

QUICK VIEWS FOR THE CONFERENCES OF THE PARTIES OF THE STOCKHOLM, BASEL AND ROTTERDAM CONVENTIONS, 2022

The following is a summary statement of IPEN views on issues that the COPs will be called upon to address.

STOCKHOLM CONVENTION

LISTING OF NEW POPS

The POPs Review Committee (POPRC) has determined that perfluorohexanesulfonic acid (PFHxS) is likely, as a result of long-range environmental transport, to lead to significant adverse effects on human health and the environment, such that global action is warranted.

PFHxS should be listed in Annex A for global elimination without any exemption, as recommended by the POPRC. In addition, the COP should recommend avoiding all PFAS substitutes for PFHxS.

- PFHxS has been a regrettable substitute for PFOS and used in consumer products; firefighting foams; metal plating; textiles; leather and upholstery; polishing agents and cleaning/washing agents; coatings; impregnation/proofing; and the manufacturing of electronics and semiconductors.
- Technically feasible, cost-effective alternatives are available for these uses, including fluorinated and nonfluorinated substances, as well as non-chemical alternatives.
- PFAS should be addressed as a class of substances because they share similar toxicological properties and harmful effects and should not be substituted as alternatives. Levels of fluorinated substitutes such as PFNA, PFDA and PFuDA are increasing in pregnant Inuit women in the Arctic, indicating increased use. These regrettable substitutes have negative environmental, human health and socio-economic impacts due to their toxicity, persistency and mobility.
- High costs are estimated for remediation of contaminated sites, such as former and current manufacturing and fire-fighting foam training



sites, airports, landfills for industrial waste and hazardous waste, as well as for the removal of PFAS, including PFHxS, from drinking water and water sources.

RULES OF PROCEDURE FOR THE CONFERENCE OF THE PARTIES

- Parties should support the effective operation of the Convention by removing the brackets in Rule 45.1 to permit voting when all efforts at consensus have been exhausted. This will help avoid deadlocks created by a single or a few Parties.

EXEMPTIONS

- Short-Chain Chlorinated Paraffins (SCCPs): No Party is registered for the specific exemptions for production and use on the [Convention website](#).
- Decabromodiphenyl ether (DecaBDE): Parties have registered for production and uses relat-

ing to four types of specific exemptions, listed on the [Convention website](#). Parties registered for for DecaBDE should send additional information to justify the need for these exemptions to the Secretariat by 31 August 2022, including information on production; uses; efficacy and efficiency of possible control measures; information on availability, suitability and implementation of alternatives; status of control and monitoring capacity; and any national or regional control actions taken.

DDT

- Noting that the global vector control landscape and conditions for decision-making on the use of DDT have [recently changed](#), the DDT Expert Group recommends the COP to take additional steps towards a focused phasing-out of DDT. Since the Convention has not yet effectively reduced and eliminated DDT, IPEN supports strong and effective actions to quickly move to eliminate DDT globally and replace DDT with safe holistic treatment methods.
- [The 18 Parties currently in the DDT Register of acceptable purposes](#) should review their needs regarding the use of DDT and transmit a revised notification. Preferably, they should discontinue their use of DDT, and withdraw from the list by the end of 2022.
- An intersessional process should be established with those Parties that are still listed in the DDT Register as of 1 January 2023, to develop a rapid phase-out plan.
- The COP should decide that no new Parties should be allowed to register for the acceptable purpose of use of DDT from 1 January 2023.
- Non-combustion methods of DDT destruction should be promoted by UNEP and used for remaining stockpiles.

POLYCHLORINATED BIPHENYLS (PCBS)

- Parties have agreed to phase out the use of PCBs by 2025, and the destruction of PCB stockpiles and PCB-contaminated equipment by 2028. None of these targets are on track to be met.
- Currently only 17-20% of PCBs globally have been destroyed, with 13-14 million tonnes still requiring environmentally sound destruction or irreversible transformation.
- The strategy for Parties to meet these goals drafted for COP 11 must therefore be ambitious and include all necessary elements to meet these goals, including a focus on [non-combustion techniques for destruction](#).

BROMINATED DIPHENYL ETHERS (TetraBDE, PentaBDE AND/OR HexaBDE, HeptaBDE)

The evaluation of the progress that Parties have made towards eliminating brominated diphenyl ethers (PBDEs) contained in articles shows that

- Only 65 Parties have reported that they have prohibited and/or taken necessary legal and administrative measures to eliminate releases from intentional production and use of PBDEs
- Inventories of POP-BDEs undertaken in developing countries point to significant stocks of POP-BDEs in articles in use or stockpiled and significant amounts of POP-BDEs in the waste stream
- Unless waste containing POP-BDEs are effectively removed from the recycling stream, increasing recycling rates could result in a continued flow of POP-BDEs into new articles such as [toys and kitchen utensils](#). This toxic recycling has already been shown to [result in harmful exposures to children](#) and other vulnerable populations.

IPEN has a 25-year track record of contributing to the development of global treaties to protect public health and the environment. Our members across more than 125 countries are uniquely positioned to effectively leverage our experience, technical expertise, and scientific integrity to push for a meaningful treaty to end the health threats posed by toxic plastics.

GUIDANCE ON BEST AVAILABLE TECHNIQUES AND BEST ENVIRONMENTAL PRACTICES (BAT BEP)

- To fulfill their purpose to advise Parties on how to minimize the impacts on the environment and human health from listed POPs, more work will be needed to include non-combustion technologies for the destruction of POPs-contaminated wastes instead of the current focus on incineration or cement kiln disposal.

COMPLIANCE

- Article 17 requires the COP to develop a compliance system “as soon as practicable.” COP10 should finalize the agreement and comply now with the requirements of Article 17 by approving procedures and mechanisms for determining and resolving non-compliance problems. Non-compliance with Convention obligations, including non-compliance with reporting requirements, is undermining the ability of the Convention to achieve its objectives.
- Non-compliance mechanisms will help identify the priority needs for technical and financial support and should consider all Convention obligations. A compliance mechanism is a tool to assess the effectiveness of the implementation of the Convention, reveal problems and assist countries in a timely and efficient manner.
- The Basel Convention has a compliance mechanism that provides a useful model for the Stockholm Convention, including a variety of triggers.

IMPLEMENTATION PLANS AND REPORTING PURSUANT TO ARTICLE 15

- The Convention requires Parties to submit and update National Implementation Plans (NIPs), including when new POPs are listed. Still, many Parties have not turned in NIPs for the 9 POPs listed in 2009. For most countries, updates were due 26 August 2012. Even fewer Parties have turned in NIP updates for POPs listed in 2011, 2013, 2015, 2017 and 2019. This must be completed as urgently as possible. This also highlights the urgent need for the COP to adopt a compliance mechanism.
- Parties should strengthen multi-stakeholder consultation in the design and implementation of NIPs to enable an effective, inclusive, and regular public participation process to comply with commitments in Articles 7 and 10. Specific efforts

should be made to make sure women’s groups, groups working with children’s health and non-profit civil society groups are actively involved.

- The guidance on the updating of NIPs should be amended to include instructions on developing inventories and assessments of PCBs and for new POPs listed at COP10.
- Parties need to comply with national reporting as required by Article 15. According to the Convention website, 51% of Parties turned in reports for the 3rd cycle due August 2014 and 41% turned in reports for the 4th cycle due August 2018. The COP should establish a goal of 100% reporting for the 5th report cycle due on 31 August 2022.

FINANCIAL RESOURCES AND MECHANISMS

- The funding necessary for the implementation of the Stockholm Convention for the period 2022–2026 is estimated to \$4.93 billion USD. It is indicated that the [GEF-8 replenishment will include 406 million](#) allocated to the Stockholm Convention for 2022 – 2026 (i.e., not even 10% of the estimated needs).
- The Stockholm Convention has set 2028 as the due date for destruction of all PCBs stockpiles. This is estimated to require \$2.39 billion USD.
- The required funding for destruction of POPs between 2022 – 2026 is likely an underestimation, noting e.g. the uncertainties highlighted in the assessment report around the remaining amounts of PCBs to be destroyed. Also, several new POPs are in the process of becoming listed under the Convention.
- Economic instruments to recover costs from companies that have produced POPs and/or countries in which they are based should be explored to operationalize Rio Principle 16, the polluter pays principle. For many POPs, a relatively small number of companies have externalized [enormous costs onto governments and the public that should be recovered](#).
- The COP should invite the Executive Board of the Special Programme to consider the important role of public interest NGO contributions to Convention implementation and institutional strengthening so as to dedicate some funding for NGO activities in line with Programme objectives.

EFFECTIVENESS EVALUATION AND GLOBAL MONITORING

- Lack of national reporting and NIP updates are serious obstacles to robust effectiveness evaluation.
- Regional monitoring reports indicate that there are still large data gaps and lack of monitoring capacity in many regions.
- There are some reports that show declining trends for several POPs, including PFOS and PFOA (western area of Eastern Europe, lakes of China and Japan) while dioxin and dl-PCBs have declined in breast milk in Japan.
- A clear increase in HCBd has been noted at sampling and background sites in Japan since 2017.
- Western Europe reported limited data for new POPs in breast milk, while PCB levels continued to exceed health levels in human matrices.
- Due to the vast production, use and release of POPs, the health and well-being of Arctic Indigenous

Peoples has been disproportionately harmed. Stringent and swift actions by States are urgently needed to protect the health and well-being, lands and territories of Indigenous Peoples and all peoples globally. Indigenous peoples should have the right to fully participate as members of the expert committees of the Stockholm Convention and provide input on the global monitoring plan and effectiveness evaluation.

The global monitoring programme should include:

- the traditional foods of Indigenous peoples in the Arctic and throughout the world, including fish and marine mammals.
- POPs in key market foods that are important to the diets of people in regions throughout the world.
- POPs in microplastics collected around the world, including in remote areas.

BASEL CONVENTION

ENTRY INTO FORCE OF THE BAN AMENDMENT

- All Parties that have not yet done so should without delay ratify and [implement the Basel Ban amendment](#), preventing export of hazardous waste to non-OECD countries.

GENERAL TECHNICAL GUIDELINES ON THE ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES CONSISTING OF, CONTAINING, OR CONTAMINATED WITH PERSISTENT ORGANIC POLLUTANTS

- POPs-contaminated waste must be managed “... in a manner protective of human health and the environment” according to Stockholm Convention Article 6.
- The Low POPs Content Levels (LPCLs) for each POP listed under the Stockholm Convention decides at which concentration contaminated waste must be destroyed or irreversibly transformed (i.e., considered hazardous waste). A higher level means more contaminated waste will enter into the non-hazardous waste stream, whereas a lower level will require more waste to be treated as hazardous waste.

- The COP [should adopt the following feasible Low POPs Content Levels](#):
 - PCDD/DF + dl PCBs - 1 ppb (1 microgram TEQ/kg)
 - PBDE - 50 mg/kg as a sum
 - HBCD - 100 mg/kg
 - SCCP - 100 mg/kg
 - PFOA – 0.025 mg/kg
 - PFOA and related substances – 10 mg/kg
 - Sum of listed PFAS chemicals 10 mg/kg
- Preference should be given to non-combustion techniques for POPs destruction to avoid undermining treaty objectives through promotion of technologies that create wastes contaminated by unintentionally produced POPs such as incineration and pyrolysis.

DRAFT UPDATED TECHNICAL GUIDELINES ON THE IDENTIFICATION AND ENVIRONMENTALLY SOUND MANAGEMENT OF PLASTIC WASTES AND FOR THEIR DISPOSAL

- While a lot of work has already gone into the guidelines, these are not yet mature enough to be adopted in 2022 but further work should be conducted until the COP in 2023.
- Chemical recycling should be removed as the underlying technology for this technique (gasification and pyrolysis) are not BAT BEP, and the technology is unproven commercially and technically. Also, no scientific references have been included to justify the section. There are also no data on environmental impacts of chemical recycling, [which is significant](#).
- The status of refuse-derived fuels (RDFs) under the Basel Convention and whether the Convention regulates RDF as a waste for transboundary movement or regards it as a product with no regulation requires more work. [Burning plastic waste as fuel should not be regarded as environmentally sound management of plastic waste](#).
- While some information about hazardous chemicals currently regulated in some jurisdictions is already included, more is needed about additional hazardous chemicals used in plastics, as shown by scientific studies, and their impact on the recycling stream, such as phthalates and bisphenols.
- The low percentage of recycled plastics, as well as the true recyclability of the plastics included in the guidelines, should be further elaborated on, rather than the theoretical case.

TECHNICAL GUIDELINES ON THE ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES CONSISTING OF, CONTAINING, OR CONTAMINATED WITH MERCURY OR MERCURY COMPOUNDS

- The threshold for Category C mercury waste is an outstanding issue to be adopted by the Minamata COP.
- The COP should support a 1 mg/kg limit.

TECHNICAL GUIDELINES ON THE ENVIRONMENTALLY SOUND INCINERATION OF HAZARDOUS WASTES AND OTHER WASTES AS COVERED BY DISPOSAL OPERATIONS D10 AND R1

- The guidelines should include [the problems of POPs contamination of ash and other incineration residues](#) and include language that confirms that dioxin emissions have not ‘been solved’ by modern incinerators. This includes language on incinerators operating in Other Than Normal Operating Conditions (OTNOC) such as start-up, shut down, stack bypass etc., when dioxin emissions are much higher than normal but not monitored or regulated.
- Statements promoting incineration or attempting to minimize its impacts should not be included.

REVIEW OF ANNEXES FOR POSSIBLE AMENDMENT PROPOSALS TO ANNEX IV AND TO ENTRIES A1180 AND B1110 IN ANNEXES VIII AND IX TO THE BASEL CONVENTION

- The expert group on the Review of Annexes examined two main issues and their legal implications:
 - Disposal operations listed under Annex IV, mainly updating and improving description of disposal operations
 - Consistency of wording for entries A1180 and B1110 (Waste electrical and electronic assemblies or scrap) in Annexes VIII and IX.
- In addition, proposals were submitted by the EU during the expert group review to also amend Annex I and Annex III, to possibly be adopted by the COP in 2023.
- Further work should be supported to ensure that these amendments lead to stronger protection of human health and the environment.

PROPOSAL BY GHANA AND SWITZERLAND TO AMEND ANNEXES II, VIII AND IX

- The proposal seeks to create a new entry of Y49 on Annex II for Waste Electrical and Electronic Equipment (WEEE) which is non-hazardous. This would mean that all WEEE would have to be subjected to the Prior Informed Consent Procedure (PIC) mandated by the Basel Convention. IPEN supports this proposal which would capture significant volumes of e-waste that otherwise would not be subject to PIC and may end up in non-ESM disposal.

- In addition, the current loophole of exporting electronic equipment “for repair and reuse”, must be closed and all put under the PIC procedure.

PROPOSAL BY THE EUROPEAN UNION TO AMEND ANNEX IV AND CERTAIN ENTRIES IN ANNEXES II AND IX TO THE BASEL CONVENTION

- The EU is proposing to reorganise Annex IV and introduce new headings and terms
- IPEN does not support the proposal in its current form, but it may be acceptable if clearer terms are developed under which the various operations can be listed.

FURTHER CONSIDERATION OF PLASTIC WASTE

- Y48 exempts several types of plastics from the PIC requirements, provided that they are destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes.
- However, these criteria cannot be met by cured resins and condensation products and fluorinated polymers:
 - They cannot, or are very unlikely to, be extracted to the extent that they are “...almost free from contamination and other types of wastes” after use, since they form integral parts of the products, such as plywood, wire insulation and pipe linings.
 - Cured resins and condensation products are thermosets, i.e., they are irreversibly hardened, which means that they cannot be recycled in an environmentally sound manner.
 - Fluoropolymer scrap generated during production can in some cases be recycled. However, this should not be exported, but recycled locally.
- The COP should withdraw the exemptions for cured resins and condensation products and fluorinated polymers, and the corresponding Annex IX listing should be deleted.

NATIONAL REPORTING

- The Secretariat notes that as of 8 February 2021, a total of 110 Parties (59 percent) had reported for the year 2017, 103 Parties (55 percent) had reported for the year 2018, and 85 Parties (46 percent) had reported for the year 2019 through the electronic reporting system.
- IPEN supports ongoing improvements to the online reporting system and the development of inventory guidance.

STRATEGIC FRAMEWORK

- Parties need to fulfill their reporting obligations. There is a lack of reporting from nearly 40% of Parties, which makes it difficult to determine if the goals of the strategic framework are being met, and has made it very difficult to establish trends in Parties’ response to illegal traffic in hazardous waste.
- Only 60% of Parties appear to have legislation that enacts the key elements of the Basel Convention.
- Only 52% of the Parties indicated in 2017 that they have developed and implemented national strategies, plans or programmes for reducing the generation and hazardous potential of hazardous and other wastes, despite estimates that hazardous waste generation increased by 50% between 2007 and 2015.
- Still, the data currently available under the Convention is sufficient to conclude that target 12.4 under SDG 12 (the environmentally sound management of all wastes throughout their life cycle by 2020) has not been achieved with respect to waste covered by the Basel Convention. Overall, the review provides a picture of poor reporting, inadequate legislative implementation and inventory development that makes it very difficult to determine if the goals of the strategic framework are being met.

ROTTERDAM CONVENTION

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. This will help to avoid deadlocks created by a single or a few Parties.

LISTING OF CHEMICALS IN ANNEX III TO THE CONVENTION

Parties should support the proposed listings of the following chemicals in Annex III of the Convention:

- Acetochlor
- Carbosulfan
- Chrysotile asbestos
- Decabromodiphenyl ether
- Fenthion (ultra-low-volume (ULV) formulations at or above 640 g active ingredient/L)
- Liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L
- Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds.

JOINT ITEMS FOR ALL THREE CONVENTIONS

COOPERATION AND COORDINATION

- It is vital for the BRS Convention Parties and Secretariat to be engaged in the INC process for the Plastic Treaty, noting the many POPs and other hazardous chemicals used in plastics.

MAINSTREAMING GENDER

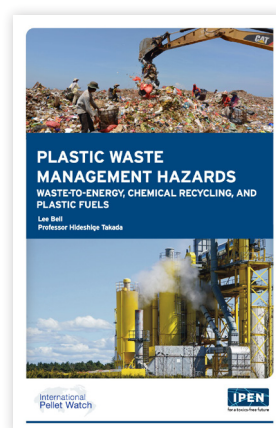
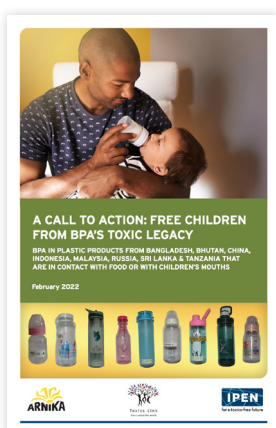
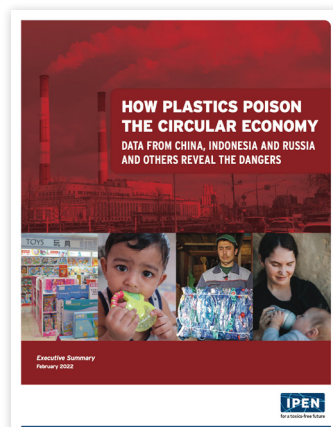
- Continued efforts should be supported to increase gender equality, equal participation, and considerations of women as an especially impacted group in relation to chemicals and waste.

SYNERGIES IN PREVENTING AND COMBATING ILLEGAL TRAFFIC AND TRADE IN HAZARDOUS CHEMICALS AND WASTES

- Parties to the Rotterdam and Stockholm Conventions should provide information about cases of trade occurring in contravention of those conventions, to be made available on the website of the Conventions.
- Parties to the Basel Convention must fulfil their legal obligations to not export or import wastes considered illegal under the Convention. All such shipments must be reported by Parties.

TECHNICAL ASSISTANCE

- Considering the large remaining stockpiles of PCBs, DDT and other POPs, Regional Centres should conduct trainings on non-combustion methods of destruction that meet Convention requirements as a high priority.
- Regional centres should increase the involvement of public interest NGOs and civil society in their work through direct participation in the design and implementation of projects. This criterion should be included in their evaluations and reporting.
- Training on national reporting and collection of inventory data is critical to Convention implementation.



Visit us online for IPEN's research and projects that reveal hazardous substances in all stages in the life-cycle of plastics. New data available from Africa, Asia, Central Eastern Europe and Latin America

<https://ipen.org/policy/toward-a-plastics-treaty>

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