

IPEN Quick Views of Stockholm Convention COP5

April 2011

The following is a summary statement of IPEN views on issues that COP5 will be called upon to address:

Listing endosulfan in Annex A

- Endosulfan should be listed in Annex A for global elimination as recommended by the POPRC
- Endosulfan satisfies all POP criteria and is being phase out or already prohibited in more than 80 countries (49 of them developing and transition countries)
- Alternatives to endosulfan are available, accessible, technically feasible, economically viable, and generally considered to be safer than endosulfan
- Implementing substitutes has been found to result in either very small increases in costs, no additional costs, projected reduction in costs, or actual increases in farmers' incomes
- Global action on endosulfan will significantly reduce harm to human health and the environment as it has become the most abundant organochlorine in the global atmosphere, presents unacceptable hazards to farmworkers and other communities, and contaminates traditional foods of Arctic Indigenous Peoples.
- Proponents of exemptions should provide highly specific crop-pest combinations
- Parties should recall that the COP's decision to list additional POPs in Annexes A, B, or C is governed by Articles 21 and 22 of the Convention, providing that amendments to these Annexes may be adopted by a three-fourths majority vote if all efforts at consensus have been exhausted

DDT

COP5 should:

- Express concern over the poor compliance with response to the DDT questionnaire, the use of DDT by two Parties without notifying the Secretariat as required, the lack of independent monitoring and evaluation in countries using DDT, illegal traffic of DDT and its diversion for use in agriculture
- Acknowledge the rapid spread of vector resistance to DDT across Africa and call for expedited integration of IVM into National Malaria Control Strategies
- Remind Parties of Annex B Part II restrictions on production and request that Parties producing DDT, audit production facilities to assess occupational risk factors and contamination associated with production
- Welcome the implementation of the global alliance for development and deployment of products, methods and strategies as alternatives to DDT for disease vector control and request an increased pace of work to identify and implement safer, feasible, non-chemical alternatives
- Invite financial support for a fund dedicated to expedite research and development of DDT alternatives especially non-chemical alternatives and strategies and urge inter-governmental organizations such as WHO to embark on research and evaluation of these alternatives

Exemptions

COP5 should:

- Request the Secretariat and the POPRC to develop a process to enable the COP at each meeting to evaluate Parties' progress in eliminating listed bromodiphenyl ethers contained in articles and review the continued need for the specific exemption for those chemicals as constituents of articles manufactured or already in use
- Request the Secretariat and the POPRC develop a process and draft format to enable the COP to evaluate the continued need for PFOS, its salts and PFOSF for the various acceptable purposes and specific exemptions on the basis of available scientific, technical, environmental and economic information, taking into account the recommendations of the climate change and POPs report, and to report on progress in that regard at COP6

- Amend the forms required for notification and acceptable uses to include requirements set forth in the POPRC alternatives guidance document¹ by adding the following:
 - A description of the functionality and use of the listed persistent organic pollutant or candidate chemical and clear identification of the use category
 - An explanation of why the exemption is technically or scientifically necessary and why potential alternatives are not technically or scientifically viable. This should include how the proposed use is distinct from other examples of alternatives for similar uses. If known, an assessment of what is in the research pipeline for alternatives should be provided
 - A description of potential alternative processes, products, materials or systems that eliminate the need for the chemical. The research should have a broader focus than simply chemical substitutes, and include alternative processes and products
 - A list of sources researched, which could include research and government institutions, relevant technical journals, patent searches, equivalent end-users, non-governmental organizations familiar with the proposed chemical and its end uses, and indigenous groups with traditional knowledge that may have alternative solutions
 - If possible a substitution plan should be provided, including steps that need to be taken to develop a viable substitute

Elimination of brominated diphenyl ethers from the waste stream

COP5 should welcome the recommendations of the POPRC on the elimination of bromodiphenyl ethers from the waste stream, request special consideration by developed country Parties to implement the POPRC recommendations, and request the Secretariat to update COP6 on efforts to eliminate brominated diphenyl ethers from the recycling streams as swiftly as possible. COP5 should request developed country Parties and other Parties practicing recycling of materials containing brominated diphenyl ethers to:

- Notify the Secretariat of their intent to use this exemption in accordance with Decision SC-4/14
- Immediately stop the export of these materials except for the purpose of environmentally sound disposal
- Rapidly implement effective screening and separation techniques to separate materials containing the substances before recycling proceeds
- Minimize occupational exposure and assess occupational exposures of staff working in facilities where articles and wastes potentially containing brominated diphenyl ethers are stored, sorted, treated, recycled, recovered or disposed
- Promote and facilitate public awareness-raising on the potential harm of materials containing polybrominated diphenyl ethers currently in use
- Generate and collect information on releases of brominated diphenyl ethers and unintentionally produced brominated organic compounds such as polybrominated dibenzodioxins and polybrominated dibenzofurans (PBDD/PBDF) in emissions to air and in the solid residues from thermal processes used in treating materials contaminated with brominated diphenyl ethers
- Report on their efforts to eliminate brominated diphenyl ethers from the recycling streams as swiftly as possible during the interim period between COP5 and COP6

Risk reduction for PFOS, its salts, and PFOSF

COP5 should welcome the recommendations of the POPRC on risk reduction for PFOS, its salts and PFOSF, request Parties making use of the specific exemptions and acceptable purposes for these substances to notify the Secretariat of their intent, and request the Secretariat to update COP6 on efforts to reduce and eliminate PFOS, its salts, and PFOSF use as swiftly as possible. COP5 should request Parties using PFOS, its salts and PFOSF to:

- Promote development and implementation of best available techniques and best environmental practices destruction technologies for wastes containing PFOS in current production and industrial uses of PFOS as specified in Article 6
- Strictly monitor landfills and treat leachate found to contain these substances according to requirements of Article 6

¹ Stockholm Convention POPRC (2009) Guidance on considerations related to alternatives and substitutes for listed persistent organic pollutants and candidate chemicals, UNEP/POPs/POPRC.5/10/Add.1

- Identify and cease using stocks containing PFOS (fire-fighting foams, carpets and others)
- Establish and implement a strategy for identifying and monitoring sites contaminated with PFOS in accordance with Article 6 of the Convention
- Request relevant industries to report to national governments current and historical practices in use, emissions, and managing sludge
- Halt the practice of applying biosolids or sewage sludge contaminated with these substances to agricultural areas or other dispersive practices
- Minimize with the goal of eliminating occupational exposures and assess occupational exposures of staff working in facilities where these substances are stored and used
- Promote and facilitate public awareness-raising on the potential harm of the substances and materials containing them
- Report on their efforts to eliminate PFOS, its salts, and PFOSF use as swiftly as possible during the interim period between COP5 and COP6

Measures to reduce or eliminate releases from wastes

COP5 should:

- Modify the proposed language in Para 7d of Document 12 to reinforce synergies and ensure that the Stockholm Convention cooperates with the Basel Convention as stated in Article 6. The current language cedes authority for various tasks to Basel instead of promoting synergies and cooperation. Proposed language for paragraph 7d: *Invites the Conference of the Parties to the Basel Convention to consider close cooperation with the Stockholm Convention in undertaking the work referred to in paragraphs 1 (a)–(c) of decision POPRC-6/3 by cooperatively convening a joint meeting of its appropriate subsidiary body and the POPs Review Committee of the Stockholm Convention*
- Make POPRC documents developed in response to decision SC-4/19 available to the appropriate bodies of the Basel Convention
- Request that each Party report by 31 October 2011 on how it has defined best available techniques (BAT) for Annex C Part II source categories. Each Party should additionally report on the legal instruments it employs to require the use of BAT for all new or substantially modified facilities in these source categories as it is required to do under Article 5(d). (For most Parties, this obligation entered into force in May 2008)

Effectiveness evaluation

COP5 should:

- Welcome the report of the UNEP/AMAP Expert Group, *Climate Change and POPs: Predicting the impacts*, recommend that Parties implement the policy recommendations, invite Parties and others to provide financial support to developing and transition countries to implement the recommendations, and encourage consideration of the report in evaluation of substances by the POPRC
- Strongly encourage Parties to participate in the global monitoring program
- Request the regional organization groups and the global coordination group of the global monitoring plan to follow the transparency practice of other Stockholm Convention expert group processes by allowing the participation of observers
- Augment the global monitoring program as follows:
 - Include a subset of hotspot sites since these contribute to wider contamination from long-range transport
 - Include measurement of priority and emerging POPs in traditional and market food sources, particularly traditional foods of Arctic Indigenous Peoples including fish and marine mammals, rendered oils, blubber, liver and other organ tissues
 - Publicly release its results at the national level to raise awareness of POPs. This also should include informing bio monitoring participants of the pooled sample results upon request, providing information about the significance of the results, and providing enhanced support for educational programs promoting human milk as the best food for babies
- Revise the effectiveness evaluation framework to include:
 - Submission of information from relevant stakeholders in the information collection and compilation phase

- Compilation and reporting of data limitations and information gaps in the information analysis phase
- Brief narrative information from countries that summarizes priority actions and constraints encountered
- Include additional indicators to more closely track the Convention such as:
 - Efforts to eliminate brominated diphenyl ethers from the recycling streams as swiftly as possible
 - Efforts to reduce and eliminate substances listed in Annex B as swiftly as possible
 - Exports and imports of chemicals listed in Annex A and Annex B including the purpose of the action
 - The definition of BAT and whether it has been promoted for existing sources and required for newly constructed or substantially modified sources
 - Implementation of requirements for destruction or irreversible transformation of POPs in wastes
 - Implementation of requirements to prevent disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of persistent organic pollutants
 - Cooperation and consultation with national stakeholders, including women's groups and groups involved in the health of children, in order to facilitate the development, implementation and updating of their implementation plans
 - Integration of NIPs into sustainable development strategies
 - Implementation of exchange of information on alternatives to POPs, including information relating to their risks as well as to their economic and social costs
 - Degree of outreach to relevant stakeholders including women, children and the least educated
 - Degree of public participation in addressing POPs and their health and environmental effects including opportunities for providing input at the national level regarding implementation of the Convention
 - Development of pollutant release and transfer registers, for the collection and dissemination of information on estimates of the annual quantities of the chemicals listed in Annex A, B or C that are released or disposed of
 - Degree to which the financial mechanism and technical assistance meet country needs for implementation of the Convention
- Revise the terms of reference of the effectiveness evaluation committee to provide for the participation of observers in meetings of the committee which is consistent with the transparency practice of other Stockholm Convention expert group processes
- Request Parties to increase efforts to ensure timely and accurate reporting under Article 15

Lindane

- Parties should comply with Convention requirements to submit written notification of their wish to use the specific exemption.
- COP5 should request the Secretariat to cooperate with WHO to do the following:
 - Identify and compile information on safer alternatives, especially technically feasible, affordable non-chemical alternatives such as the LiceMeister Comb identified in the POPs Free Project
 - Develop a guidance document on transition to safer, alternative treatments
 - Promote use of safer alternatives to lindane as a treatment for head lice and scabies
 - Promote awareness-raising on safer alternatives among all Parties
 - Review the continued need for the specific exemption for evaluation by COP6

Best Available Techniques / Best Environmental Practices (BAT/BEP)

COP5 should:

- Remind Parties to take the BAT/BEP Guidelines into consideration for planning, actions, and decision-making related to Article 5 substances
- Request all relevant Parties to develop and implement an action plan to control the dioxin sources that they have identified in their national dioxin inventories²
- Encourage demonstration pilot projects that implement the BAT/BEP guidelines, especially in sectors with well-defined solutions such as medical waste

² All Parties, within two years of the Convention's entry into force, are obliged to develop these plans. For most Parties, the two-year period ended in May 2006, but it appears many have not yet completed this action plan.

- Include the following revisions to the BAT/BEP Guidelines updating procedure:
 - Collaboration and synergies with the POPRC due to expertise on new POPs
 - Allocate positions in the expert group for public interest NGO representatives as done for all previous meetings of the BAT/BEP expert group
 - Provide greater emphasis on source categories specific to developing and transition countries
- Recommend that work on BAT/BEP outside of Article 5 and Annex C should involve, and be closely coordinated with, the POPRC to make use of existing expertise and avoid duplication of efforts

Financial resources and mechanism

COP should:

- Note that there is a large gap between the full incremental costs that developing countries and countries with economies in transition need to fulfill their Convention obligations and the amount of funds that are available through the Convention financial mechanism³
- Note that only 9.8% of the GEF portfolio is dedicated to the POPs focal area⁴
- Encourage countries to include chemicals related issues in national development programmes to help raise the profile of chemicals management and draw attention to its importance to donor countries and private sector
- Encourage countries to broadly implement the Polluter Pays Principle and its application to the internalization of costs of chemicals management as a significant financial resource that could be available for the sound management of chemicals and hazardous wastes
- Encourage countries to provide the Secretariat with information on challenges faced by countries and civil society groups as well as their needs in order to provide adequate assistance through brokering tool
- Request the Secretariat to hire an independent consultant to conduct the needs assessment and prepare a report for review at COP6
- The financial mechanism guidance should recommend activities that promote information generation and dissemination, education, training, public participation and awareness-raising of stakeholders and the general public
- Given the effectiveness of the POPRC, an open-ended intersessional electronic working group on financial resources and mechanisms could produce useful results and be cost-effective
- COP5 should recommend to the GEF that it restore its past practice of allowing NGOs with the capability to do so to execute GEF Medium Sized Projects (MSPs).⁵

Synergies

COP5 should:

- Ensure that elements and goals unique to each of the three conventions should not be sacrificed to the goal of achieving synergies among the three conventions
- Support activities and the development of advice to assist in the coordination of community engagement in the synergy activities at a national level
- Ensure community engagement and consultation over the joint secretariats' global public awareness and outreach activities
- Support critical evaluation of the success and effectiveness of a common system for the development, management and distribution of information and outreach materials

Standardized Toolkit

³ The draft report on the second review of the financial mechanism states that “that the full needs identified in this study for 2004-2009 were USD 3,336.48 million, and that the POPs funding level at the GEF for this period of time was USD 300 million.”

⁴ \$4.34 billion for the GEF-5 period (July 1, 2010, to June 30, 2014), of which 425 million will be programmed under the chemicals focal area (9.8%); in contrast, climate and biodiversity occupy 31% and 28% of the GEF-5 budget respectively

⁵ It appears that the GEF has a new policy making NGOs ineligible to execute projects other than through the Small Grants Programme, a policy which fails to recognize the important and unique contributions to the success of the Convention that NGOs can make.

COP5 should:

- Request the Toolkit experts to compile the information on unintentional releases provided through national reports and to prepare a preliminary analysis of those data to facilitate effectiveness evaluation
- Invite Parties and Observers to generate data and information on Annex C substances, including sources not yet listed in the Toolkit, and provide it to the Secretariat
- Request the Toolkit experts to give particular attention to more fully developing Source Group 7 – Production and Use of Chemicals and Consumer Goods

National Implementation Plans (NIPs)

COP5 should:

- Reiterate with urgency the request that all Parties that have not done so to finish and transmit their completed NIPs and remind Parties to update their NIPs with plans for addressing the new POPs
- Request all relevant Parties to develop and implement an action plan to control the dioxin sources that they have identified in their national dioxin inventories⁶
- Request all Parties to strengthen multi-stakeholder consultation in the design and implementation of NIPs to enable an effective, and regular public participation and to comply with their Article 10 commitments
- Invite coordination and implementation of the NIP among environmental and health authorities and the participation of central and local authorities
- Request Parties to incorporate the relevant global and regional data sets from the global monitoring plan into their decision-making on NIPs
- Encourage Parties to explore innovative strategies to raise funds at the national level for the implementation of the commitments under the Stockholm Convention, including economic instruments and mainstreaming
- Encourage synergies between NIP implementation and SAICM implementation

Non-compliance

Non-compliance with Convention obligations, including non-compliance with reporting requirements, may undermine the ability of the Convention to achieve its objectives. For example,

- Approximately 27% of Parties have not transmitted their NIPs covering the 12 original POPs to the Secretariat⁷
- Only 40% of Parties submitted second national reports pursuant to Article 15⁸
- Only 16% of Parties completed the questionnaire on DDT and two Parties are using DDT but not notifying the Secretariat as required⁹
- So few Parties reported exports and imports of POPs that a sound evaluation could not be made of the continued need for the procedure under paragraph 2 (b) of Article 3¹⁰

Article 17 requires the COP to develop a compliance system “as soon as practicable.” Negotiations have been dragging on since COP2; they must not continue unresolved past COP5. COP5 should finalize agreement and comply now with the requirements of Article 17 by approving procedures and mechanisms for determining and treating non-compliance.

Rules of procedure

- Parties should support effective operation of the Convention by removing the brackets in Rule 45.1 to permit voting when all efforts at consensus have been exhausted.

⁶ All Parties, within two years of the Convention’s entry into force, are obliged to develop these plans. For most Parties, the two-year period ended in May 2006, but it appears many have not yet completed this action plan.

⁷ UNEP/POPS/COP.5/13

⁸ UNEP/POPS/COP.5/29

⁹ UNEP/POPS/COP.5/5

¹⁰ UNEP/POPS/COP.5/5