Contaminantes (RETC) Enmienda de 2001 a la *LEY GENERAL DEL EQUILIBRIO ECOLÓGICO Y LA PROTECCIÓN AL AMBIENTE*, Art. 109 BIS.

## Slide 28

Sistema Nacional de Información Ambiental  
Nicaragua

[www.sinia.net.ni/cop/legislation.html](http://www.sinia.net.ni/cop/legislation.html)

**MARCO INSTITUCIONAL,  
REGULATIVO Y DE  
POLÍTICAS de COPs**

## Slide 25

### Legislación que hace efectivo el derecho al acceso a la información

- Chile. MINISTERIO SECRETARÍA GENERAL DE LA PRESIDENCIA. *LEY-19653*. Fecha de Publicación: 14.12.1999. Fecha de Promulgación: 03.12.1999. **SOBRE PROBIIDAD ADMINISTRATIVA APLICABLE DE LOS ORGANOS DE LA ADMINISTRACION DEL ESTADO**. At Art. 11 bis y 11 ter.
- México. *LEY DE TRANSPARENCIA Y ACCESO A LA INFORMACION PÚBLICA DEL ESTADO DE MEXICO*. Toluca, México, noviembre 27 de 2003. Art. 159 bis y art. 159 bis 4.
- Perú. Ley No 27806. *Ley de Transparencia y Acceso a la Información Pública*. Lima. 24 de abril 2003. Diario Oficial El Peruano. Pág. 243123, arts. 3 y 5. Ley N° 28611, General del Ambiente 2005 arts. 41 y 42.

## Slide 29

### Sistemas de Información Ambiental



<http://www.sinia.cl/1292/propertyvalue-13517.html>

Guías y manuales

[Guía para la Elaboración de Planes de Manejo de Residuos Peligrosos](#)

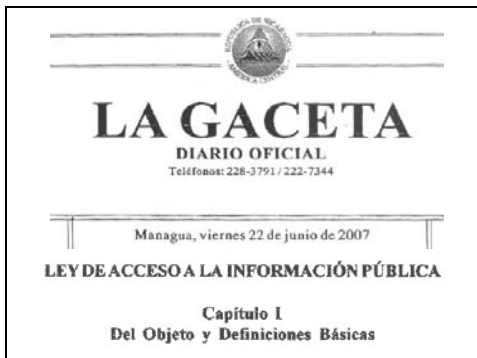
Legislación

Documentos legales

Información técnica

Estudios / Antecedentes

## Slide 26

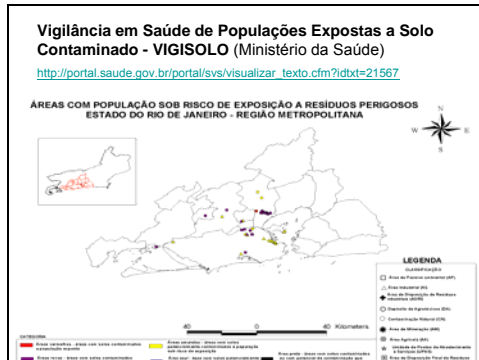


## Slide 30

Chile:  
**REGLAMENTO  
SANITARIO SOBRE  
MANEJO DE RESIDUOS  
PELIGROSOS (Decreto  
Supremo No. 148)**

Generadores de mas de 12 kilogramos de desechos tóxicos anuales tienen que presentar un **plan de manejo a la autoridad de salud** que priorice opciones para reducir la generación de desechos, incluyendo la sustitución a la fuente con insumos menos tóxicos, la minimización de desechos y separación y el reciclaje.

## Slide 31



## Slide 32

**Ministério da Saúde**

**Agência Nacional de Vigilância Sanitária**

**Sistema de Informação sobre Agrotóxicos - SIA**

<http://www.anvisa.gov.br/toxicologia/sia.htm>

Com objetivo de agilizar e permitir maior transparência ao processo de análise técnica e registro de agrotóxicos na Anvisa, IBAMA e MAPA foi instituído pelo art. 94 do Decreto 4.074, de 4 de janeiro de 2002, o [Sistema Integrado de Informações sobre Agrotóxicos - SIA](#).

# MAIN COMPONENTS OF LEGISLATION ON CHEMICALS PLACED ON THE MARKET

Torbjörn LINDH

Slide 1

Componentes principales de la legislación de los productos químicos

El Taller PNUMA en La Ciudad de Panamá  
12 de febrero 2008  
Torbjörn Lindh  
Agencia Sueca de Productos Químicos

www.kemi.se KEMI

Slide 4

Esta legislación es para promover la gestión de los productos químicos por dos modos

Postura y deberes generales de prevención / Reglas comunes generales para cada uno que maneja productos químicos

Exigencias de prestar conocimiento a través de ensayos de datos y recomendaciones prácticas de como gestionar los riesgos / Reglas detalladas para los que comercializan productos

www.kemi.se KEMI

Slide 2

**Desarrollo de ramas nacionales de legislación para gestionar los riesgos de productos químicos**

Puntos destacados por los talleres antecedentes (Riga 2006 y Bangkok 2007):

- Falta de legislación de control de productos químicos en la gran mayoría de los países;
- Falta de información entre los usuarios sobre los riesgos que plantean las sustancias químicas;
- Demandas de convenios internacionales y organizaciones multilaterales del comercio

www.kemi.se KEMI

Slide 5

La legislación afecta más a los primeros actores del suministro

El fabricante o importador de la sustancia o del preparado

Su cliente usando el producto en el transcurso de su actividad profesional

www.kemi.se KEMI

Slide 3

¿A qué nos referimos?

- Reglar la comercialización de los fabricantes e importadores de productos químicos; sustancias y preparados (mezclas)
- hacerlos responsables de conocer y avisar riesgos relacionados con propiedades peligrosas de sus productos

...limitar el acceso del usuario a sustancias altamente problemáticas por sus efectos adversos, como los CMRs; PBTs; MPMBs; o de un grado de preocupación equivalente

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Slide 6

Instrumentos procurados por la legislación de los productos químicos

**Ficha de Datos de Seguridad de productos peligrosos** proporcionada por el productor o importador como guía a la gestión de riesgos a sus clientes / los usuarios profesionales

**Clasificación, envase y etiquetado de productos peligrosos** Pictogramas, frases de riesgo, frases de seguridad, informe del contenido etc

**Prohibiciones y restricciones** relacionadas a la fabricación o la importación de sustancias químicas altamente preocupantes (la sustancia como tal; en preparados o usada/contenida en artículos non-químicos, equipos etc)

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## Slide 7

### La legislación de productos químicos

Es para asegurar que:

- Riesgos no aceptables serán eliminados desde el comienzo de la cadena de suministro - ya antes de que la sustancia se haga accesible
- El fabricante proporcione conocimiento y orientación válida en cuanto a la gestión de los riesgos a sus clientes y los demás usuarios a lo largo de la cadena de suministro...

..El usuario- bien informado- juzgará sus opciones -de uso, de compras, de ventas, de inversiones - y evita las alternativas más arriesgadas



## Slide 11

### Regulación secundaria de la aplicación

Reglas secundarias a ley / posteriores /subalternas  
Como: Reglamentos / Ordenanzas / Decretos / Resoluciones

La gran masa de requisitos detallados y sus maneras de aplicarse

El implantar todos los detalles del clasificación y del etiquetado,

El introducir requisitos necesarios según compromisos procedentes de convenios multilaterales

Los detalles de obligaciones en cuanto a prestar ensayos, pedir por licencias, registrar cierta información, etc

Reglas relativas al uso, a las emisiones etc, están mejor fijadas por cada legislación especial



## Slide 8

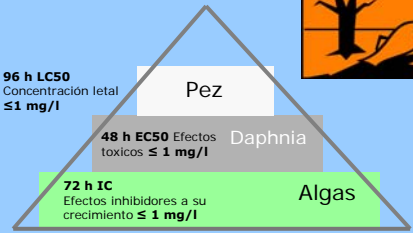
### Gestionar los riesgos de productos químicos significa.....



...prever y resolver los daños antes de que se produzcan

## Slide 12

### Valoración de peligros se hace por criterios subsecuentes a la ley



96 h LC50 Concentración letal  $\leq 1 \text{ mg/l}$

48 h EC50 Efectos tóxicos  $\leq 1 \text{ mg/l}$

72 h IC Efectos inhibidores a su crecimiento  $\leq 1 \text{ mg/l}$

## Slide 9

El mayor obstáculo ha sido:  
La falta de conocimiento sobre propiedades peligrosas de las sustancias

La responsabilidad de prueba sera para el productor / suministrador

Los gran productores del mundo pueden movilizar el conocimiento necesario si hagan sistemas internacionales sostenientes (Sistema de Harmonización Global de Clasificación y Etiquetado; Buenas Prácticas de Laboratorio; Aceptación Mutua de Datos)

La carga de costes por la gestión de riesgos serán para la producción, el comercio y el uso profesional




## Slide 13

Prevenir riesgos relacionados a propiedades peligrosas intrínsecas de las sustancias

Proporcionar ensayos y proveer guía de como gestionar los riesgos

Optar medidas óptimas de gestión; Evitar opciones menos seguras

El productor ↔ El cliente usuario




## Slide 10

### Control de la cadena de suministro se muestra modo eficaz a gestionar los riesgos químicos

Sustancias comerciales (hay 30 000 en el mercado de UE) representan un número muy bajo en comparación a la gran cantidad de aplicaciones reales existentes de esas sustancias

Los que suministran productos químicos son muy pocos dentro la gran cantidad de empresas, actividades, lugares de circulación, tipo de uso y sitios de uso de sus productos.



## Slide 14

### Legislación primaria

- Enmarcar: Objeto, ámbito, area de aplicación, disposiciones generales del ley
- Establecer: Deberes principales básicos
- Introducir: Obligaciones primarias de fabricantes e importadores
- Dar: Mandatos al gobierno o para hacer autoridades competentes para poder promulgar reglamento detallado relativo a materia técnica
- Fundar: Instrumentos de asegurar obediencia; que sirvan a fines de inspecciones o sanciones



Slide 15

**Reglas Generales de Atención y Deberes de Cuidado**

- El principio de conocimiento: El que conduce una actividad tiene que abastecerse con lo suficiente conocimiento para eliminar a riesgos adversos / saber como gestionar los riesgos
- El principio de precaución; Se tiene que tomar todas medidas que sean necesarias en juicio a los riesgos para evitar o combatir daños
- El principio de sustitución; Se tiene que evitar productos peligrosos si hay alternativas significativamente menos peligrosas

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Slide 19

Gestión de productos dirigida por legislación especial

**Excluidas por la legislación de productos químicos:**

- Sustancias radiactivas
- Productos en forma definitiva como medicamento humano o veterinario
- Amentos o piensos y sus diversos aditivos

**Puestos entremetidos por reglas complementarias o de extensión:**

- Sustancias activas y preparados comercializados únicamente para usos fitosanitarios o biocidas
- Productos higiénicos & Cosmético

**Normalmente exentados:**

- Productos sometidos a supervisión aduanera, en zona franca o en tránsito
- Productos que están sujetos a la investigación y el desarrollo

Slide 16

**El Principio de Sustitución en la Ley de Hungría**

Antes de comenzar la producción, la manufactura, el procedimiento o el uso – incluyendo la importación desde un otro país – para un cierto fin, .....

se tiene que elegir la sustancia menos peligrosa o el preparado menos peligroso....

.. para justificar su uso de productos químicos la entidad tiene que determinar los riesgos ..analizar su cuenta y sus beneficios ..y cuando lo solicite una autoridad competente presentar eso a la inspección..

**§20 (1) Ley Pública [No XXV del año 2000] de Seguridad Química (la mía traducción)**

**KEMI**

Slide 20

**Revista de ramas institucionales y legales**

¡Considerad la cadena de suministro!

El diagrama muestra un flujo de información y materiales. En la parte superior izquierda, 'Origen de sustancias' incluye 'Fabricación' y 'Importación'. Una línea con una flecha apunta hacia 'Comercio', que incluye 'Comercialización de productos químicos: Circulación: Ventas'. Desde 'Comercio', una línea con una flecha apunta hacia 'Uso industrial / profesional' y 'Uso disperso y general: Uso de los ciudadanos'. Desde 'Uso disperso y general', una línea con una flecha apunta hacia 'Desperdicios; Residuos'. En la parte inferior izquierda, 'Producción y uso' tiene una línea con una flecha que apunta hacia 'Uso industrial / profesional'. En la parte superior derecha, 'Substancias en artículos finalizados por la venta' tiene una línea con una flecha que apunta hacia 'Uso disperso y general'. En la parte inferior derecha, 'Desperdicios; Residuos' tiene una línea con una flecha que apunta hacia 'Exposición de humanos y medio ambiente desde el principio por migraciones, emisiones, escapes'.

Exposición de humanos y medio ambiente desde el principio por migraciones, emisiones, escapes

Slide 17

**Capítulo 2 Sección 3 El Código Sueco del Medio Ambiente (1998: 808)**

La persona que efectua una actividad o ejecute alguna medida, o que intenta hacerlo, tiene que tomar a su cargo las medidas protectivas, conformarse a las restricciones y tomar cada precaución necesaria para prevenir, impedir o combatir todo daño o detrimento a la salud humana o al medio ambiente .....

...siempre y cuando que haya causa de asumir que una actividad o una medida pueda hacer aquel daño o aquel detrimento..

<http://www.regeringen.se/sb/d/108/a/1348>  
(la mía traducción)

Slide 21

La regulación hace que costos externos se internalizen a la cuenta total..

El diagrama muestra tres círculos concéntricos. El círculo más grande y oscuro en el centro es 'Precio del producto mismo'. El círculo intermedio es 'Valor de uso del producto'. El círculo más pequeño y claro en el exterior es 'Costos específicos de la gestión de riesgos; Costos externos al precio original del producto'. Una línea con una flecha apunta desde el círculo exterior hacia el círculo intermedio, indicando que los costos externos se internalizan en el valor de uso del producto.

..y que se vislumbren los costos reales de la gestión del riesgo

Slide 18

**Consecuencias a la circulación**

El diagrama muestra un semáforo con tres luces: una roja en la parte superior, una amarilla en la parte inferior izquierda y una verde en la parte inferior derecha. A la derecha del semáforo, hay tres cuadros de texto que corresponden a las luces: un cuadro rojo con texto prohibitivo, un cuadro amarillo con texto de autorización y deberes, y un cuadro verde con texto de obligaciones de información.

**Prohibiciones de la fabricación, importación o exportación**

**Restricciones de venta a una cierta sustancia para un cierto fin**

**Autorización; Sistemas de licencias o permisos de comercialización o venta**

**Deberes generales de atención y de cuidado**

**Obligaciones de procurar y transmitir información entre actores de la cadena de suministro en cuanto a como gestionar los riesgos**

**KEMI**  
www.kemi.se

Slide 22

**Evaluación de riesgos como se apuesta con la legislación de productos químicos**

El diagrama muestra un círculo central con 'El uso técnico' en el centro. Una línea con una flecha apunta desde 'Mundo entero' hacia el círculo central. Una línea con una flecha apunta desde 'Sitios locales' hacia el círculo central. Una línea con una flecha apunta desde 'Prácticas retrospectivas' hacia el círculo central. Una línea con una flecha apunta desde 'Resultados de la exposición de seres humanos y el medio ambiente al uso químico disperso' hacia el círculo central. Una línea con una flecha apunta desde 'Riesgos resultantes de las sustancias continuamente entregadas a ser usadas' hacia el círculo central. Una línea con una flecha apunta desde 'Aplicabilidad general de los ensayos' hacia el círculo central. Una línea con una flecha apunta desde 'Ensayos sobre ambientes particulares o ciertas poblaciones' hacia el círculo central. Una línea con una flecha apunta desde 'Prácticas retrospectivas' hacia 'Ensayos sobre ambientes particulares o ciertas poblaciones'.

Práctica de predicción

Mundo entero

Aplicabilidad general de los ensayos

Riesgos resultantes de las sustancias continuamente entregadas a ser usadas

El uso técnico

Resultados de la exposición de seres humanos y el medio ambiente al uso químico disperso

Sitios locales

Prácticas retrospectivas


Ensayos sobre ambientes particulares o ciertas poblaciones

## Slide 23

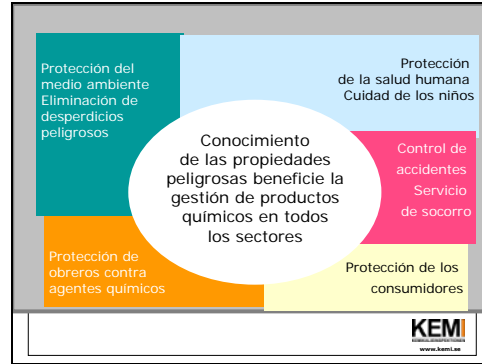
Artículo 1.3 Reglamento (Reach) 1907/2006 del Parlamento Europeo y del Consejo

**“El presente Reglamento se basa en el principio de que corresponde a los fabricantes, importadores y usuarios que solo fabrican, comercializan o usan sustancias.. ..que no afectan negativamente a la salud humana o al medio ambiente. Lo dispuesto en él se basa en el principio de precaución”**

Aplicarlo presupone el conocimiento y datos suficientes a juzgar el riesgo  
(Comunicación del Comisión Europea sobre el Principio de Precaución 2000:1)

www.kemi.se 

## Slide 24



## Session 2: Legislation on development of national legal infrastructure

### Introduction

Many countries have not ratified or implemented regional and global legally binding instruments and other relevant initiatives addressed gaps in national chemicals regimes or developed national mechanisms coordinating activities on chemicals control. There may furthermore be a need to assess current laws, policies and regulations to identify changes that may be necessary to advance implementation of the Strategic Approach objectives, including an assessment of funding needs where appropriate.

### Topics for discussion

1. a. Which types of legislation (laws, regulations etc) do you have in your country for regulation of chemicals risk management as legislation on chemicals control, health, workers protection, consumer protection, environment, waste, transport, accidents, specific legislation implementing international agreements (e.g. Rotterdam, Stockholm and Basel conventions, SAICM), etc.?  
  
b. To what extent are the different pieces of legislation correlated and co-ordinated as regards regulations on placing on the market?
2. a. Which pieces of legislation in your country identified in 1a. regulate placing on the market of chemicals (chemicals control) as testing, hazard assessment, classification, labelling, safety data sheets, restrictions etc.? Think of industrial, consumer and agricultural chemicals.  
  
b. Which are the main gaps, the main missing parts of legislation in your countries on placing on the market?
3. a. How do you think regulations on placing on the market of chemicals (chemicals control) best may be legally organised in your country taking into account the prevailing situation and the already existing pieces of legislation? Should you introduce a specific separate legislation or should the regulations on chemicals control be included into existing legislation? In the latter case, should they be included into one or several pieces of legislation and in which one(s)? Should industrial, consumer and agricultural chemicals be dealt with in common or separately?  
  
b. Which advantages and disadvantages do you recognise with various alternatives? Which problems have you identified in your country and what are the reasons for them?

## RESULTS OF WORKING GROUP 1

Group 1 provided in tabular form the status of legislation in countries of the region

	Placing on the market	Health	Workers protection	Consumer protection	Environment	Waste
Argentina	partially	yes	yes	yes	yes	yes
Barbados	partially	yes	yes	yes	yes	yes
Belize	no	yes	yes	yes	yes	yes
Brazil	partially	yes	yes	yes	yes	yes
Chile	partially	yes	yes	yes	yes	yes
Cuba	partially	yes	yes	yes	yes	yes
Dominican <Republic	no	yes	yes	yes	yes	yes
El Salvador						
Guatemala	partially	yes	yes	yes	yes	yes
Haiti	no	no	no	no	no	no
Honduras	partially	yes	yes	yes	yes	yes
Mexico						
Panama	no	yes	yes	yes	yes	no
Peru	partially	yes	yes	yes	yes	yes
St. Vincent	partially	yes	yes	yes	yes	yes

	Special Legislation for International Agreements					
	Transport	Accidents	Rotterdam	Rotterdam	Rotterdam	Rotterdam
Argentina	yes	yes	yes	yes	yes	yes
Barbados	yes	no	no	no	no	no
Belize	no	no	no	no	no	no
Brazil	yes	yes	yes	yes	yes	yes
Chile	yes	yes	yes	yes	yes	yes
Cuba	yes	yes	yes	yes	yes	yes
Dominican <Republic	yes	yes	yes	yes	yes	yes
El Salvador						
Guatemala	yes	no	no	yes	yes	yes
Haiti	no	no	no	no	no	no
Honduras	yes	no	no	yes	yes	yes
Mexico						
Panama	yes	no	yes	yes	yes	no
Peru	yes	yes	yes	yes	yes	yes
St. Vincent	yes	yes	no	yes	yes	yes

There was no indication of legislation on chemicals control for any of the countries listed above.

Guatemala indicated that testing, hazard assessment, classification, labeling, safety data sheets and restrictions had been undertaken in relation to health, worker protection, consumer protection, environment, waste, transport and for special legislation for international agreements in the industrial, consumer and agricultural chemicals sectors. In addition nothing was in place for consumer chemicals in testing, hazard assessment or restrictions. There was uncertain whether anything had been undertaken for accidents in any of the categories, for labeling of consumer and agricultural chemicals with regard to waste or for labeling of consumer chemicals related to transport.

## RESULTS OF WORKING GROUP 1 - continued

### Question 1 (a).

Health  
Environment  
Agriculture  
Commerce  
Trade  
Consumer Affairs

There are separate pieces of legislation existing in many countries which deal with different aspects of the management of chemicals and controls. Several countries have similar types of legislation. Some legislation exists for international conventions but specific legislation is necessary to control convention topics.

### (b)

More cooperation is needed to reduce or eliminate duplication of work. More regulations relate to health – there is little for the environment. Legislation needs to be made specific to the issues.

### Question 2 (a)

Trade and consumer affairs  
Health  
Environment  
Agriculture

(b) More cooperation needed. Legislation is weak.

### Question 3 (a)

The existing pieces of legislation should be reviewed, upgraded and strengthened. Since some existing legislations are old and outdated and cannot be effectively be enforced because they are weak, it is suggested that specific legislation should be introduced for chemical control.

It is the view of the group that there should be one piece of legislation; however, the difficulty is that they can fall under different Ministries and therefore pose a conflict of interest.

### (b) ADVANTAGES

- One piece of legislation under one Ministry is easy to enforce taking into account the necessary human and technical resources that are available. The legislation should be strong and have “teeth” with appropriate fees and fines.
- Protection of workers rights and consumer protection
- Restriction on imports and exports (control)

### DISADVANTAGES

- Lack of resources – Institutional strengthening
- Lack of political will
- Non-acceptable fees
- Weak legislation
- Sharing of information must be improved
- Promotion of education and public awareness

## **RESULTS OF WORKING GROUP 2**

- **Q1.a Which types of legislation regulate chemical risk management**
  - In most countries for pesticides there is more detailed legislation.
  - For other chemicals:
    - Legislation and regulations appears to be fragmented
    - A number of agencies involved in implementation
    - There are gaps in specific legislation relating to chemicals management (includes industrial chemicals)
    - It's more seen as a trade issue
  - Gaps in specific legislation, includes industrial chemicals:
    - Lack of a coordinated approach to implementing legislation
    - There are acts but little or no supportive legislation
    - In some cases only focus on pesticides, wider group of chemicals 'uncontrolled' in general
- **Q1.b Which extend legislation correlated and coordinated**
  - Legislation is fragmented and uncoordinated in general.
- **Q2.a Legislation regulating placing chemicals on the market**
  - Pesticides placing in generally through respective pesticides control authorities' act and or regulations, or similar legislation. Does not always apply to the wider group of chemicals.
  - Some countries do not test, or perform hazard assessments on chemicals to be imported.
  - Bureau of Standards or other Standards Institutions may perform tests, require labeling, etc on consumer products.
- **Q2.b Main gaps of legislation on placing chemicals on the market**
  - Legislation on industrial chemicals
  - Consumer products containing chemicals are not adequately addressed
  - Standards Institutions lack capacity for adequately addressing labeling standards, testing etc.
  - Lack of awareness of legislation and capabilities, poor implementation of legislation?), and of consumers familiarity with risks associated with industrial chemicals.
- **Q3.a How best to legally organise regulations on placing chemicals on the market**
  - Approach to determine what exists then make a determination on the best way forward.

- Make distinction on how pesticides are treated as opposed to chemicals.
- Determine the various groups of chemicals and chemical products and then assign approach to managing each group.
- Challenges:
  - In some cases legislation exists; institutional support for implementing legislation is lacking.
  - Public awareness and education on chemicals and chemical products.
  - Existence of unrealistic goals, short term political planning, political will.
  - Advocating support NGO's, CBO's, other partners to push chemicals agenda forward.
  - Competition between agencies, ministries regarding chemicals management.
  - Lack of clear roles & responsibilities for management of chemicals throughout life cycle.

- **Q3.b Advantages and disadvantages of various approaches**

- Based on priorities?
- Perhaps international environment needs to ensure that support is provided for developing an appropriate legislative environment and supportive tools for chemicals management.
- Guidelines to best practices within the region / sharing of experiences.

# REGULATORY ADVANCES IN THE MANAGEMENT OF CHEMICAL SUBSTANCES IN ECUADOR

Maricruz HERNANDEZ TAPIA

Slide 1

AVANCES NORMATIVOS EN LA GESTIÓN DE PRODUCTOS QUÍMICOS EN EL ECUADOR

Slide 4

REGIMEN NACIONAL PARA LA GESTIÓN DE PRODUCTOS QUÍMICOS PELIGROSOS

Decreto Ejecutivo No. 3516  
Edición Especial No. 2  
Registro Oficial 31 de marzo de 2003

Slide 2

INICIOS DE LA GESTIÓN DE PRODUCTOS QUÍMICOS EN ECUADOR

1992

- Manejo de Productos Químicos Industriales y Plaguicidas en el Ecuador
- Estudio de usos actuales de productos químicos industriales pertenecientes a la lista PIC y establece una lista de sustancias de monitoreo prioritario
- Trabajos sobre transporte y almacenamiento de productos químicos industriales para establecer procedimientos y normas

Slide 5

OBJETIVOS DEL REGIMEN (Principales)

- Controlar y normar todas las fases de la gestión de los productos químicos peligrosos (PQP)
- Incrementar la seguridad química en el país, sin obstaculizar el desarrollo de las actividades productivas.
- Reglamentar el rol de los sujetos que intervienen en las distintas fases de gestión de (PQP)
- Disponer de listados actualizados de PQP utilizados en el país. 1998 – 2003

Slide 3

INICIOS DE LA GESTIÓN DE PRODUCTOS QUÍMICOS EN ECUADOR

1993

- Creación de un Comité Consultivo de Sustancias Químicas.
  - Perfil preliminar para el uso y manejo de productos químicos

1996

- Creación del Ministerio del Ambiente

1998

- Creación del Régimen Nacional para la Gestión de Productos Químicos Peligrosos.

2003

- Modificación del Régimen Nacional para la Gestión de Productos Químicos Peligrosos.

Slide 6



Slide 7

**PRINCIPALES INICIATIVAS PARA EL FORTALECIMIENTO LEGAL**



Slide 11

**Síntesis de Problemas Medulares en la GSQ (2|4)**

- Insuficiente disponibilidad de recursos financieros para la GSQ
- Insuficiente capacidad para captar recursos externos

Slide 8

**DESARROLLO Y MANTENIMIENTO DE UN PROGRAMA NACIONAL INTEGRADO PARA LA GESTIÓN RACIONAL DE LAS SUSTANCIAS QUÍMICAS :**

2001-2003

Agencia cooperante: UNITAR - COSUDE

Fases Clave del Desarrollo e Implementación de un Plan de Acción para un Tópico Prioritario en la Gestión Racional de las Sustancias Químicas




Slide 12

**Síntesis de Problemas Medulares en la GSQ (3|4)**

- No existe un sistema de información para apoyar la respuesta de los AQ e intoxicaciones
- No existe intercambio de información entre las instituciones involucradas en SQ

Slide 9

**Plataforma de Trabajo**



AL = Agencia Líder ET = Equipo de tarea

Slide 13

**Síntesis de Problemas Medulares en la GSQ (4|4)**

- Falta un mecanismo de coordinación entre las instituciones que tienen que ver con la GSQ.

Slide 10

**Síntesis de Problemas Medulares en la GSQ (1|4)**

- No existe un régimen legal integral para las SQ que traten todas las etapas de su ciclo de vida
- Deficiente Sistema de respuesta a accidentes e intoxicaciones por SQ

Slide 14

**Resultados Alcanzados**



## Slide 15

2001-2003  
(UNITAR) **SITUACION DE LA GESTION DE LAS SQ EN LO LEGAL**

- No existe un régimen legal integral de SQ
- Cada cuerpo legal existente tiene un enfoque sectorial
- Las sanciones no guardan relación con el riesgo asociado
- No existe una difusión adecuada de la normativa
- No existe un procedimiento legal para prohibir SQ de alto riesgo
- No hay adecuación del marco jurídico nacional para aplicar convenios y acuerdos internacionales
- La promulgación de leyes y reglamentos en el Ecuador carece de la concomitante asignación de recursos para su control
- Las leyes y reglamentos sobre SQ tienen un alcance general
- La asignación del ámbito de competencia y funciones es muy general

## Slide 19

**Sujetos a la Ley**

- Autoridades Estatales
- Personas Naturales o jurídicas nacionales o extranjeras, públicas o privadas
  - Productor (importador, fabricante, formulador) SQ
  - Generador de DP

## Slide 16

2001-2003  
(UNITAR) **Plan de acción Fortalecimiento de la Capacidad Institucional para la Gestión Racional de las Sustancias Químicas**

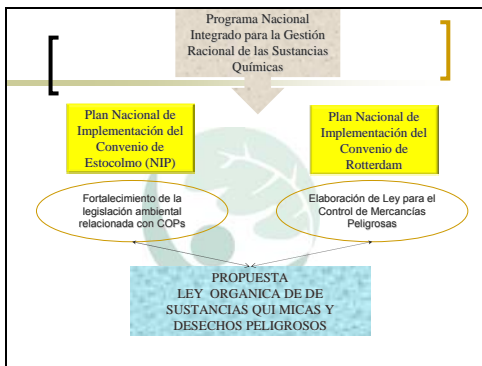
- Legislación integrada de sustancias químicas (SQ) de acuerdo a las competencias institucionales vigentes.
- Normas de seguridad química aplicadas, controladas y auditadas por los organismos competentes.
- Información sobre la legislación existente de SQ accesible a todos los usuarios.
- Visión integrada para el manejo racional de productos químicos entre las diferentes instituciones involucradas a través de la definición de una política nacional.
- Disponer de un régimen normativo institucional coordinado para el manejo de SQ a través de la creación de la ventanilla única, cero papeles, sistema electrónico.
- Fortalecimiento de la infraestructura técnica, física y económica.

## Slide 20

**MARCO POLITICO**

- Declaratoria de interés nacional
- Planes Nacionales de Sustancias Químicas Peligrosas y Desechos Peligrosos.
- Políticas generales

## Slide 17



## Slide 21

**AUTORIDAD NACIONAL**

TRES NIVELES

- **POLITICO:** CONSEJO NACIONAL DE SPQ Y DP
- **EJECUTIVO:** SECRETARIA TECNICA NACIONAL
- **TECNICO ASESOR:** COMITES TECNICOS SECTORIALES

## Slide 18

**PROPUESTA LEY ORGANICA DE SUSTANCIAS QUI MICAS Y DESECHOS PELIGROSOS**

- Regula con carácter general la gestión de Sustancias Químicas y Desechos Peligrosos en el territorio nacional y en concordancia con los instrumentos internacionales.
- Regula en forma diferenciada las fases del ciclo de vida de las sustancias químicas y de los desechos peligrosos

## Slide 22

**MECANISMOS DE CONTROL**

- PROHIBICIONES GENERALES
- LISTADOS NACIONALES DE SUSTANCIAS QUÍMICAS Y DESECHOS PELIGROSOS
- SISTEMA DE GESTION DE SUSTANCIAS QUIMICAS PELIGROSAS (INCLUYE REGISTRO)
- SISTEMA DE GESTION DE DESECHOS PELIGROSOS
- GESTION DE RIESGOS
- INFRACCIONES Y SANCIONES

## Slide 23

**INFORMACION Y PARTICIPACION**

- CONSULTA PREVIA INFORMADA
- ACCESO A LA INFORMACION

**INCENTIVOS**

- ECONOMICOS
- NO ECONOMICOS

## Slide 26

Avanzamos hacia la implementación del SAICM

**Iniciativa Ecuador/PNUMA/PNUD para la implementación del SAICM**

RESULTADOS ESPERADOS

1. Mayor conocimiento por parte de los oficiales del gobierno sobre SAICM, incluyendo el valor de:
  - Un fortalecimiento del enfoque sobre mejorar la gobernabilidad inter-sectorial
  - El reconocimiento que para el progreso de la gestión adecuada de los productos químicos se necesita el establecimiento de conexiones mucho más fuertes con las prioridades, procesos y planes de desarrollo nacional.
2. Establecimiento de un mecanismo de coordinación entre agencias
3. Fortalecimiento de la concienciación dentro del gobierno y de las organizaciones sobre la situación del país relativa a los objetivos estratégicos de SAICM.

## Slide 24

**LEGISLACION SECUNDARIA**

- ACTUALIZACION DE NORMAS TECNICAS RELACIONADAS CON TRANSPORTE, MANEJO Y ALMACENAMIENTO DE SUSTANCIAS QUIMICAS. (INTRODUCCIÓN DEL SGA).
- PROCEDIMIENTO PARA LICENCIAMIENTO AMBIENTAL DEL TRANSPORTE DE MATERIALES PELIGROSOS.
- PUESTA EN MARCHA DEL SISTEMA DE GESTION INTEGRAL DE DESECHOS PELIGROSOS.
- SISTEMA DE REGISTRO DE PRODUCTOS QUIMICOS PELIGROSOS

## Slide 27

Avanzamos hacia la implementación del SAICM

**Iniciativa Ecuador/PNUMA/PNUD para la implementación del SAICM**

RESULTADOS ESPERADOS

4. Realizar el grupo de prioridades estratégicas que tendrán apoyo del gobierno con el propósito de cubrir las brechas en el régimen de gestión adecuada de sustancias químicas en el nivel nacional.
5. Realizar el apoyo del gobierno y de todas las partes interesadas sobre el plan de acción que tratará las faltas en el régimen nacional.
6. Realizar el entendimiento entre el gobierno y todos los grupos interesados sobre una metodología a desarrollar un caso económico para integrar prioridades
7. Realizar el entendimiento y el apoyo dentro el gobierno y las agencias de planeamiento nacional para la integración de los prioridades en los procesos de planes de desarrollo.

## Slide 25

**ASPECTOS A CONSIDERAR**

■ INESTABILIDAD POLITICA	→	■ COMPROMISO POLITICO
■ DISPERSIÓN DE LEYES	→	■ ARMONIZACION
■ FUENTES DE FINANCIAMIENTO NO DEFINIDAS	→	■ RECURSOS ESTATALES Y OTROS DESTINADOS PARA LA GESTION
■ POCO ACCESO A INFORMACIÓN	→	■ FORTALECIMIENTO DE MECANISMOS DE INTERCAMBIO DE INFORMACION
■ FALTA DE CONTROL DEL CUMPLIMIENTO DE RESPONSABILIDADES	→	■ DISEÑO DE MECANISMOS EFECTIVOS DE CONTROL

# THE PANAMA EXPERIENCE

Maria Ines ESQUIVAL

## Slide 1

Desarrollo de la Infraestructura Legal e Institucional en el Manejo de Químicos Implementación del SAICM UNEP

EXPERIENCIA DE PANAMA  
Hotel Panamá, 12 y 13 de febrero 2008

Maria Inés Esquivel  
Ministerio de Salud  
Centro de Investigación de Medicamentos y Tóxicos, Universidad de Panamá



## Slide 4

### Otras experiencias

#### Nivel Nacional

- 1996 Ley 47 establece la coordinación técnica interministerial entre MIDA y MINSA.
  - GTTP Una meta común. 2001 (MIDA)
  - COTEPA ( 8 instituciones) 2001 (MIDA)
  - Sistema de Monitoreo in situ de ciertos plaguicidas
  - Análisis de residuos en alimentos (inicios)
  - Análisis de residuos de productos para la exportación (carne de res, melón, piña y sandía)
- Alianza con Aduanas (impide)
- Decreto 305 septiembre 2003 (MINSA)
- Anteproyecto de Ley Marco (Asamblea Legislativa)

## Slide 2

### Algunas experiencias

- Proyecto Plagsalud: 1997- 2003
- ESTRATEGIAS
  - Abordaje Integral e Intersectorial de la Problemática de Plaguicidas.
  - Aplicación del enfoque "De Abajo Hacia Arriba".
  - Sostenibilidad de las acciones
  - Participación de la sociedad civil

## Slide 5

### Decreto 305

**ARTICULO PRIMERO:** Para los efectos de este Decreto, son sustancias o materiales peligrosos controlados los detallados en el Anexo I, que forma parte integral de este Decreto, en su estado puro o modificado en nombres genéricos o presentes dentro de productos, considerados, como tales, por los convenios y acuerdos internacionales y en la literatura de autoridades reconocidas

- ARTICULO SEGUNDO:** Se prohíbe la importación, distribución y uso de las sustancias indicadas en el Anexo I, o de productos que las contengan, en cualquiera de sus formas y nombres, o en cantidades tales que no sean prescritas por médicos facultativos, responsables técnicos o asesores técnicos filioantarios, dentro de la industria, servicios domésticos y peñdomiliciares en general de las sustancias o productos que contengan alguna de las sustancias del anexo I, sin mediar licenciamiento no automático previo, expedido por la Dirección General de Salud del Ministerio de Salud, a favor del importador o comerciante del lugar de destino y almacenamiento.
- ARTICULO TERCERO:** Las sustancias o productos, descritas en el Anexo I, se consideran como sustancias y materiales peligrosos controlados y a sus residuos como desechos, peligrosos y/o productos obsoletos sujetos a los procedimientos establecidos por el Convenio de Basilea sobre el Movimiento de Desechos Peligrosos y su eliminación y el Acuerdo Regional Centroamericano sobre esta materia.
- ARTICULO CUARTO:** Las licencias concedidas en contravención a lo dispuesto en este Decreto, serán canceladas inmediatamente.
- ARTICULO QUINTO:** Todas las sustancias que se encuentren prohibidas, severamente restringidas en por lo menos cuatro Estados, lo serán en nuestro país.
- ARTICULO SEXTO:** Queda restringida, exclusivamente bajo ciertos usos registrados y a discreción de la autoridad sanitaria competente, la importación de sustancias potencialmente peligrosas y ninguna de estas sustancias podrá ingresar y comercializarse como producto popular.

## Slide 3

### LOGROS Plagsalud

- Coordinación Intersectorial e Interinstitucional: Uno de los resultados más efectivos y prácticos de PLAGSALUD - CLIPS
- Alternativas al Uso de Plaguicida: Agricultura Orgánica.
- Vigilancia Epidemiológica: se logró establecer la vigilancia de las intoxicaciones agudas por plaguicidas y su incorporación en los Sistemas Nacionales de Vigilancia Epidemiológica.
- Legislación en Plaguicidas: Empoderamiento de las Autoridades Municipales y de los miembros de las Comisiones Locales Intersectoriales de Plaguicidas (CLIPS)

LIMITACIONES:

EDUCACION Y SENSIBILIZACION CONTINUA

- INSTITUCIONAL
  - POLITICO TOMADORES DE DECISION DE ALTO NIVEL
  - ¿CÓMO QUITARLE EL MIEDO A LOS POLITICOS DE LA PARTICIPACION SOCIAL?

## Slide 6

### Limitaciones del 305 y para la gestión integral de sustancias químicas

- Políticos: intereses creados
- Cambios de gobierno
- Sensibilización de los tomadores de decisión CONTINUA
- Recurso humano: con estabilidad laboral, capacitado / especializado
  - Existe el recurso humano a veces mal ubicado laboralmente.
- Intercambio de información, intrainstitucional, interinstitucional, intersectorial, subregional
- Aparecimiento de otros factores: enfermedades emergentes, re emergentes, brotes epidémicos, inundaciones,

## Slide 7

### NIVEL SUB REGIONAL

- 2003 Propuesta del Plan Sub Regional para la Gestión Integral de sustancias potencialmente peligrosas ante la RESSCAD PAHO-OMS aprobada en 2003 y la preparación del Plan Sub Regional aprobado en 2004 por los Ministros de Salud de Centroamérica y RD.
- 2006-2007 CCAD Colaboración en la revisión de la Propuesta de la Política Regional para la Gestión de Sustancias Químicas y preparación de una propuesta de actualizada del Plan de Acción Regional

## Slide 10



### Fases del Proyecto

- Cuatro Fases
  - Inicial de Septiembre 2006 a Enero 2007
  - Primera Fase de Febrero 2007 a Diciembre 2007
  - Segunda Fase de Enero 2008 a Junio 2009
  - Tercera Fase de Revisión de Actividades junio 2009 a Septiembre 2009.

## Slide 8

Refuerzo de la Gobernabilidad,  
Participación de la Sociedad Civil y  
Partenariados dentro de un Programa Nacional Integrado  
para la Gestión de los Productos Químicos y los Desechos

PANAMA: País Piloto en Apoyo de la  
Aplicación Nacional de SAICM: 2006-2009



## Slide 11

### Fase 1 Febrero 2007 a Diciembre de 2007

- Desarrollo del Marco del Programa de trabajo para el Manejo Racional de las Sustancias Químicas y sus Desechos y la Implementación del SAICM
  - Auto evaluación de la Capacidad Nacional
    - Deberán ser identificadas las prioridades comunes y las oportunidades para proyectos específicos de asociación que involucren los tres sectores.
      - Este documento será discutido en un Foro Nacional
  - Desarrollo de un mecanismo de coordinación inter ministerial
    - Ejemplos GTTP MIDA MINSA, es por ley, decreto y tiene reglamento interno.
  - Involucramiento de los Colaboradores (Sociedad Civil, Sector Privado) en dos niveles
    - Nivel estratégico: relación con el gobierno
    - Nivel de proyecto: Cual va a ser el papel de los colaboradores dentro del desarrollo y la implementación del proyecto.



## Slide 9

### Principios guía de este proyecto

- Proyecto coordinado por UNITAR con el financiamiento del Gobierno Suizo.
- Enfoque multisectorial con la participación de los distintos actores a nivel nacional
  - los ministerios relevantes,
  - sector privado e industria,
  - organizaciones de interés público y sindicatos.
- Evaluación de las capacidades actuales como base para el establecimiento de prioridades nacionales, tomando en consideración sus necesidades y circunstancias propias.
- Integración el tema "productos químicos y la gestión de desechos" en los procesos del planificación del desarrollo nacional
- Exploración de conceptos innovadores, tales como:
  - estudios piloto de alianzas público privados e iniciativas industriales voluntarias como complemento a enfoques reguladores.

## Slide 12

### Donde estamos

#### Foro Nacional

- Propuesta de una política de gestión que incluye la participación. (MEF)
- Propuesta de un decreto que establece los mecanismos de coordinación interministerial.
- Evaluación de Capacidades Nacionales.
- Definición de dos proyectos de Alianza.
- Mecanismos de Participación Ciudadana (evaluación)


# US EPA'S CHEMICAL MANAGEMENT PROGRAM REGULATORY AND VOLUNTARY TOOLS

Ana CORADO

Slide 1

## US EPA's Chemical Management Program – Regulatory and Voluntary Tools


Dr. Ana Corado, U.S. EPA



Development of Legal and Institutional Infrastructures on Sound Management of Chemicals – SAICM Implementation  
Panama City, Panama. 12 – 13 February 2008

Slide 4


## Managing New Chemicals



- Manufacturers or importers of new chemicals are required to submit premanufacture notices (PMN) that include:
  - chemical identity
  - use
  - anticipated production volume
  - exposure and release information
  - existing available test data
- EPA reviews to determine if there is a need to prohibit or limit manufacturing, processing or use pending development of needed information.
- Following EPA review, if manufacturing or importing commences:
  - EPA must be notified and chemical is added to the TSCA Inventory

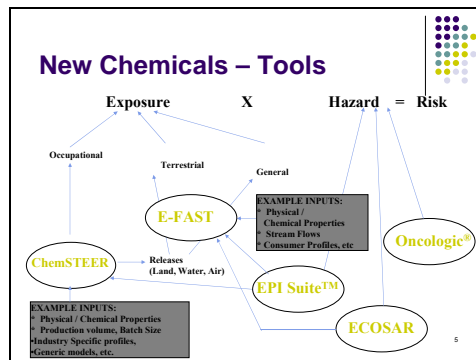
Slide 2

## U.S. Legal Authorities for Managing Chemicals




- Toxic Substances Control Act (TSCA), 1976
  - Control of chemical substances, except pesticides and drugs
  - Oversight of chemical life cycle during manufacture, importation, processing, commercial use and disposal
  - Pre-manufacture review of new chemicals
  - Testing and information gathering on industrial chemicals
- Pollution Prevention Act, 1990
  - Through incentives (grants) and voluntary approaches, works to prevent pollution thru actions with government, industry, and the public
- Residential Lead-Based Paint Hazard Reduction Act, 1992
  - Requires HUD and EPA to develop programs on lead based paint poisoning prevention

Slide 5



Slide 3


## The Toxic Substances Control Act (TSCA)



- EPA is responsible for assuring that industrial chemicals for sale and use in the U.S. do not pose unacceptable risks to human health or to the environment.
- Enacted in 1976, TSCA provides EPA with broad authority to:
  - Maintain inventory of existing chemicals (originally more than 60,000, now more than 80,000 substances)
  - Gather information on new and existing chemical substances and mixtures
  - Require testing of chemicals
  - Screen and control unreasonable risks of new and existing chemicals
  - Coordinate with other Federal agencies

Slide 6

## Managing Existing Chemicals




- Develop Hazard and Exposure Data
  - EPA can require that industry conduct chemical testing.
  - EPA has also negotiated enforceable testing agreements and uses voluntary approaches where appropriate to obtain testing.
- Collect Information to Evaluate Potential Exposures and Risks
  - Inventory Update Rule – periodic collection of updated production, exposure and use information on thousands of higher volume existing chemicals
  - Unpublished Health and Safety Studies
  - Notices of Substantial Risk

## Slide 7

### Existing Chemicals

- There are presently more than 80,000 chemicals on the TSCA Inventory, approximately 9,000 in commerce at greater than ten tons
- EPA has collected more than 50,000 health and environmental studies on existing chemicals
- EPA has received and assessed over 16,000 substantial risk submissions from the chemical industry since 1977 (average rate of 800 per year)
- Existing chemical authority serves as the regulatory framework for:
  - Voluntary efforts, e.g., High Production Volume (HPV) Challenge
  - Emerging chemical issues, e.g., PFOS and PFOA




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## Slide 11

### U.S. EPA Tools


- **New Chemicals**
  - PMN Reviews
  - Structural Activity Relationship (SAR) analysis
  - Sustainable Futures
- **Existing Chemicals**
  - Targeted testing (regulatory and voluntary)
  - Substantial risk information
  - Inventory Update Reporting
  - High Production Volume (HPV) Challenge Program
- **Additional Stewardship Tools & Activities**
  - Pollution Prevention Framework
  - PBT Profiler
  - Analogue Identification Methodology (AIM)
  - Green Chemistry
  - Green Engineering
  - Design for the Environment (DfE)
  - Environmentally Preferable Purchasing (EPP)
  - Consensus Standards – EPEAT
  - 2010/15 PFOA Stewardship Program



## Slide 8

### HPV Challenge Program

- Highly successful program launched in 1998 as collaborative effort between EPA, industry, and environmental community.
  - Sought voluntary company commitments to make basic health and safety data publicly available on 2200 HPV chemicals, produced at more than 500 tons/yr.
  - HPV chemicals account for 93% of the production volume EPA tracks on the TSCA Inventory.
  - 372 companies, either individually or part of a consortia, committed to sponsor 1401 chemicals in the US program and 849 in the International Council of Chemical Assc. (ICCA)
  - US Chemical industry expanded effort to collect data on an additional 542 HPV chemicals through their Extended HPV (EHPV) initiative.
  - EPA is using regulatory authority to require testing on "orphans" (around 300 chemicals)




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## Slide 12

### Design for the Environment (DfE)

- The Design for the Environment (DfE) Program works in partnership with a broad range of stakeholders to reduce risk to people and the environment by preventing pollution.
  - **Focus**
    - Chemicals of concern
    - Informed Substitution
    - OPPT technical tools and expertise
  - **Considerations**
    - Business client
    - Multi-stakeholder participation
    - Business realities
    - Potential benefits for industry and the environment
  - **Results**
    - Industry partners reduced more than 180 million pounds of chemicals of concern last year



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## Slide 9

### North American Cooperation on Chemical Assessment and Management

- At Security and Prosperity Partnership (SPP) Summit in August 2007, President Bush, Canadian Prime Minister Stephen Harper and Mexican President Felipe Calderon committed to specific goals to:
  - Enhance regulatory cooperation among Canada, Mexico, U.S.
    - Accelerate and improve effectiveness of actions to safeguard health and environment
    - Provide cost-effectiveness for business and government
    - Retain national regulatory authority




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## Slide 13

### DfE Formulator Program Recognition for Safer Chemical Products

- Expert Chemical Evaluation
  - Ability to interpret experimental studies
  - Predict hazard and environmental effects in the absence of data – SAR approach
- Discriminating Process Focused on a Given Formulation
  - Review every ingredient by "functional use"
  - Focus on endpoints of concern and continuous improvement (red → yellow → green)
- Program Focus
  - First-time innovations
  - Making DfE Formulator approach more broadly available
- CleanGredients™:
  - Showcases safer chemical ingredients defined for functional classes of ingredients



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## Slide 10

### SPP Commitments

- U.S. 2012 Commitments
  - Assess and initiate needed action on the over 9,000 existing chemicals produced above 10,000 tones/yr in the U.S.
- Regional Commitments
  - Canada & U.S. work with Mexico to establish a Mexican chemical inventory, inventory updates, strengthened North American chemical regime
  - Research and development on new approaches to testing and assessment
    - EPA and Canadians have begun collaborating
  - Create mechanisms to share domestic scientific information and best practices for chemical assessment and management. Coordinate approaches to develop international standards.
  - Enhance Mexico's capacity for chemical assessment and management
  - Reaffirmed: WSSD 2020 goal; Regional SAICM implementation




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## Slide 14

### Furniture Flame Retardancy Partnership Alternatives Assessment – Informed Substitution

- Predominant flame retardant (pentaBDE) was being found increasingly in human tissue, breast milk and the environment.
  - This flame retardant was phased-out at the end of 2004.
  - Need for fire safety will likely increase based on planned national standards.
  - Decision-making for alternatives to this 19 million pound per year chemical.
- Alternatives Assessment Report
  - Summary assessments of chemicals in flame retardant formulations
  - Tables summarizing EPA assessment for environmental and human health endpoints.
  - Detailed hazard reviews
- DfE Alternatives Assessments – Informing Substitution
  - Considers transition from a chemical of particular concern to safer chemicals or non-chemical alternatives
  - Minimizes the likelihood of unintended consequences
  - Selects a course of action based on the best information (concerning the environment and human health) that is available or can be modeled



14



# THE NEED FOR A CORE ADMINISTRATION AND CROSS-SECTORAL CO-ORDINATION AND COOPERATION

Arnis LUDBORZS

Slide 1

**The need for a core administration and cross-sectoral co-ordination and cooperation**

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Slide 4

**FIRST STEP**

**Political decision**  
(maturity required)

Further development of the decision / idea (e.g. strategy)

Development of legislation (e.g. laws, orders, decisions etc.)

Both require dedicated persons

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Slide 2

**Republic of Latvia: some facts**

Total area: 64,589 km<sup>2</sup>  
Population: ca. 2.3 million  
Capital: Riga city (0.8 million)  
Population density: 36 per km<sup>2</sup>

Republic established: November 18, 1918  
Part of USSR: June 17, 1940 – May 4, 1990  
EU Member State: since May 1, 2004

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Slide 5

**Development of Chemicals Management Strategy**

- Seeing ahead
- Seeing behind
- Seeing above
- Seeing below
- Seeing beside
- Seeing beyond
- Seeing it through

• ENVIRONMENT

• UNCERTAINTY

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Slide 3

**LEGMA Chemicals Department**

- <> January 2000: established as Division of Chemicals Control at the Latvian Environment Data Centre (LEDC)
- <> October 2000: LEDC re-organised by joining Environment Consultancy and Monitoring Centre; Division of Chemicals Register at the newly established Latvian Environment Agency (LEA)
- <> January 2005: LEA re-organised by merging with the Latvian Hydrometeorological Agency and the State Geological Survey, Chemicals Department at the Latvian Environment, Geology and Meteorology Agency (LEGMA)
- <> Currently 10 employees, competence covers wide range of EU Chemicals Legislation

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Slide 6

**Development of Chemicals Legislation**


- (Basic) Requirements for sound management of chemicals
- Responsibilities / Institutional set-up: who does what? / Central body / Implementation (!) / Enforcement (!)
- Decision Maker may delegate to the executive body(-ies) to issue secondary legal acts
- ...

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## Slide 7


 **Key-word:**  
**CO-OPERATION**

- Concerted action
- Gives knowledge of "what's going on"
- Saves resources
- In many cases avoids action duplication
- ...
- But requires the Decision
- Requires certain personal abilities (cooperative spirit, readiness to dedicate time etc.)
- ...




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## Slide 8


 **Chemicals Management System (1)**

- Law on Chemical Substances and Chemical Preparations:
  - adopted by the Saeima (the Parliament of Latvia) on April 1, 1998
  - in force since January 1, 1999
- "The aim of this Law is to prevent, to retard or minimise possibility of that harm that chemical substances and chemical preparations, due to their intrinsic properties, may raise to the environment, human health and property."  
(Article 2 "The Aim of the Law")




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## Slide 9


 **Chemicals Management System (2)**

- The scope of the Law covers both chemical substances, chemical preparations and biocidal products
- The Law establishes competences, rights and duties of the State Authorities
- Certain issues are delegated for the Cabinet of Ministers (the Government) to establish in the secondary legislation, e.g. classification and labelling, bans and restrictions etc.




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## Slide 10


 **Chemical Safety Working Group**

- Established in 2004 by Order of the Ministry of the Environment
- Consists of directly and indirectly involved State Authorities
- NGOs are included
- Now 2 subgroups are established:
  - On legislative development
  - On enforcement




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## Slide 11

 **Conclusions**

- Various ways in setting up a system
- Key importance of political decision
- Setting-up a core administration / implementation AND enforcement issues
- Resources
- Need for cooperation (sooner or later...)



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## **Session 3: Development of national institutions and domestic infrastructures for efficient chemicals control**

### **Introduction**

The Strategic Approach to International Chemicals Management recognizes that there are gaps, overlaps and duplication in chemicals management activities and there is a need in many countries for enhanced coherence, consistency and cooperation to ensure efficient and effective use of available resources at the national, regional and international level.

### **Topics for discussion**

1. a. Which main ministries in your countries are responsible for implementing legislation on chemicals risk management? Think of the various types of chemicals (industrial, consumer, agricultural) and the various purposes (consumer safety, workers safety, environmental protection – placing on the market, use, etc.).  
  
b. Which main institutions (ministries, central agencies) develop/issue, implement and manage legislation especially as regards placing on the market?  
  
c. How are enforcement and supervision (inspection) organized especially as regards suppliers (importers, exporters, producers, retailers)?  
  
d. How is, at present, co-ordination and co-operation between institutions organised?
2. Which types of problems have you identified with your institutional set up?
  - Gaps or overlaps concerning responsibility, especially related to placing on the market part of legislation?
  - Lacks in co-ordination or co-operation?
  - Other?
3. How could problems identified related to placing on the market part of legislation best be overcome taking into account the prevailing situation in your country? Think of possible alternatives as:
  - Shifting responsibilities between existing institutions – In which way?
  - Bringing together responsibilities to fewer institutions - To which?
  - Establishing (new) separate institutions – Which?
  - Other?

## RESULTS OF WORKING GROUP 1

In response to question 1b Haiti had commerce and industry laws for health and agriculture. In response to question 1c Brazil, Mexico and Peru had laws related to customs and the latter also production related to health. Haiti had commerce and industry laws for customs. In response to question 1d the following were existing institutions:

Argentina	Comité Técnico de Plaguicidas
Belize	Pesticide Control Board
Brazil	CTA = Comité Técnico de Asesoramiento de Plaguicidas National commissions on specific themes
Guatemala	Comisión Multisectorial de Plaguicidas, Sistema Nacional de Coordinación de Productos Químicos
Honduras	Comisión Técnica de Plaguicidas
Mexico	Relamento de coordinación intersectorial
Panama	GTTP = Grupo de Trabajo Técnico de Plaguicidas COTEPA = Comité Técnico de Plaguicidas
Paraguay	Comisión Nacional de Seguridad Química Commissions for pesticides, disasters etc.
Dominican Republic	Commissions for specific substances
St Vincent	Pesticides Board

In relation to question 2 the following was indicated:

- The designated authorities do not have sufficient political will to enforce laws and regulations.
- There are insufficient financial resources to meet the needs and the requirements for the application of standards.
- Limited human resources are available; technical and institutional capacities have not been addressed.
- There are weaknesses in coordination between the various guidelines for efficient implementation of laws and regulations.
- Dismantling and dispersion of the different norms impedes regulation and control

In relation to question 3 the following was concluded:

There was a need for increased numbers of inspectors and their capacities and improvement in information systems, exchange of information, access to information and monitoring at the community level.

In general, the ministries of health, environment and agriculture were responsible for chemical legislation. Placing products on the market was under the ministries of agriculture and health and the ministries of commerce and industry had control. Inspections and verifications were undertaken at the regional level by the ministries of health, environment, agriculture and customs and the related inspectorate bodies. However human and financial resources were insufficient to do verification and monitoring. There was also little capacity for application of standards; and a lack of coordination among the different institutes. There is a need for reform of institutions that establish laws.

## RESULTS OF WORKING GROUP 2

### Question 1 Ministry responsible for implementing legislation related to chemicals management?

Generally, responsibility for implementing legislation related to chemicals management is shared amongst various agencies responsible for various chemicals management issues. E.g. Health addresses health and safety, Agriculture deals with pesticides.

Generally, the following Ministries have varying responsibilities for chemicals management:

Ministry of Agriculture, Ministry of Environment, Ministry of Labour, Ministry of Commerce (issuance of licenses), Standards Institutions

In one case, Ministry of Health of Environment and the Ministry of Agriculture had full responsibility for implementing legislation related to chemicals management (mainly pesticides).

Challenge: A coordinated approach to implementing legislation; communication amongst agencies

It was felt that the issuance of licenses may not lead to desired results regarding chemicals management since the licenses simply grant approval for a chemical and its amount and does not determine its use in terms of guarding health and safety and the environment.

#### **(a) Main Institutions involved in “placing on market”**

In general Government agencies such as Trade and or Agriculture and the Pesticides Control Board would be involved in “placing on the market”. In some cases, some NGOs and commercial sector may be involved.

#### **(b) Inspection Duties**

Shared amongst agencies including Inspection and enforcement part of the Pesticides Control Boards; Customs, Standards Agencies, Consumer Affairs Departments. In one case, full inspection duties lie with the Pesticides Control Board. In another case, Customs Department had full responsibility for inspection.

Challenge:

- Ensuring adequate training for Customs Officers at the Boarders.
- Dealing with chemicals that come in without the necessary clearance; ceased chemicals; storage and stockpiling of such.
- Safety of Customs Officers handling chemicals and products
- Transboundary movement of chemicals through the regions : some legal some illegal

#### **(c) How is coordination and cooperation between institutions?**

Some countries are currently attempting to set up coordination amongst agencies. It was noted that there is need for legal backing and institutional support for such a coordinating mechanism. One country has established an Interagency Mechanism for Chemicals Management (recognized body by Cabinet). This group has a work plan based on priorities. All agencies have also signed onto an MOU to ensure their participation and commitment. One other country has a Commission for Chemicals Management with similar responsibilities, however this body has no legal backing.

Challenge

- Getting political support for such bodies

- Legal backing for such bodies

## **Question 2 What are the problems identified with institutional set-up?**

(See above)

Additional:

- Coordination at the regional level for chemicals management for e.g.s at CARICOM level (Caribbean Community); Health and Environment Ministers of the Americas; etc.
- Lack of information and experience sharing amongst regions
- Capacity building
- Language barriers to sharing experiences and capacity building
- Getting chemicals management on the international and regional agenda
- Access to and availability of information on chemicals within the region, and support for such
- Legislative support

## **Question 3 How can problems identified can be addressed?**

- Making use of public databases and tool kits available online or other wise
- Establishment of an informal information exchange amongst regions
- Making contact with manufacturer of chemicals through other international and regional Government and NGO bodies (also Emergency Response Groups)
- Making information (easily) accessible
- Establishment of a 'call in centre', or 'poison centre', or a central website where Customs Officers can get information on chemicals imported
- Establishment of Authorities or Institutions with legal backing and full secretariat and funding support for addressing chemicals management (i.e. Moving away from a 'board' to an institution or authority)

# SOUND MANAGEMENT OF CHEMICALS

William BEESE

## Slide 1



## Slide 4

### Chemical Control Elements

1. Classification & Labeling
2. Safety Data Sheets (SDS)
3. Emergency Response
4. High-Priority Chemicals
5. Product Registration
6. National Chemical Inventories
7. New Substance Notification



## Slide 2

### Development of National Chemical Management Systems

#### OBJECTIVES:

- Promote consistency on major elements of chemical control systems
- Sufficiently flexible to address the specific needs of each individual country
- Promote recognition of the value of risk-based decisions on chemical controls



## Slide 5

### Industry's Role in Sound Management of Chemicals

1. Promote training
2. SDS generation and distribution
3. Data generation
4. Product stewardship programs in collaboration with national associations



## Slide 3

### Selection of Appropriate Chemical Control Elements

#### Tools available:

- Regulation and standards
- Voluntary actions taken by producers and users
- Training and recognition programs



## Slide 6

### ICCA Global Product Strategy

- Program to improve product stewardship within the chemical industry and through the supply chain
- Launched at February 2006 SAICM meeting in Dubai
- Implemented as part of Responsible Care



Slide 7



Slide 8

**ICCA Global Product Strategy**

- Guidelines for product stewardship
- Tiered process for risk characterization and recommended risk management
- Cooperation with suppliers and customers
- Tracking industry performance and reporting to the public



Slide 9

**ICCA Product Stewardship**

- International industry commitment to best management practices based on existing policies and Responsible Care
- Commitments by national chemical associations
- Promotes consistency in approaches by individual companies and national associations



# THE ROLE OF CIVIL SOCIETY IN THE MANAGEMENT OF CHEMICALS

Fernando BEJARANO

## Slide 1

### El rol de la sociedad civil en la gestión de las sustancias químicas

Fernando Bejarano G.  
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Development of legal and institutional Infrastructures on Sound Management of Chemicals SAICM Implementation Workshop for Latin America and Caribbean Region

Panama City 12-13 February 2008

## Slide 4

### Principios política pública preventiva y democrática

- Derecho humano a una vida saludable y productiva en armonía con la naturaleza
- Gobernanza: Transparencia- Participación Pública (Derecho a Participar en las decisiones que nos afectan)- Rendición de cuentas
- Derecho a Conocer (RETC Usos propiedades subst Tox productos alternativos)
- Principio Precautorio
- Principio de Sustitución (Evaluac Alternativs-eliminación riesgo)
- Principio el que contamina paga
- Responsabilidad daño (Derecho compensación)

## Slide 2

### ONGs y Sociedad civil

- Ambientalistas protección medio ambiente
- Trabajadores
- Consumidores
- Organizaciones de profesionales y organizaciones sociales dedicadas a la protección y defensa de población vulnerable: niños, mujeres, jóvenes, pueblos indígenas
- Comunidades vecinas, rurales y urbanas
- Científicos y Academia

## Slide 5

### SAICM y Meta 2020

- SAICM (Declaración Política de alto nivel, Estrategia de Política Global y Plan de Acción Mundial)
- **"El Objetivo general del enfoque estratégico es lograr la gestión racional de los productos químicos durante todo su ciclo de vida de manera que para 2020 los productos químicos se utilicen y produzcan de manera que tienda a la minimización de sus efectos adversos más importantes para la salud humana y el medio ambiente."**

## Slide 3

### Ciclo de vida de la Sustancias Químicas

- Fabricación / formulación
  - Transporte
  - Almacenamiento
  - Distribución
  - Uso
  - Manejo y Disposición residuos
- Exposición a lo largo del ciclo de vida

## Slide 6

### Enunciado de necesidades SAICM Reducción de Riesgos

- "La reducción de los riesgos (incluidos su prevención, reducción, mitigación, minimización y eliminación) es un requisito fundamental para lograr la gestión racional de los productos químicos incluso de los productos artículos que los contengan, durante todo su ciclo de vida. Se reconoce que"
- "(C) Hay que mejorar las medidas de reducción de los riesgos para prevenir los efectos adversos de los productos químicos en la salud de los niños, las embarazadas, la población en edad reproductiva, los ancianos, los pobres, los trabajadores y otros grupos y entornos vulnerables;" (III EN. 7.d)

## Slide 7

### Objetivos SAICM Reducción de riesgos

- Reducir al mínimo los riesgos para la salud humana, incluida la de los trabajadores, y para el medio ambiente durante todo el ciclo de vida
- Aplicar estrategias de gestión de los riesgos, transparentes, amplias, eficaces y eficientes (...) encaminadas a prevenir la contaminación, reducir y eliminar los riesgos con
- Asegurar para 2010. Se habrán dejado de producir o usar productos químicos con un riesgo desmedido o que no se pueda manejar, teniendo en cuenta la disponibilidad de productos más seguros y eficaces que puedan sustituirlos, costos evaluación riesgo datos científicos.

## Slide 11

### Niveles participación gestión..

- Investigación participativa sobre condiciones reales exposición, prevención riesgos y búsqueda de alternativas, en la agricultura e industria
- Capacitación a profesionales, trabajadores, comunidades, sector privado, autoridades.
- Todo ello requiere apoyo para el desarrollo de capacidades y condiciones institucionales para su fortalecimiento.
- Política de cooperación y desarrollo multilateral que fomente intercambio experiencias preventivas entre los diversos actores en la región A Latina y Caribe y con otras regiones.

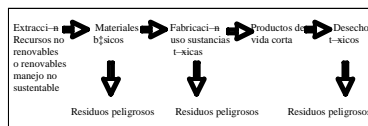
## Slide 8

### Objetivos SAICM Reducción de Riesgos. Substancias prioritarias y promoción alternativas

- Mayor Toxicidad aguda (Ej plaguicida 1a-1b)
- (PBT ó TPB):
  - Tóxicas
  - Persistentes
  - Bioacumulativas
- Las que son cáncérgenas, mutagénicas, y que afectan, entre otros, a los sistemas reproductivo, endocrino, inmunológico.
- *"Promover y apoyar, así como seguir innovando, el desarrollo y la aplicación de alternativas ambientalmente racionales y más seguras, con inclusión de la producción menos contaminante, la sustitución fundamentada de productos químicos (...) y alternativas que no utilicen productos químicos."*

## Slide 12

### Producción lineal economía industrial



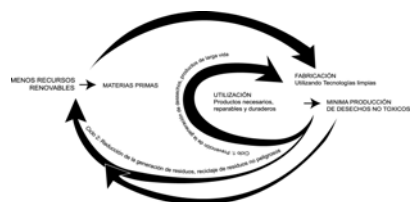
## Slide 9

### Objetivos SAICM Conocimientos e información

- "Velar porque, en lo que a todos los interesados respecta:
- i) La información sobre los productos químicos (...) esté disponible, sea accesible, de uso fácil, adecuada y apropiada para las necesidades de todos los interesados directos. Los tipos de información apropiados incluyen sus efectos en la salud humana y en el medio ambiente, sus propiedades intrínsecas, sus usos potenciales, sus medidas protectoras y regulación."
- "La información sobre los productos químicos relacionada con la salud y seguridad de los seres humanos y el medio ambiente no se considerará confidencial (...)"

## Slide 13

### Cerrar los ciclos de los materiales "De la cuna a la cuna"



Responsabilidad ampliada fabricante + Sustitución insumos, procesos y rediseño materiales y productos

## Slide 10

### Niveles Participación gestión

- Difusión y sensibilización pública
- Cumplimiento legislación y Derecho información durante ciclo de vida
- Inspección, monitoreo, evaluación
- Lugar trabajo: Evaluar y evitar riesgo químico (+ allá Comisiones de Seguridad e Higiene)
- Liberaciones al ambiente. (RETC)
- Prevención de Accidentes y Emergencias Químicas Ambientales. (Comités de Protección Civil).
- Demanda productos consumo seguros y saludables
- Denuncia uso o tráfico ilegal
- Acceso a la justicia ambiental

## Slide 14

### Ejemplos organizaciones

- Red Internacional de Eliminación sobre Contaminantes Orgánicos Persistentes (IPEN) [www.ipen.org](http://www.ipen.org)
- RAP-AL [www.rap-al.org](http://www.rap-al.org)
- Salud Sin Daño [www.saludsindanio.org](http://www.saludsindanio.org)
- Asociación Argentina de Médicos por el Medio Ambiente <http://www.aamma.org>
- ISTAS.ccoo.es- [www.ecoinformas.com](http://www.ecoinformas.com) Sustain labor
- Red Latinoamericana Ecodiseño (Apoyo PNUMA IHOBE)
- Lowel Center for Sustainable Production [www.chemicalspolicy.org](http://www.chemicalspolicy.org)
- International Chemical Secretariat [www.chemsec.org](http://www.chemsec.org)

# THE NEED FOR ENGAGING THE PRIVATE SECTOR AND CIVIL SOCIETY IN CHEMICALS CONTROL

Kaj MADSEN

Slide 1

## The need for engaging the private sector and civil society in chemicals control

Kaj Madsen  
DTIE Chemicals Branch  
UNEP

Slide 4

## Private Sector, Civil Society and SAICM

- Dubai Declaration recognizes that:
  - The private sector has made considerable efforts to promote chemicals through voluntary programmes and initiatives such as products stewardship and the Responsible Care Programme
  - Non-governmental public health and environmental organizations, trade unions and other civil society organizations have made important contributions to the promotion of chemical safety

Slide 2

## Outline

- SAICM background
- General interaction between stakeholders
- Roles of private sector
- Roles of civil society
- Observations from previous workshops

Slide 5

## Private Sector, Civil Society and SAICM

- Overarching Policy Strategy
  - The involvement of all relevant sectors and stakeholders is seen as a key to achieving the objectives of SAICM, as is a transparent and open implementation process and public participation in decision-making, featuring in particular a strengthened role for women.
  - There is a need to promote the role of all sectors of civil society and the private sector in the implementation of SAICM

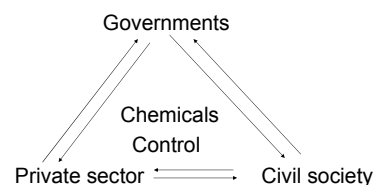
Slide 3

## Private sector, Civil Society and SAICM

- SAICM
- Dubai declaration
  - Overarching Policy Strategy
  - Global Plan of Action

Slide 6

## Governments, private sector and civil society



## Slide 7

### The role of private sector in chemicals control

- A list of examples such as
  - Provision of information and knowledge on chemicals
  - Participation in development of national legislation and institutions
  - Corporate responsibility through out the life cycle of chemicals
  - Cleaner production methods.
  - Development of safer alternatives.
  - Prevention and preparedness for industrial and natural accidents

## Slide 9

### Observations from previous workshops

- Different modalities for involvement
  - Legislation
  - Intersectoral committies
- Involvement of SMEs
  - Associations to reach out, capacity building, awareness raising
  - Identification of benefits for SMEs
- Enforcement
  - Lack of knowledge

## Slide 8

### The role of civil society in chemicals control

- A list of examples such as
  - Promote innovative ideas
  - Ensure community ownership of chemicals management;
  - Link between governments and local communities;
  - Disseminate information and knowledge on chemicals management to local communities;
  - Providing transparency
  - Bringing chemicals issues to the attention of governments and industry;
  - Participating as trainers for end users of chemicals;
  - Support to equal participation for women in chemicals management.

## Slide 10

### Observations from previous workshops

- Different roles
  - Government neutral
  - Private sector and civil society advise
- Lack of knowledge on Civil societies
  - Not a priority
  - Need for awareness raising
- Gender issue
  - More than legislation
  - Supportive environment

## **Session 4: Involvement of the private sector and civil society in the area of chemicals control**

### **Introduction**

At the adoption of The Strategic Approach to International Chemicals Management (SAICM) at the International Conference on Chemicals Management (ICCM) in Dubai, February 2006 Ministers, heads of delegations and representatives of civil society and the private sector recognized in the Dubai declaration that:

- Non-governmental public health and environmental organizations, trade unions and other civil society organizations have made important contributions to the promotion of chemicals safety;
- The private sector has made considerable efforts to promote chemicals safety through voluntary programmes and initiatives such as product stewardship and the chemicals industry's Responsible Care Programme.

The participants at the ICCM stressed in the Dubai declaration:

- that they would work toward effective and efficient governance of chemicals management by means of transparency, public participation and accountability involving all sectors of society, in particular striving for equal participation of women in chemicals management
- That they would engage actively in partnerships between Governments, the private sector and civil society, including strengthening participation in the implementation of the Strategic Approach by small and medium-sized enterprises and the informal sector;
- That the responsibility of industry to make available to stakeholders such data and information on health and environmental effects of chemicals as are needed safely to use chemicals and the products made from them.

### **Topics for discussion**

To investigate the role of the private sector and civil society in the development of national legal and institutional infrastructures a number of questions have been established. The questions have been developed for:

- Private sector
- Civil society

#### Private sector

- 1) What role do the private sector and/or in particular national chemicals associations play when countries develop national legal and institutional infrastructures?

Are they part of national committees?

Are there any barriers to participation by the private sector and national chemicals associations' in the development of national legal and institutional infrastructures?

- 2) To which extent does existing legislation clarify and ensure the responsibilities and obligations of private sector for safety of chemicals they place on the market as regards e.g. testing, assessment, classification, labelling, SDS?

Are sanctions in case of violation of regulations described in the legislation?

- 3) Which are the main gaps in allocation of responsibility to private sector - how may they be overcome?
- 4) Which legal possibilities to enforce legislation on placing on the market are available to supervisory (inspecting) authorities – right to get information on chemicals, right to have access to enterprises (premises) for inspection purposes, right to impose sanctions in case of violation of regulations, etc?
- 5) What types of improvements regarding 1-4 would you like to see in your country?
- 6) Is small and medium sized companies' part of national chemicals associations?

If not, what are the barriers to their participation?

How can small and medium sized enterprises (producers and importers) be involved in the implementation of SAICM and what is the role of small and medium sized companies at the national, regional and local level. Please add possibilities and barriers to these?

#### Civil society

- 1) What role does civil society play when countries develop national legal and institutional infrastructures?

Are they part of national committees?

Are there any barriers to participation by civil society?

- 2) What kind of civil society organisations are participating in chemicals management in your country? What are the barriers to their participation?
- 3) Are the government and private sector aware of the potential roles of civil society in management of chemicals? If yes, are you being consulted by government on legal matters and by private sector on corporate matters? If not, what are the barriers?
- 4) Do the civil society organisations in your country have some coordinating mechanism? If not, what are the barriers to that? If yes, does civil society cooperate with the government and the private sector through such a coordinating measure?
- 5) To which extent do existing legislation and existing institutions specify roles for civil society in chemicals management?
- 6) Do you have legislation to ensure equal participation of women in chemicals management and decision making?
- 7) What will be your recommendations to improve the civil society participation in your country/region in the chemical management legal and institutional framework?

## **RESULTS OF WORKING GROUP 2**

### **Involvement of the Private Sector and Civil Society in the Area of Chemicals Control**

#### ***PRIVATE SECTOR***

##### **Question 1: ROLE OF PRIVATE SECTOR IN DEVELOPING LEGAL AND INSTITUTIONAL INFRASTRUCTURES**

- Larger countries in the region with established chemical industries have national associations, which also participate in national committees.
- Caribbean and Central America do not have national associations; however the companies are included in various advisory committees that deal with chemicals, such as pesticide boards. They are an important resource on chemical information and risk, as they are in direct communication with the chemical manufacturers.
- Private sector participates in the development of legislation and in the development of operational procedures and policies within the institutional infrastructure.
- The only sited obstacle is the lack of experience in working with the private sector, so how best to relate and consult with the private sector is not well structured. Right now, a framework is prepared then the private sector is informed legislation is coming and then government seeks opinions from the private sector. There does not appear to be a true partnership in the process of developing legislation. In Brazil, there have been strides in working as partners, with participation in public and private sector meetings and early involvement in various initiatives.

##### **Question 2: ABILITY OF EXISTING LEGISLATION TO ENSURE THE RESPONSIBILITIES AND OBLIGATIONS OF PRIVATE SECTOR FOR CHEMICAL SAFETY**

- Question was raised with legal system and how easy litigation can take place dictate the roles. In many countries there are no strong penalties, and there does not appear to be any legal precedence. No real cases have been brought forward.
- In Barbados there are requirements for labeling. There is a lack of capacity with respect to ability to do testing and assessment. In Guyana, private sector must provide all tests and conduct all assessments required to register. There are also fines and jail sentences for violations of the requirements to provide the necessary/ required information. In Brazil, there are regulations to ensure private sector provides the information and there are penalties for violations, but there are some problems with meeting the capacity needs to enforce the laws. In some Caribbean countries there are things such as SDS and labeling requested, but not necessarily required by law. In Costa Rica there are laws for requesting the information and also have heavy fines. Enforcement does not appear to be a concern in Costa Rica, and it is believed that this is attributed to inclusion of private sector in the process.

##### **Question 3: MAIN GAPS IN ALLOCATING RESPONSIBILITY TO THE PRIVATE SECTOR AND WAYS TO OVERCOME THEM**

Barbados: Pesticides Act clear on the responsibility of the private sector to the Government, but not the obligation of the private sector to the consumer (share information with the end user) in terms of safety

Guyana: same (not outlined in the Regulations)

Suriname: the private sector do not understand that they have a responsibility in chemicals management; sanctions possible

Costa Rica: private sector gets actively involved and there are environmental incentives given to the sector; now working on an incentive programme specifically for chemicals (issuance of green labels)

Brazil: Offer incentives

St. Lucia: Government does not communicate with the industry on a regular basis.

#### **Question 4: LEGAL POSSIBILITIES TO ENFORCE LEGISLATION AVAILABLE TO INSPECTING AUTHORITIES**

Costa Rica: not enough officers (inspectors) with the public sector to enforce these rights

The industry should be encouraged to 'police' themselves

The civil society should also be included in the 'policing' regime

Increase the knowledge base of the consumers to encourage the industry to adhere to standards and norms

#### **Question 5: TYPES OF IMPROVEMENTS REGARDING QUESTIONS 1-4**

- Establish in the creation of Poison Centres (more regional level cooperation)
- More to 'cradle-to-grave' approach to the product (extended producer responsibility)
- More research and development/ promotion of less toxic alternatives/Pr
- Strategies for awareness, participation and communication
- Support epidemiological studies of the effect of particular chemicals
- Adopt Codes of Practice, international standards (e.g. Responsible Care, ISO 14001)
- Assist with the dissemination of information
- Assist in building the capacity of emergency responders
- Assist in building the capacity of regulatory community

#### **Question 6: INVOLVEMENT OF SMALL AND MEDIUM-SIZED ENTERPRISES**

- Most cases the SMEs are not usually involved in the national chemicals association
- SMEs do not come forward due to their perceived vulnerability, and their concerns that government will impose financial and operational burdens
- Conduct survey to determine the concerns of SMEs; Offer incentives to SMEs; National Chemical Associations to incorporate SMEs; Develop an awareness programme for SMEs for sound chemicals management; Banks give loans to small businesses (requirements for standards etc)

### ***CIVIL SOCIETY***

#### **Questions 1& 2: ROLE AND KINDS OF CIVIL SOCIETY IN DEVELOPING LEGAL AND INSTITUTIONAL INFRASTRUCTURES**

- Civil society not necessarily organized/structured; not easily identifiable in some countries
- Where organized civil society groups exist, chemical management issues are not necessarily a primary focus
- Capacity Issues for structured civil society issues (technical, human and financial resources)
- Lack of trust between civil society and government
- Lack of awareness/ information on chemicals management issues another barrier; provision of information (not only a top down, but also a bottom up approach)

**Question 3:**

Yes. In some countries, consultation with civil society is mandated by law, but not necessarily on chemicals management issues.

**Question 4:**

Network of NGOs which focus on some chemicals issues – Brazil and Costa Rica

**Question 5:**

Legislation (not necessarily chemicals management) which mandates civil society participation.

**Question 6:**

No. Legislation does not discriminate based on gender

**Question 7:**

Legal requirements to include civil society participation

Improved awareness campaign

Increased financial and technical support for civil society participation

## **RESULTS OF WORKING GROUP 3**

### **Conclusiones**

Este grupo trabajo considero la gestión del ciclo de vida de las sustancias químicas y no solo su acceso al mercado.

1. Los países latinoamericanos muestran avances importantes pero insuficientes en la legislación marco para la gestión de las sustancias químicas durante el ciclo de vida y en la seguridad Química. Algunos disponen o están preparando leyes marco sobre esta materia y/o han elaborado políticas nacionales, incluyendo planes de acción. La mayoría ha incorporado en su legislación ambiental referencias específicas y cuentan con leyes sectoriales y decretos que regulan los residuos y productos químicos en relación con la salud y el ambiente.
2. Estos progresos se ven impulsados en gran medida por las compromisos asumidos en el marco de los convenios internacionales (CE, CR, CB y otros).
3. Por otra parte, las legislaciones se enfocan principalmente en regular el acceso al mercado de las sustancias químicas empleadas en los sectores de salud y agrícola. En cambio, la legislación muestra un importante atraso en las sustancias de uso industrial.
4. La legislación no alcanza aún los niveles de aplicación (vigilancia, control, fiscalización) necesarios para fortalecer los aspectos preventivos seguridad química, lo cual sólo será posible en el marco de acciones intersectoriales coordinadas.
5. Las legislaciones deberían continuar con el proceso de perfeccionamiento al considerar el ciclo de vida de las sustancias químicas en las cadenas de suministro, otorgando mayor atención a las sustancias químicas de uso industrial e incorporando, entre otros, la

responsabilidad extendida del fabricante e importador y ampliar los mecanismos de participación de todos los sectores involucrados

6. Es conveniente y posible elaborar un marco general (ley, política) de las sustancias químicas a lo largo del ciclo de vida y legislaciones secundarias diferenciadas que reglamenten los usos específicos.
7. Los ministerios involucrados en la implementación de la legislación sobre sustancias químicas son: Ambiente, Salud, Agricultura, Trabajo, Transporte, Economía (Aduana), Industria (Minería) y Comercio, e incluso en algunos casos el M Ciencia y Tecnología, con diferencias entre la denominación institucional de los países.
8. Se han identificado como un problema para una efectiva coordinación interinstitucional es que la dimensión de Seguridad Química (prevención de daños ambiental y de salud) no esta suficientemente incorporado como elemento transversal en los sectores y políticas involucradas. A su vez, sumado a la multiplicidad y falta de coordinación de las instituciones involucradas, la diversidad de sustancias químicas existentes y que al tema no se encuentra en las prioridades de política nacionales fuera de atención de las contingencias.
9. Otro problema es la falta conocimiento sobre todas las sustancias comerciales existentes, un adecuado registro de las mismas, por lo que es necesario desarrollar inventarios nacionales de sustancias químicas priorizando aquellas con mayor uso y con un efecto potencial sobre salud y ambiente.
10. Es necesario impulsar el desarrollo de capacidades para el fortalecimiento institucional de los sectores involucrados, estableciendo un ámbito de coordinación y cooperación entre las instituciones existentes, los instrumentos de gestión y la participación ciudadana.

## **Sociedad Civil**

Las organizaciones de la sociedad civil presentes en el grupo tres desean expresar su objeción al texto presentado al Plenario referente a este punto.

### **Dejamos constancia de nuestra opinión:**

Existe una participación creciente pero insuficiente de las organizaciones de la sociedad civil en los temas relacionados con la gestión de sustancias incluso en la participación de Comités Nacionales para implementación del Convenio de Estocolmo y SAICM, y en algunos casos para fortalecer la legislación ambiental en donde aportan constructivamente sus experiencias y conocimientos.

Manifestamos nuestro completo apoyo a la idea de promover la vigilancia ambiental comunitaria como una estrategia de participación ciudadana que, sumada a los esfuerzos de la empresa privada y de las entidades gubernamentales, contribuya a la aplicación de las políticas, legislaciones y planes relacionados con la gestión de las sustancias químicas, extendiendo el control a los productos químicos industrial que no están contemplados en los convenios internacionales.

## **Additional Notes to Working Group # 3 – Session 4**

### **The roles of Private Sector and Civil Society**

Provided by Nilton Freitas – ICEM Representative

#### **A. Private Sector**

Deber de informar los trabajadores, las autoridades públicas y la comunidad sobre situaciones de emergencia, emisiones, accidentes químicos etc., lo que se podría suplantar por medio de reglas legales más claras acerca de eso. El sector privado debería también tener más claro su responsabilidad en términos del principio del “poluidor-pagador”.

En general las autoridades de la región poden tener la información que requieren del sector privado, pero eso no es suficiente se las instituciones no están preparadas para evaluar e tomar decisiones adecuadas en base tal información. En muchos países no se garantice a los representantes de los trabajadores en el local de trabajo o de los sindicatos en poder acompañar las inspecciones laborales o ambientales y de salud, lo que representa una deficiencia del sistema, una vez que los representantes de los trabajadores estarían en la mejor posición (se tienen asegurado su protección contra la demisión) para impedir el maquilo de los logares de trabajo y de los procesos productivos.

Las empresas deberían ser obligadas a informar los trabajadores y sus representantes en el lugar de trabajo y su sindicato, así como las autoridades y representantes de la comunidad sobre los peligros que sus productos, procesos e instalaciones pueden representar e ellos. Las empresas deberían aún, ser obligadas de proveer información periódica y calificada sobre sus emisiones al aire, al suelo y a los sistemas hídricos locales. Deberían aún, ser obligadas a preparar sus trabajadores y las comunidades locales, bien como las autoridades correspondientes, sobre los riesgos de accidentes químicos ampliados. Todos esos temas, toman parte en algunos instrumentos internacionales (convenios OIT como ejemplo) que non son todavía ratificados por la mayor parte de los países de la región. En relación a los sistemas de inspección, deberían ser entrenados en los temas de seguridad química y ser más complacientes con la participación de representantes de los trabajadores y la comunidad en sus operativos, cuando corresponda.

Las PyMEs deberían ser más involucradas en los temas de seguridad química, cuando les corresponda, por medio de las cadenas de producción. Eso podría darse de forma “voluntaria” da parte de las empresas mayores o como resultado de la presión social en torno de la responsabilidad social y corporativa de las propias empresas. Debería aún, se reforzar la responsabilidad civil y criminal por ocasión de la subcontratación laboral, practicas mucho comunes. La subcontratación podría aún ser severamente restringida en sectores de alto riesgo para la salud de los trabajadores, la salud pública y el medio ambiente.

#### **B. Civil Society**

La sociedad civil tiene un rol fundamental en toda la dimensión de la seguridad química, para su desarrollo institucional y legal en nuestros países. En Brasil, por ejemplo, los sindicatos de trabajadores en la industria química están en la origen del movimiento por la ratificación de los convenios OIT 170 (seguridad química) y 174 (riesgos ampliados) y de la creación de la Comisión Nacional de Seguridad Química – CONASQ.

En casi todos los países donde hay en funcionamiento una comisión nacional, toman parte de ella los sindicatos y ONGs vinculadas a los riesgos principales del país (plaguicidas; mercurio; etc.). Hay en Brasil la participación de Asociaciones de Trabajadores Victimados en empresas POPs y asbestos, entre otros.

En general hay una conciencia acerca de la capacidad de contribución de las organizaciones de la sociedad civil. Pero, aún se cree que no existe una cultura de participación activa de la sociedad, sea por parte de los gobiernos, sea de las corporaciones privadas. Prevalece en la región la lucha de las organizaciones sociales y de trabajadores (sindicatos) para alcanzar y garantizar su espacio de participación y su contribución.

Los sindicatos están organizados desde los niveles locales hacia nacionales en la mayor parte de los países de la región. Aún existen organizaciones sindicales regionales, como la ICEM (químicos, energía, minería), la UITA (alimentación y agricultura) y la ORIT, que organiza las centrales sindicales nacionales.

Si. Los convenios internacionales de la OIT establecen roles específicos para los sindicatos en términos de seguridad química. La legislación de algunos países garantice la participación de los sindicatos en comisiones nacionales de gestión de los químicos, como es el caso de Brasil (CONASQ).

Por su naturaleza, los sindicatos deberían ser reconocidos como parte importante del control social sobre el uso de productos químicos, incluido todo el ciclo de vida. Se bien informados y calificados, los representantes de los trabajadores en el local de trabajo y los sindicatos pueden ser los primeros auditores de la comunidad en los centros de producción y consumo de productos químicos. Como en general, los trabajadores viven en la comunidad en el entorno de las empresas en que trabajan, pueden tener un papel importante en la comunidad acerca de la concienciación de los riesgos que representan las instalaciones y pueden se oponer a practicas insostenibles e agresivas al medio ambiente, como las emisiones clandestinas al aire y ríos. Dentro del principio de quienes crea el riesgo y el daño debe pagar por ello, los empleadores deberían ser obligados a pagar por los procesos de información y entrenamiento a los trabajadores y sus representantes en el lugar de trabajo y sus sindicatos. La financiación de la capacitación permanente y de los medios de participación constituyen los mecanismos necesarios para una mejor participación de los sindicatos y entidades de la sociedad civil en la gestión de la seguridad química en todos los niveles.

## CONCLUSIONS

In general it was concluded that the current situation as regards chemicals legislation in countries of the Latin American and Caribbean region had been reviewed in a positive manner. The common problems were identified and set out in the results of the working groups under the relevant sessions. Suggestions were made on how to proceed further.

Most countries were in the process of development of legislation, including risk management, in the first step of the supply chain. The presentations made and discussions held were a step in the direction of development of systems appropriate to specific situations in individual countries.

While all agreed that it was important to look at the entire life cycle of chemicals, when the discussions turned to identifying the gaps in chemicals management, in most countries there were notable gaps on information flow on chemicals to users. If such information did not exist, it was difficult to focus solely on the importance of legislation. Rather the lack of good information from suppliers to users could be considered a weak part of the managing chemicals throughout its lifecycle.

All ministries need to be involved in chemicals control. While the ministry of trade had a pivotal role in placing chemicals on the market, health and environment related information was necessary for governments to attend to problems related to legislation, inspection, monitoring and surveillance.

Countries noted the difficulty for customs to check every delivery at the border. But suppliers could be approached for additional information such as for labelling. The role of customs was clear – such as when a substance was wrongly labelled. However many countries noted that the customs services did not have time to fulfil an inspection at the border; an alternate way had to be found for dealing with spot checks such as on the market.

In addition to the role of governments in establishing and enforcing appropriate legislation the role of private enterprise to supply information related to health and safety and the role of civil society to assist in the broad dissemination of that information was emphasized as crucial.

Finally, it was important to remember different solutions worked for different countries because of different national systems.