Factsheet on the proposal to amend the Stockholm Convention evaluation process for candidate substances

April 2019

Introduction

The Stockholm Convention is a living treaty that recognizes the need to take global action on chemicals that are a source of concern because of their persistence, bioaccumulation, long-range environmental transport, and toxicity. The Convention established a science-based process for evaluating candidate POPs that recognizes that lack of full scientific certainty shall not prevent a candidate substance from proceeding in the evaluation or listing. Russia has proposed amending the Stockholm Convention to alter the evaluation process (UNEP/POPS/COP.9/15). The proposals would undermine the treaty objective and weaken the scientific basis for evaluation and should be rejected. Please see Annex 1 for the specific proposal texts.

Why the proposals should be rejected

1. **POPRC recommendations meet all treaty requirements for scientific information**
   The evaluation conducted by the POPs Review Committee (POPRC) occurs through a scientific process outlined in Article 8 and Annexes D, E, and F of the treaty. Russia claims that, *"In recent years, there have been a number of cases where the recommendations adopted by the POPRC contained insufficient reliable scientific information and analysis to meet the requirements specified in Annexes D and E."* (UNEP/POPS/COP.9/INF/9) However, not a single example is provided and no explanation of *"unreliability"* is presented. In fact, the POPRC has provided comprehensive scientific information and analysis to support its recommendations. All of the recommended candidates have been listed in the treaty, including with the agreement of Russia since becoming a Party to the Convention in 2011.

2. **The proposal undermines the precautionary basis for decision-making**
   All 182 Parties to the Stockholm Convention, including Russia, have acknowledged and agreed that, *"precaution underlines the concerns of all the Parties and is embedded within this Convention."* This is operationalized in Article 8 which instructs the expert committee that in its evaluation, *"Lack of full scientific certainty shall not prevent the proposal from proceeding."* The amendment proposal seeks to delete this phrase and replace it with an insistence on *"certain"* data. The reality is that scientific information may not be available for all aspects of the evaluation, including positive and negative impacts on society, economic and social costs and benefits, and movement towards sustainable development. The Convention deliberately uses the terms, Risk Profile and Risk Management Evaluation, in the knowledge that these cannot be determined with full scientific certainty. The proposed amendment would undermine the decision-making process by making the POPRC vulnerable to unresolvable discussions about certainty. A policy decision must be taken in the evaluation process and the treaty instructs that decision to be taken with precaution as its basis.

3. **The proposal undermines the scientific realities of persistence and bioaccumulation data**
   The Stockholm Convention negotiators understood that scientific data varies greatly among substances and that fulfillment of treaty criteria can be reached in different ways. This is why the treaty provides two ways to meet persistence criteria and three ways to meet bioaccumulation criteria. This is reflected in the Convention text with the word *"or"*, but the amendment proposal seeks to change that to *"and"* to require all the criteria to be met before a substance can be considered to fulfil that characteristic. This ignores scientific reality and appears to be proposed simply to block further recommendations for candidate listings. That is not consistent with the treaty objective: *"Mindful of the precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development, the objective of this Convention is to protect human health and the environment from persistent organic pollutants."*

Conclusion

The proposal to amend the evaluation process undermines the treaty objective and the scientific process of evaluation and appears to simply be an effort to block further recommendations for listing. The current evaluation of candidate substances needs to be preserved because it provides sufficient consideration of comprehensive scientific information while allowing for decision-making based on the Convention's precautionary objective.

Annex 1. Text of proposals by Russian Federation to amend the Stockholm Convention evaluation process for candidate substances

Current text	Proposed text
Article 8 para 7 about how to act on the results of the Risk Profile That the chemical is likely as a result of its long-range environmental transport to lead to significant adverse human health and/or environmental effects such that global action is warranted, the proposal shall proceed. Lack of full scientific certainty shall not prevent the proposal from proceeding. The Committee shall, through the Secretariat, invite information from all Parties and observers relating to the considerations specified in Annex F. It shall then prepare a risk management evaluation that includes an analysis of possible control measures for the chemical in accordance with that Annex	Article 8 para 7 about how to act on the results of the Risk Profile That the chemical is likely as a result of its long-range environmental transport to lead to significant adverse human health and/or environmental effects such that global action is warranted, the proposal shall proceed. ~~Lack of full scientific certainty shall not prevent the proposal from proceeding~~. The risk management evaluation is prepared on the basis of certain and reproducible scientific data. The Committee shall, through the Secretariat, invite information from all Parties and observers relating to the considerations specified in Annex F. It shall then prepare a risk management evaluation that includes an analysis of possible control measures for the chemical in accordance with that Annex
Article 8 para 9 about recommending a listing to the Conference of the Parties The Committee shall, based on the risk profile referred to in paragraph 6 and the risk management evaluation referred to in paragraph 7 (a) or paragraph 8, recommend whether the chemical should be considered by the Conference of the Parties for listing in Annexes A, B and/or C. The Conference of the Parties, taking due account of the recommendations of the Committee, including including any scientific uncertainty, shall decide, in a precautionary manner, whether to list the chemical, and specify its related control measures, in Annexes A, B and/or C	Article 8 para 9 about recommending a listing to the Conference of the Parties The Committee shall, based on the risk profile referred to in paragraph 6 and the risk management evaluation referred to in paragraph 7 (a) or paragraph 8, recommend whether the chemical should be considered by the Conference of the Parties for listing in Annexes A, B and/or C. The Conference of the Parties, taking due account of the recommendations of the Committee, including scientific certainty and reproducibility of the data~~including any scientific uncertainty~~, shall decide, in a precautionary manner, whether to list the chemical, and specify its related control measures, in Annexes A, B and/or C
Annex D evaluation of screening criteria (b) Persistence: (i) Evidence that the half-life of the chemical in water is greater than two months, or that its half-life in soil is greater than six months, or that its half-life in sediment is greater than six months; or (ii) Evidence that the chemical is otherwise sufficiently persistent to justify its consideration within the scope of this Convention; (c) Bio-accumulation: (i) Evidence that the bio-concentration factor or bio-accumulation factor in aquatic species for the chemical is greater than 5,000 or, in the absence of such data, that the log Kow is greater than 5; (ii) Evidence that a chemical presents other reasons for concern, such as high bio-accumulation in other species, high toxicity or ecotoxicity; or (iii) Monitoring data in biota indicating that the bio-accumulation potential of the chemical is sufficient to justify its consideration within the scope of this Convention;	Annex D evaluation of screening criteria (b) Persistence: (i) Evidence that the half-life of the chemical in water is greater than two months, or that its half-life in soil is greater than six months, or that its half-life in sediment is greater than six months; ~~or~~ and (ii) Evidence that the chemical is otherwise sufficiently persistent to justify its consideration within the scope of this Convention; (c) Bio-accumulation: (i) Evidence that the bio-concentration factor or bio-accumulation factor in aquatic species for the chemical is greater than 5,000 or, in the absence of such data, that the log Kow is greater than 5; (ii) Evidence that a chemical presents other reasons for concern, such as high bio-accumulation in other species, high toxicity or ecotoxicity; ~~or~~and (iii) Monitoring data in biota indicating that the bio-accumulation potential of the chemical is sufficient to justify its consideration within the scope of this Convention;