

Chemicals management - roles and obligations put into practice

Possibilities for national development

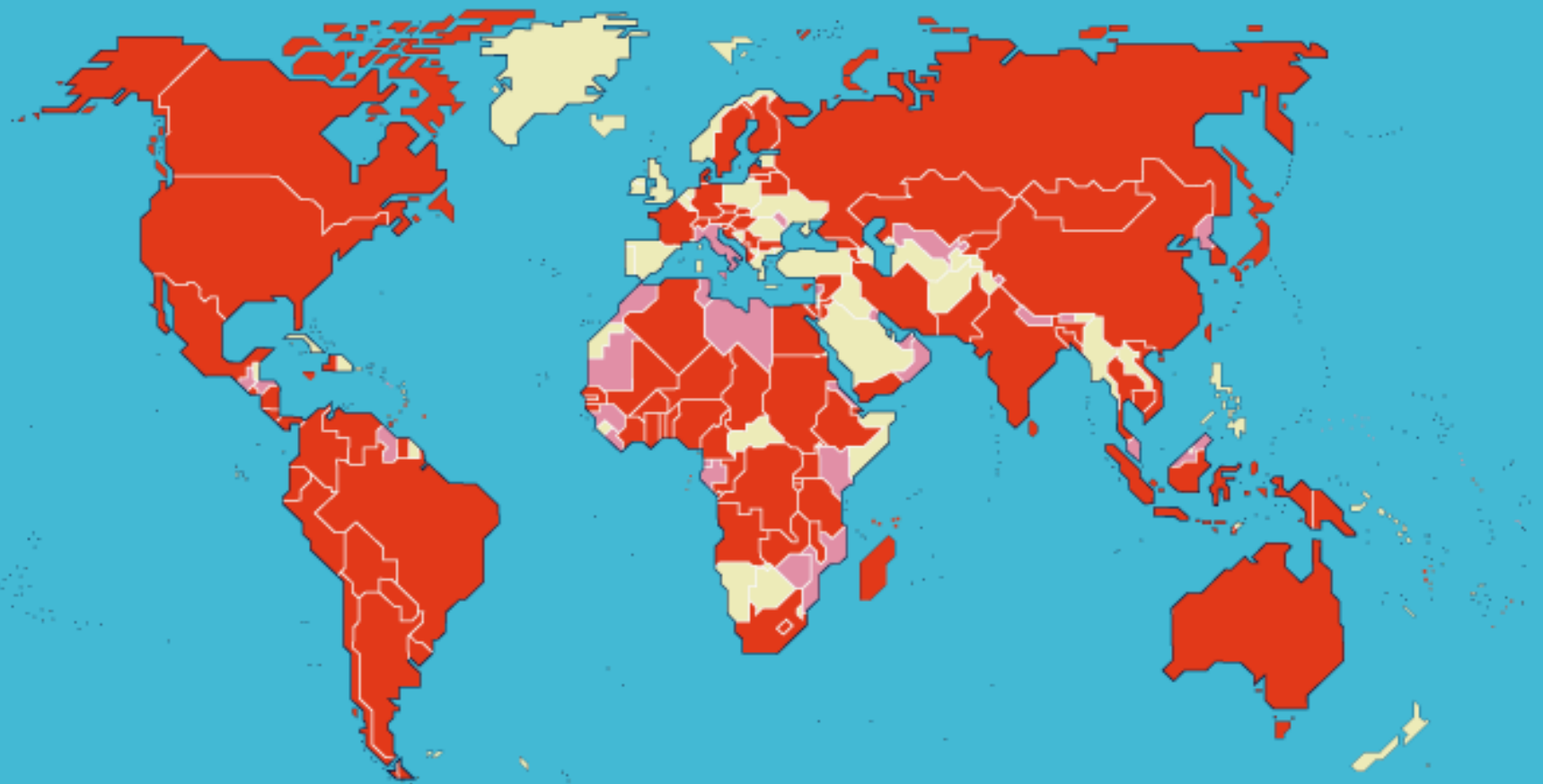
Comments to "Draft national SMC road map"
Ref: UNEP-workshop in Nairobi July 2013

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Points of departure

- What kind of chemicals use and what chemicals manufacture and import do you have ?
- Which are the hazards and risks from chemicals that trouble you the most ?
- What institutional traditions & institutional set-up do you have ?
Is there a fresh National chemicals management profile ?
- Which parties are able and most concerned to drive the process ?
- Have you signed up for SAICM (Global plan of action) ?
- Have you ratified multilateral chemical conventions ?

Global status of national chemical management profiles



- National Profile - Completed
- National Profile - In Preparation

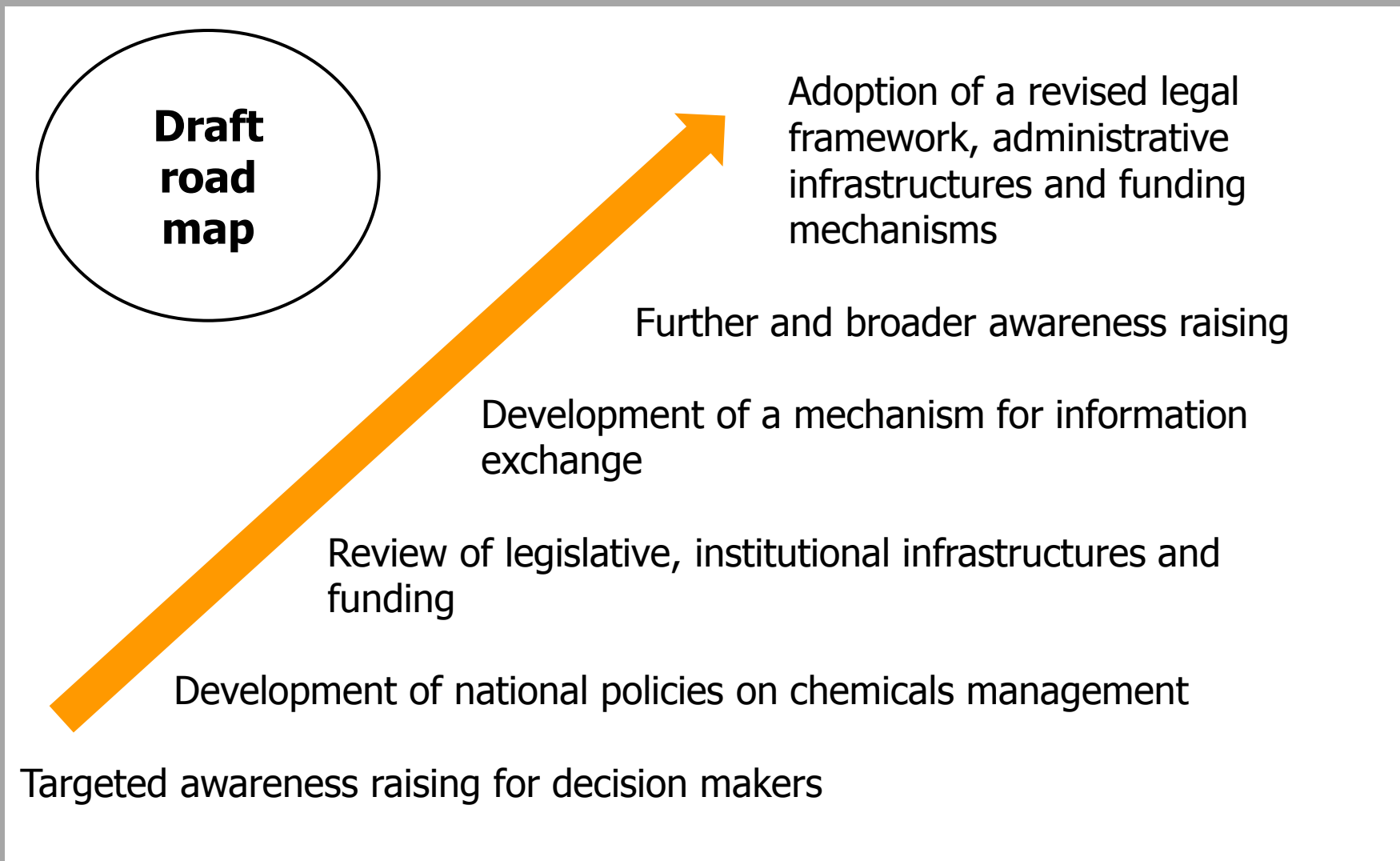
UNEP/WHO/FAO/WHO Collaborative Programme
October 2004

Information on the status of national chemical management profiles is available on the UNEP/WHO/FAO/WHO Collaborative Programme website at http://www.unep.org/cwm/nphomepage/np3_region.aspx.
The information is provided for informational purposes only and does not constitute a recommendation of UNEP/WHO/FAO/WHO Collaborative Programme.

World Bank of Economic and Social Survey
San Francisco, California

http://www2.unitar.org/cwm/nphomepage/np3_region.aspx

Draft roadmap for initial stages of SMC in the African region



Steps 1 and 2 of 6 :
Targeting decision-makers and interested parties
Development of national policies on chemicals management

- Setting up an informal coordination structure to oversee the activities under this step
- Compilation of information about environmental, economical and health impact of chemicals
- Studies on Cost of Inaction (focused on priority sectors)
- Studies addressing development opportunities of SMC (mainstreaming)
- Identification of target groups
- Targeted packaging of information
- Intergovernmental seminar
- Media contacts

www.kemi.se

The importance of clear scopes of legislation

- What does the law in the various areas cover?
- On whom are the law obligations placed?
- Who is given regulatory and supervisory powers?

Horizontal legislation is parallel to other legislation and sector over-powering

Sector: Legislation:	Agriculture	Forestry	Industry	Mining / ETC
Chemicals placed on the market				
Transport of dangerous goods				
Chemical agents at work				
Chemical emissions to Environment				
ETC				

The importance of clear obligations, division of responsibilities (industry – administration), mandates to ministries and division of tasks within administration

Priorities and planning of national action

The use of rationales giving the arguments for SMC , lining out the full context of it, underscoring the vested interests of main actors and parties (Compare “white books” or preambles of legal acts)

Reliable and sustainable funding

Importance of in-built incentives: Users need to know

**Obligations on the
manufacturer and importer to
provide information**

The diagram consists of two light gray ovals with black outlines. The top oval contains the text 'Obligations on the manufacturer and importer to provide information'. The bottom oval contains the text 'Downstream users' increasing needs to manage hazards and risks'. A large orange arrow points upwards from the bottom oval to the top oval, indicating that the increasing needs of downstream users drive the obligations on manufacturers and importers.

**Downstream users' increasing needs to
manage hazards and risks**

Step 3 of 6:

Review of legislative, institutional infrastructures and funding

- Nomination of a lead ministry or agency to initiate and oversee the activities supported by a committee including the relevant ministries and other stakeholders
- Identification of gaps and overlaps in the legal framework
- Identification of gaps and overlaps in the institutional arrangements
- Identifying key priorities and possible solutions
- Cost benefit analysis of suggested solutions and funding opportunities

The national context

Each country does not have to have the full set-up of scientific and technical capacity, competences and other assets, for example tox-labs (being self-supplying; self-reliant)

Rely instead on the great advantages of the internationally based systems (GLP, MAD, GHS)

The idea of the UN and the OECD in this regard is to minimize time-consuming and expensive testing world over, to maximize the trade and reuse of test data and to make classification of hazards from substances known and spread to industry in all countries

Give core bodies / operative central staff / the clear tasks and powers to undertake action

Connect core bodies' tasks to the wider cluster of national expertise. Organise stakeholders' participation and support

Invest in enforcement staffs (inspectors)

Advantages and disadvantages from bridging over to neighbourhood areas

Environment				x		
Environmental health				x		
Seveso directive				x	x	
Chemicals manufacture				x	x	
Occupational safety	x				x	
Occupational health	x				x	
Plant protection		x				x
Consumer protection		x			x	x
Chemicals control	x	x	x	x	x	x
Biotechnical or genetically modified organisms				x		x
Hygiene products and cosmetics		x				
Pharmaceuticals		x				
Food additives		x				
Food hygiene		x				
Core body MS:	GE	IT	PT	GB	SE	

Financing Government Administration

The division of responsibilities made by law gives the basic sharing of costs for SMC between industry and administration
(and also the division of costs within industry and administration)

-----Costs on industry----- -----Administrative costs -----

Obligations on Industry

(Most industry costs for obligations under chemicals legislation on manufacturers and importers?)

Public duties

(Most costs under chemicals legislation on the lead ministry)

Clear allocation of costs, successive reduction of cost increases down the supply chain

Each actor may bear the costs for activities fulfilling her obligations

Industry's chemicals management costs may be covered, well-distributed within production and trade and successively diluted by the price-mechanism

If so, administrative costs could become more predictable and stable

Certain costs for administrative services and costs of inspection may be recovered by fees

UNEP Guidance LIRA

Sustainable financing, boosting SCM through other means
(so called Economic instruments)

For example product standards, safety standards, environmental labelling, environmental management systems

Note that setting up systems of this kind could require legislation and public administrative resources as well

Step 4 of 6 :

Development of a mechanism for information exchange

- Setting up a committee on information exchange
- Needs assessment
- Stakeholder meetings and training

GHS is made to serve in Industry, for Industry and by Industry

National law that places main obligations for chemicals management on industry :

- enhances everyday responsible actions and activities undertaken by industry
- establishes chemicals management in the ranks and files of the enterprises

Consider the set-up of :

- Official helpdesks on classification, labelling and safety data sheets
- National chemicals registries
- Web-sites giving access to national rules, classification lists, sources of hazard information, links to international databases and institutions, for example the OECD portal on chemicals

Step 5 of 6 :

Further and broader awareness raising

- Active engagement of decision makers for the adoption/implementation of proposed revised legal and institutional arrangements and funding mechanisms
- Media campaign

Engage interested parties in the broader sense

Industry, not at least downstream chemicals users

Important target group: Staffs to work with labelling, SDS, safety instructions, emission control programmes, waste disposal issues

Administration, not at least heads of operation and inspectors in closely related areas

Academia and NGOs, national cluster of competence.

Important target group: National experts, to assist administration and/or to assist industry (as consultants or employees)

Last step of the road map

Adoption of a revised legal framework,
administrative infrastructures and funding
mechanisms

Implementing GHS into national legislation ?

4. Make it binding for mixtures

3. Make C&L and SDS binding for substances;
Consider the Classification list

2. Possibly make GHS the national standard?
Consider to include what CLP adds or changes

1. Make Classification, Labelling and SDS
known to industry

Introducing bans and restrictions ?

4. Consider further restrictions of substances of high concern. Use optimal periods of transition before dispositions enter into force

3. . Implement restrictions on the hazardous substances in electric and electronic equipment, restricted in China, the EU, Japan and South Korea

2. Restrict "phasing out substances" (low hanging fruit), such as arsenic, asbestos, benzene etc..., substances on the Rotterdam list - and CMRs in consumer chemicals

1. Implement conventions: POPs, ozone eaters, Hg.

Legislation on biocides and pesticides

Make the law that implements GHS, set the general classification, labelling and SDS demands also for biocides and pesticides

For permit application systems regarding biocides and pesticides, use special law, because:

- The scope is different. These are product authorisation systems
 - Among biocides and pesticides are also biological agents
 - Such systems are heavy to master and require special competences
- Keep close ties between expertise on hazardous substances

And now to the group discussions !