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Canada's Statement

**Intergovernmental Preparatory Meeting for
United Nations Commission on Sustainable Development – 19th Session**

Chemicals Theme

New York, 1 March 2011, 3:00 pm

Canada congratulates the Secretary General on developing a good report as a foundation for our discussions. We look forward to decisions on chemicals at CSD-19 which are focused on practical and realistic measures for improving sound chemicals management.

Since Agenda 21 was adopted in 1992, great progress has been made to protect human health and the environment from the risks posed by organic and inorganic chemicals. Canada believes that in order to make its full contribution to sustainable development, sound management of chemicals must receive greater attention and priority, particularly from national governments. Critical features for improving governance, international policy and legal frameworks, and means of implementation, include: “mainstreaming” chemicals management into national development plans, linked to Millennium Development Goals; strengthening national institutional and legal infrastructures; improving national agency coordination; and consulting stakeholders in meaningful ways.

As shown by Canada’s Chemicals Management Plan, we believe in the benefits to governments and stakeholders of sharing information on research, risk assessment and management of chemicals. We strongly support efforts by governments, the private sector and civil society at all levels to create appropriate chemical safety measures, including effective frameworks for chemical accident prevention and preparedness. Canada endorses strengthening national and regional monitoring, consistent data collecting and reporting to support international chemical treaties and initiatives. However, we are concerned with the report’s frequent proposals for new “global” or “centralized” systems and networks. In Canada’s view, there are existing mechanisms for much of this work.

Canada supports the use of the Strategic Approach to International Chemicals Management (SAICM) as the existing international policy framework for the chemical and hazardous waste agenda. We note that the interventions of many countries and stakeholders at CSD-18 reflect this view. We also see SAICM as the appropriate forum to nominate and address emerging issues in the area of chemicals management, taking full advantage of existing mechanisms to implement actions.

Canada believes that civil society has a strong contribution to make in developing national and international policy. Domestically, Canada has established mechanisms for engaging civil society in the development of chemicals management policies. Internationally, we have a proud record of including representatives from civil society and provincial / territorial jurisdictions as full members of Canadian delegations to key meetings of the chemical cluster - such as the Stockholm Convention and current global mercury negotiations.

Canada views partnerships as a key element of sound chemicals management. We support a stronger role for the private sector, through public-private partnerships, information sharing and responsible use of chemical products. Canada also believes that effective linkages and partnerships must be established between sound management of chemicals and other related areas of sustainable development, such as climate change, biodiversity, health, poverty eradication, natural resource sectors and green economic growth.

At CSD-18, developing countries and countries with economies in transition highlighted the importance of financial and technical assistance for capacity building in environmentally sound management of chemicals and wastes. New approaches will be needed to bridge the gap between identified funding needs and developed countries' capacity to provide public, donor funds. However, we must also recognize the truism in the Secretary General's report, that "sustainable funding of chemicals management in the long-term has to come from national funding".

Appended to this statement are proposed revisions by Canada on specific policy options and actions in the report, for consideration in drafting decisions for CSD-19.

Attach.

ANNEX

Canadian Proposed Revisions to the Secretary General's Report on Chemicals (E/CN.17/2011/5) for the Intergovernmental Preparatory Meeting for CSD-19

Canada is pleased to provide the Secretary General and IPM for CSD-19 participants with proposed revisions to specific paragraphs of the chemicals report where we believe that improvements can be made, in order to assist development of draft decisions for consideration at CSD-19.

NOTE: Suggested revisions to text are indicated as follows: for deletion = ~~strikethrough~~; for addition = underline.

Canadian Proposed Revisions to Document E/CN.17/2011/5	Rationale
<i>II. Policies for sound management of chemicals</i>	
<i>A. Governance</i>	
<i>B. Information Sharing</i>	
11 c. Implement the principle of “no data, no market” and integrate the acquisition, management and dissemination of information related to hazardous substances in the process of developing and marketing chemicals. Establish, improve and promote dissemination of information related to hazardous substances between governments, industry and the public. Universal access to this information and knowledge is essential to the development of science-based prevention and protection tools. This includes assessing the hazardous properties of chemicals and strengthening screening and evaluation systems for new chemicals entering the market;	Care must be taken to avoid using specific terms applicable only to a particular state or regional organization, or do not enjoy international consensus. For example, we understand the phrase “no data, no market” (which is referenced three times in the paper) to be a key principle in the European Union’s REACH regulations. However, it is not a universally used term, nor is it used in the Canadian regulatory context.
18 d. Strengthen the community’s right to know <u>ability of</u> information about the environmental and health risks of <u>chemicals</u> through, <u>inter alia</u> , product labels, environmental reports, environmental impact assessments, eco-audits, emission inventories and similar instruments. Data relevant to the health and environmental impacts of chemicals should be made available to the public;	Canada strongly supports the intent of this paragraph, modified with more general language to apply universally and to avoid possible confusion with different uses of the term community or public “right to know”.
18 f. Promote Continue to support universal access to reliable	Canada supports universal access to reliable information on hazardous

Canadian Proposed Revisions to Document E/CN.17/2011/5	Rationale
information on hazardous substances through the adoption of a global system for communicating risks and hazards <u>Globally harmonized system for labeling of chemicals</u> ;	<p>substances; however activities are already underway under the Globally harmonized system for labeling of chemicals (GHS). Therefore, we suggest that this paragraph be revised to ensure avoidance of duplication and to recognize the current activities.</p>
18 g. Develop Continue to support global networks to facilitate the sharing of good practices, methodologies, interventions, approaches and results of research to improve the sound management of hazardous substances, including the clearinghouse mechanisms of chemical conventions, the OECD and SAICM making every effort to avoid duplication.	<p>Canada supports global networks to facilitate the sharing of good practices, methodologies, interventions, approaches and results of research to improve the sound management of hazardous substances – however activities in this area currently exist under the clearinghouse mechanisms of chemical conventions, the OECD and SAICM.</p> <p>Therefore, duplication of efforts should be avoided, and we suggest that this paragraph be revised to reflect existing efforts.</p>
<i>C. Chemical Safety, risk prevention and reduction</i>	
	<p>29 b. Establish a functioning regulatory system to set out rules for registration, evaluation and restriction for the use of chemicals – The regulatory system needs to which could cover the whole life-cycle for chemicals including production, transport, use, recycling and disposal of chemicals. The regulation of the marketing of chemicals is critical. The regulatory framework should incorporate the implementation and enforcement of international legally binding instruments, such as the ILO conventions and MEAs on chemicals and waste, as well as voluntary standards and agreements such as the International Code of Conduct on the Distribution and Use of Pesticides;</p>
<i>D. Monitoring</i>	<p>31. Current monitoring programmes fall largely into two categories: monitoring environment impacts and monitoring human health impacts (bio-monitoring). Environmental monitoring indicators include soil, air, water, incident reporting, animals and plants. Bio-monitoring indicators include human milk, blood, urine, incident reporting, food and other household products. For example, a monitoring programme</p>

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<p>can be routine sample checks to determine level of heavy metals in raw materials such as meat mercury in foods destined for consumption, such as fish or meat.</p>	<p>35 b. Better use existing data and data extrapolation in developing best practices and increase the access to information gathered from the monitoring. There is a need to develop a centralised database with relevant information for each category of chemicals and the best practices in monitoring them. There is also a need to bring together for improved cooperation between public health and environment experts and activities under a comprehensive integrated to improve surveillance and monitoring system;</p>
<p><i>E. Emerging Issues</i></p>	<p>38. E-waste is another major concern, particularly in developing countries. E-waste is identified as an emerging issue under SAICM and Although some work to address this emerging issue has been undertaken by various international organizations, in particular under the Basel Convention. More needs to be done especially in minimizing the use of hazardous chemicals in e-products.</p>
<p><i>F. Partnerships</i></p>	<p>44 d. Promote the role of industry in information sharing and implementation of the precautionary approach to chemical safety, strengthen responsible advertising and marketing, establish, improve and promote dissemination of information and implement the principle of “no data, no market”, and mainstream practices for Corporate Social and Environmental Responsibility (CSER) in the chemical industry.</p>

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<i>III. Strengthening implementation framework and enabling environment</i>	
<i>A. International policy framework: Strategic Approach to International Chemicals Management</i>	
<p>51 a. Strengthen the international policy framework for chemicals, <u>including</u> through full and effective implementation of SAICM, <u>and</u> the chemical and waste conventions. The third session of the ICCM in 2012 will be the next major opportunity to take stock of SAICM implementation and renew momentum behind it, as well as to consider additional emerging policy issues,</p> <p>51 c. Consider and pay increased attention to the possible need for international structures to <u>continue, evolve or be supplemented beyond the lifetime of SAICM in 2020. This might include the possibility to develop a global structure for implementing policy actions on chemicals of concern and to promote a proactive approach to the management of chemicals.</u> Discussion of such matters will likely feature prominently at the fourth and fifth sessions of the ICCM in 2015 and 2020, respectively. [In the meantime, CSD-19, the international environmental governance process, including the meetings of UNEP's Governing Council, and the United Nations Conference on Sustainable Development (Rio20) may provide opportunities for initial debate.]</p>	<p>Editorial revisions.</p> <p>Canada recognizes that the future agenda is important, and to that effect, we believe it is important to assess the effectiveness of SAICM first before concluding that there is a need to strengthen international structures concerning chemicals or speculating on possible future structures or actions.</p> <p>We suggest square bracketing the last sentence for possible modification, pending the outcome of concurrent discussions at the UNEP Governing Council and the UN Conference on Sustainable Development preparatory meeting.</p>
<i>B. International legal framework</i>	
<p>58e. Successfully ratify the Ban amendment under the Basel Convention that bans hazardous waste exports for final disposal and recycling from Annex VII countries (Basel Convention Parties that are members of the EU, OECD, Liechtenstein) to non-Annex VII countries (all other Parties to the Convention); Enhance the ability of vulnerable developing countries and countries with economies in transition to</p>	<p>Canada agrees that the Ban Amendment is an important instrument to protect vulnerable countries against adverse effects of imports of hazardous wastes that they cannot handle in an environmentally sound manner. It is Canada's view, however, that the Ban Amendment does not take into consideration a country's true capacity to manage recyclables in an environmentally sound manner and as such can</p>

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<p><u>protect themselves against unwanted imports of hazardous waste, and enhance efforts for combating illegal traffic of hazardous waste, by strictly applying the Basel Convention provisions and improving standards of waste management practices.</u></p>	<p>prevent legitimate trade. Given the growing movements of hazardous wastes between developing countries which the Ban Amendment does not address, Canada believes that a broader set of initiatives is needed to facilitate the ability of vulnerable developing countries and countries with economies in transition to protect themselves against unwanted imports of hazardous wastes and improving standards of waste management practices.</p>
<p>C. Means of Implementation</p>	

63 a. Mobilize financial resources at all levels, both public and private to support the transition to sound management of chemicals. In the short and mid term time horizon, the UNEP Executive Director's consultative process on financing options for the chemicals and wastes agenda is considering specific proposals for new approaches to financing arrangements. ~~could include a multilateral fund for chemicals such as the one of the Montreal Protocol on Substances that Deplete the Ozone Layer, transforming SAICM's QSP into a permanent funding arrangement during the life time of SAICM, as well as expanding the funding for the chemicals focal area in GEF.~~ However, sustainable funding of chemicals management in the long-term has to come from national funding. This implies both greater support to mainstreaming sound management of chemicals within national development plans and strategies and greater use of economic instruments to sustain national funding for chemicals management related policies and measures;

63 c. Strengthen regional and sub-regional centres for capacity-building and transfer of technology, established as self-supporting entities under the ~~three~~ Basel and Stockholm conventions;

Canada strongly supports use of regional and sub-regional centres for delivering technical assistance, technology transfer and capacity building. Canada notes that the Basel and Stockholm Regional Centres are intended to be self-supporting, supplemented with voluntary, bilateral or GEF funding for specific activities. Canada encourages host countries to continue, and strengthen where necessary,

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	supporting their “gift to the convention” (as was popularly expressed at the Stockholm COP-4 meeting), which in turn could help build each centre’s capacity to serve its respective region, attract new partnerships and programmes, and mobilize additional voluntary funding resources.
63 g. Consider establishing a system to prevent transfer of obsolete technologies to developing countries. Promote best available techniques and best environmental practices in chemical-related sectors, and promote the co-operative development of environmentally sound technologies;	
	While Canada supports, in principle, the intent of this paragraph, we believe that it would be difficult to design and implement an effective and efficient “system” to prevent transfer of “obsolete” technologies. Defining “obsolete” might prove difficult, particularly in a world of fast-changing technologies. Further, while new techniques and practices may indeed be considered “best available”, many older technologies which might be deemed “obsolete” by some, maintain significant or possibly superior value, may be equally or better suited to user needs and capacities, and provide a practical, cost-effective service. We suggest a positive approach in promoting best available techniques and best environmental practices.
63 h. Consider establishing an international mechanism, in collaboration with regional and sub-regional centres established under the conventions as well as UNEP and FAO regional offices, to support education and capacity building for the sound management of chemicals aligned with the implementation of SAICM and the three main conventions on chemicals; and	This paragraph appears to duplicate existing efforts under the chemical conventions and SAICM with respect to clearinghouse mechanisms, technical assistance and capacity building, and UNEP and GEF sponsored workshops. There is no need to establish a new international mechanism for this purpose. Therefore, we suggest that this paragraph be deleted.
63 i. Strengthen human and technical capacity for risk assessment, reduction and monitoring in both government and public interest organizations, and provide assistance to developing countries;	The intent of this paragraph is already covered in preceding sections and paragraphs, including: information sharing (27), chemical safety (29h), and monitoring (35e). Therefore, we suggest that this paragraph be deleted.
IV The way forward	The purpose of this section is not entirely clear and does not appear to be well-organized. It selects and reiterates a few elements from previous sections, but also introduces entirely new topics. For example, the important issue of interlinkages with other key issues, such as climate change and biodiversity, is mentioned for the first time in this

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<p>66. A life-cycle approach should be adopted, and the commitment to basic principles such as the precautionary approach and polluter pays principles; no data, no market; public right to know; public information and education; and progressive substitution of the most dangerous chemicals should be strengthened.</p>	<p>section of the report (para. 67).</p>
<p>75. To enhance information sharing and accessibility, implementation by Member States of the GHS remains a priority. The establishment of a global system for communicating risks between developed and developing countries should be enhanced. To establish an international mechanism to support education and capacity building: See comments on 63h. There is no need to establish a new international mechanism for this purpose.</p>	<p>Regarding: “a global system for communicating risks”: there is a WTO notification process and UN/WHO avenues to do this already.</p>
<p>76. Chemical safety should become an important part of national policy. Highly hazardous pesticides should be addressed through implementing the International Code of Conduct on the Distribution and Use of Pesticides. A pesticide Pesticide authorization and regulatory systems should be established at the national level. The international codes and standards for industrial chemicals should be developed. Countries need to address existing stocks of obsolete chemicals while take taking proactive strategies to avoid the development of future new obsolete stocks of chemicals.</p>	<p>Editorial revisions.</p>
<p>78. The link between chemical safety, risk prevention and reduction and sustainable development should be fully reflected in the funding decisions of bilateral development assistance cooperation agencies. Donors need to recognize and encourage the inclusion of chemical safety objectives as important elements of development cooperation. Meanwhile, countries need to integrate fully the objectives of sound management of chemicals into national plans and corresponding budgets. Consideration should be given to expanding the funding for the chemicals focal area in GEF, should be considered.</p>	<p>Editorial revisions.</p>

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<p>A permanent and sustainable SAICM financial mechanism to replace the and to sustaining the funding for SAICM beyond the current QSP Trust Fund period should be established.</p>	
<p>81. The international policy and legal framework for chemicals should be further strengthened, including through:</p> <p>The international community should continue to act for the full and effective implementation of the chemical and waste agenda, including through support for SAICM as the international policy framework, successful negotiation of the globally legally binding instrument on mercury, examination of the usefulness effectiveness of broader chemical legal instruments, and development consideration of international structures for sound management of chemicals post-2020.</p>	<p>See comments on 51 c.</p>