

# IPEN QUICK VIEWS ON SAICM IP4.2

In September 2023, the Fifth International Conference on Chemicals Management (ICCM5) will convene in Bonn to agree on the Beyond 2020 instrument for a new Strategic Approach to International Chemicals Management (SAICM). As the goal to minimize adverse effects of chemicals and waste throughout their life cycle was not achieved by 2020, the new instrument should foresee more ambitious and timely action to minimize the adverse impacts of exposure to toxic chemicals and waste, building on lessons learned from the independent evaluation of SAICM and subsequent recommendations.

SAICM is the only international agreement that addresses the full range of known and newly discovered health and environmental concerns associated with the production and use of chemicals. Among the Multilateral Environmental Agreements (MEAs) that relate to chemicals and waste it has the broadest scope to address the full spectrum of challenges but is supported by scarce and inadequate funding.

## BACKGROUND DOCUMENTS

The IP4 meeting took place 29 August to 2 September 2022 in Bucharest, Romania. The starting point for the resumed negotiations was the outcome document from the Third Meeting of the Intersessional Process in 2019, and the main outcome last fall was a “Co-Chairs Single Consolidated Text.” Some other background relevant to the negotiations are:

- [Annotated Provisional Agenda for IP4.2](#)
- [Global Chemicals Outlook II: From Legacies to Innovative Solutions](#)
- [Earth Negotiations Bulletin Summary report of IP4](#)
- [IPEN's Quick Views on IP4](#)
- [An Assessment Report on Issues of Concern](#)
- [IP4 working documents and information documents](#)
- [UNEA Resolution 5/7 on the Sound management of chemicals and waste](#)
- [Independent Evaluation of the Strategic Approach to International Chemicals Management \(Executive Summary\)](#)

## POSITIVE DEVELOPMENTS IN IP4 AND NECESSARY FOLLOW-UP AT IP4.2

- Meeting face-to-face and negotiating the new text helped increase ownership and momentum for the process after the pandemic.
- Robust participation of civil society organizations significantly improved the meeting's outcome and legitimacy.
- Significant steps forward were made on IP4 on targets including those aiming at a Code of Conduct for industrial chemicals, the elimination of highly hazardous pesticides in agriculture, information on chemicals throughout their life cycle, and internalization of costs.
- Principles, including the recognition of the right to a healthy environment, were included at IP4 with the support of several stakeholders.
- Several text proposals that highlight the need for generating funding and operationalizing the industry participation pillar of the integrated approach to the financing of the chemical and waste cluster were discussed in detail by all stakeholders and included at IP4 in the text.

## ENABLING FRAMEWORK

Among other goals, the goal of achieving the sound management of chemicals and waste by 2020 was not achieved, due to a lack of commitment by all governments and stakeholders, and also due to a severe lack of sustainable, predictable and accessible funding. Going forward, the Beyond 2020 instrument will need the support of an improved long-term enabling framework as for the sound management of chemicals and waste, in line with Environment Assembly (UNEA) resolutions 1/5 on chemicals and waste, 2/7 on sound management of chemicals and waste, and 3/4 on environment and health. Additionally, the instrument should align with the recent UNEA resolutions 4/8 and 5/7 on the sound management of chemicals and waste reflecting a life cycle approach and the need to achieve sustainable consumption and production.

## IPEN'S RECOMMENDATIONS FOR CO-CHAIR TEXT IMPROVEMENTS

At IP4 in Bucharest, the resumed negotiations led to a “Co-Chairs Single Consolidated Text.” Although progress has been made, a number of substantial gaps exist that should be addressed, including:

### A STATEMENT OF NEEDS THAT EXPLAINS WHY ADDRESSING CHEMICALS IS IMPORTANT

An introductory text should explain why it is urgent to have a new SAICM instrument. In particular a statement of needs should highlight:

- That scientific studies have demonstrated how we have crossed the planetary boundaries for the production of chemicals and plastics (novel entities), and SAICM should be an important instrument to reverse this trend.
- How exposures to hazardous chemicals, such as endocrine disrupting chemicals which are severely threatening humans' ability to reproduce, already pose significant, measurable harms to human health.
- That the production of chemicals is predicted to double by 2040 and we urgently need to curb the production of hazardous chemicals and transition toward fossil fuel free feedstocks.
- That environmental degradation and pollution, as well as unsound management of chemicals and waste has negative implications, both direct and indirect, for the effective enjoyment of all human rights, including the right to life, right to health, right to food, right to water and sanitation, right to equality and non-discrimination, and right to housing. Failure to take effective measures to limit the harmful effects of exposure to hazardous substances on human health and well-being represents a breach of State legal obligations to respect, protect, and fulfill all human rights, including the right to a healthy environment, as recognised by UN General Assembly resolution 76/300 of July 2022. This resolution was adopted with the unparalleled support of 161 countries with no votes against its recognition.

### A COMPREHENSIVE SCOPE AND RECOGNITION OF GUIDING PRINCIPLES

There is still a lack of agreement on the scope and on the basic principles of the instrument. The text should:

- Define the scope of the instrument to include the environmentally sound management of chemicals and all wastes throughout their life cycle (all wastes), in line with SDG 12.4. which calls for achieving “the environmentally sound management of chemicals and **all wastes** throughout their life cycle.” [emphasis added]
- Be driven by clear principles: the precautionary principle, the substitution principle, the prevention principle, the integration principle, and the polluter-pays principle.
- Be driven by a commitment to contribute to the realization of the Human Right to a Clean, Healthy, and Sustainable Environment, as recognized by resolution A/76/L.75 of the United Nations General Assembly (UNGA), and by protecting the right to access to information about chemicals and their use.

## AN AMBITIOUS VISION AND SPECIFIC STRATEGIC OBJECTIVES AND TARGETS

At IP4, the negotiations focused on targets, without finalizing or agreeing on an ambitious vision or on clear strategic objectives that should guide the formulation of targets and indicators. At IP4.2, stakeholders should agree on **an ambitious, timeless vision to achieve a toxics-free planet**. Additionally, the strategic objectives should clearly identify the challenge ahead and inform the setting of the targets and indicators rather than the contrary. Each target should be outcome-oriented and focused on harm minimization rather than being process-oriented. Also, targets should be measurable through indicators and milestones. For example, one target and indicator could be “Elimination of highly hazardous pesticides in 30 countries by 2025.”

## INCORPORATE EXISTING EMERGING POLICY ISSUES AND OTHER ISSUES OF CONCERN IN THE NEW INSTRUMENT

Under the thematic group on institutional arrangements, stakeholders made progress on how to identify and address future issues of concern. However, the new framework needs to expressly include the current Emerging Policy Issues (EPIs) and other issues of concern that were already agreed on by more than 100 governments under previous ICCMs. SAICM will be closed with the coming into force of the new instrument and to date the existing emerging issues have not been adequately addressed. Thus, without expressly incorporating them in the new agreement, the work on these issues would stop and all previous work would be lost. Under the future instrument these issues should be addressed immediately through plans of action to reduce or eliminate the risks associated with them as urged by [UNEA resolution 5/7](#) adopted on 2 March 2022. To promptly strengthen action on these issues, the new instrument should identify the path forward on existing SAICM EPIs action and develop and approve workplans for each issue through an omnibus resolution at ICCM5. As one example, in this respect, IPEN encourages all stakeholders to support the creation of A Global Alliance on Highly Hazardous Pesticides as proposed by the Africa Region in document [SAICM/IP.4/INF/38](#).

Additionally, within the implementing activities it is necessary for stakeholders to conduct stocktaking and planning (including resources) to achieve the original targets. If the original targets for issues of concern have not been achieved, specific targets and indicators need to be established (for example, “The elimination of lead in paint must be achieved in (a specific number) of countries by 2025.”)

## AGREE ON THE CREATION OF A GLOBAL FUND ON CHEMICALS AND WASTE TO FULLY IMPLEMENT THE INTEGRATED APPROACH TO FINANCING IN THE BEYOND 2020 INSTRUMENT

At the first session of IP4, the thematic group focussing on finances covered the need to make new financial resources available to support the implementation of the Beyond 2020 instrument. The Africa Region, and [IPEN/CIEL](#), called for a globally coordinated fee on basic chemicals (i.e., chemical feedstocks). The proceeds from such fee should go into a newly created International Fund for the sound management of chemicals that should be accessible to all stakeholders and not be time-limited.

However, an agreement on the existence and the replenishment of this kind of dedicated external funding mechanism is far from being reached. The resumed session of IP4 should agree to create a new global fund to address chemicals management, as is currently the case for other MEAs on biodiversity and climate. The fund should be accessible by all stakeholders and should include significant funding from the chemical industry and other sectors that are downstream users of chemicals (e.g., through extended producer responsibility frameworks).

Within the context of ensuring appropriate means of implementation for the Beyond 2020 instrument, countries should consider reforming the Special program under UNEA, so that it is no longer time-limited, is less

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restrictive in scope, and can be accessed more broadly, that is, not only by governments. A funding mechanism with similar access as under the Quick Start program would be more appropriate with its track record of success.

## STRENGTHEN THE MULTI-SECTORAL NATURE OF THE AGREEMENT

The Beyond 2020 draft text stresses the need for a multi-sectoral approach and states that representatives of the labor, health, agriculture, and other sectors relevant to chemicals should be involved. However, the text still needs mechanisms that will effectively mainstream the instrument into other sectors beyond the environmental ministries and traditional stakeholders from Multilateral Environmental Agreements. These mechanisms should aim to ensure that populations most vulnerable to the impacts of hazardous chemicals, including youth, women, and Indigenous groups, can fully participate in the implementation of the instrument. Such participation needs to be duly supported by adequate funding for civil society organizations to ensure a meaningful engagement in the implementation of the instrument at the national and international levels.

Additionally, following a proposal from an [IOMC \(FAO, ILO, UNDP, UNEP, UNIDO, UNITAR, WHO, the World Bank and the OECD\) paper](#) at IP4 a target was proposed and included in the consolidated document:

*“Target D6 - By 20xx, sustainable chemical and waste management strategies have been developed and implemented for xy major economic sectors with intense chemical use, which identify priority chemicals of concern, standards and measures to reduce chemical input and footprint along the value chains (e.g. textile, electronic, building, agriculture etc.).”*

Following this development, the IOMC organised a workshop to explore guiding considerations and principles to support effective global action in chemical intensive economic sectors and value chains under the new “Beyond 2020” framework. The IOMC proposed the creation of an Industry Sectors Dialogue to develop action under these sectors (action would include creating priority lists, sectoral standards, and specific indicators).

IPEN believes that it is important to involve downstream users of chemicals in the efforts to achieve the sound management of chemicals. However, these efforts must have clear objectives based on identified concerns. Therefore, strategies to involve sectors that are intense users of chemicals of concern should be identified and addressed under the mechanism of issues of concern, and a comprehensive workplan that includes developing targets, indicators, and milestones. Existing emerging policy issues and issues of concern already identified each have a sectoral focus (electronics, pharmaceuticals, agriculture) and other issues could be identified with a sectoral framing (e.g., textiles, building materials, cosmetics).

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