An NGO Guide to SAICM

The Strategic Approach to International Chemicals Management

A Framework for Action
To Protect Human Health and the Environment
From Toxic Chemicals

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List of Acronyms

BAN	Basel Action Network
BAT	Best Available Techniques
BEP	Best Environmental Practices
CSO	Civil Society Organization
EU	European Union
FAO	United Nations Food Agriculture Organization
GAIA	Global Alliance for Incinerator Alternatives
GEF	Global Environment Facility
GHS	Globally Harmonized System of Classification and Labeling of Chemicals
GPA	Global Plan of Action
HCWH	Heath Care Without Harm
ICCM	International Conference on Chemicals Management
IFCS	Intergovernmental Forum on Chemical Safety
ILO	International Labor Organization
IOMC	Inter-Organizational Program for the Sound Management of Chemicals
IPEN	International POPs Elimination Network
ISDE	International Society of Doctors for the Environment
MDG	Millenium Development Goals
NGO	Nongovernmental Organization
OECD	Organization for Economic Co-operation and Development
PAN	Pesticide Action Network
PBT	Persistent Bioaccumulative and Toxic Substance
PCB	Polychlorinated Biphenyls
POP	Persistent Organic Pollutant
PRTR	Pollutant Release and Transfer Registers
REACH	Registration Evaluation Authorization and Restriction of Chemicals
SAICM	Strategic Approach to International Chemicals Management
UNEP	United Nations Environment Program
UNIDO	United Nations Industrial Development Organization
UNDP	United Nations Development Program
UNITAR	United Nations Institute for Training and Research
WECF	Women in Europe for a Common Future
WFPHA	World Federation of Public Health Associations
WHO	World Health Organization
WSSD	World Summit on Sustainable Development

Contents

1. Forward

This booklet is an introduction to the Strategic Approach to International Chemicals Management (SAICM), a global policy and strategy that was adopted by governments and stakeholders to protect human health and ecosystems from the harms caused by exposure to toxic chemical substances. Our intended audience is organizations of civil society for whom chemical safety is—or should be—a topic of concern. These include public health and environmental advocacy organizations; organizations of medical and healthcare professionals; organizations representing communities or constituencies potentially impacted by toxic chemical exposure; trade unions; and others.

The booklet is the first in a series being produced to help raise awareness in all parts of the world about toxic chemical exposure as a serious global, national and local concern. It is part of a global campaign to build support within civil society in all countries of the world for action to reform how chemicals are produced, used and managed in order to minimize and eliminate the harms currently caused by toxic chemical exposure.

The booklet begins with an introductory section. It then goes on to provide some background that will help put SAICM into its historical context. Next, it describes, in some detail, what SAICM actually is. Finally, it presents ways that NGOs and civil society can make use of SAICM. The booklet concludes with a call to action including the text of a Global Civil Society Statement on SAICM—a statement that NGOs and other organizations in all countries are invited to review and to endorse.

Six international NGO networks are collaborating in the global campaign of which this booklet is a part. They are: Health Care Without Harm (HCWH);[1] the International POPs Elimination Network (IPEN);[2] the International Society of Doctors for the Environment (ISDE);[3] the Pesticide Action Network (PAN);[4] Women in Europe for a Common Future (WECF);[5] and the World Federation of Public Health Associations (WFPHA).[6]

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[1] HCWH: http://www.noharm.org/
[2] IPEN: http://www.ipen.org/
[3] ISDE: www.isde.org/
[4] PAN: http://www.pan-international.org/
[5] WECF: www.wecf.eu
[6] WFPHA: http://www.wfpha.org/

2. Introduction to the Strategic Approach to International Chemicals Management

In 2006, governments and stakeholders adopted a new global policy and strategy called the *Strategic Approach to International Chemicals Management* (SAICM).[7] The objective of the Strategic Approach is to change how chemicals are produced and used in order to minimize harmful effects on human health and the environment.

SAICM was adopted by a consensus of Environment Ministers, Health Ministers and other delegates from more than one hundred governments participating in the first International Conference on Chemicals Management (ICCM-1), held in Dubai, February 2006. The Conference was organized by the United Nations Environment Program (UNEP) with active support from the World Health Organization (WHO) and other international agencies with chemicals-related programs.[8]

Public health and environmental advocacy nongovernmental organizations (NGOs) from all regions also participated in the ICCM and in the preparatory meetings leading up to it. Representatives of international trade union federations participated, as did trade associations representing chemical and pesticide manufacturing industries and metals and mining industries. In the end, all Conference participants joined with the representatives of governments and international agencies in approving SAICM by consensus. SAICM is not a legally binding treaty. It does, however, constitute a global political commitment on the part of governments and others[9] that recognizes the health and environmental harms caused by chemical exposure and that pledges effective action to reform how chemicals are produced and used in order to minimize those harms.

A Commitment to Achieving Chemical Safety

In adopting SAICM, governments and other participants in the ICCM agreed that improved measures are needed to prevent harmful effects of chemicals on the health of children, pregnant women, fertile populations, the elderly, the poor, workers and other vulnerable groups and susceptible environments. They noted that some progress has been made in chemicals management, but declared that progress has not been sufficient globally, and that the environment worldwide continues to suffer from air, water and land contamination that impairs the health and welfare of millions.

Participants in the ICCM agreed that the overall objective of SAICM is to "achieve the sound management of chemicals throughout their life-cycle so that, by 2020, chemicals

[7] The text of the SAICM core documents and the full meeting report is available in the six United Nations Languages at: http://www.chem.unep.ch/saicm/SAICM%20texts/SAICM%20documents.htm

[8] These included besides UNEP and WHO: the International Labor Organizations (ILO); the U.N. Food and Agriculture Organization (FAO); the United Nations Development Program (UNDP); the United Nations Industrial Development Organization (UNIDO); the United Nations Institute for Training and Research (UNITAR); the World Bank; the Organization for Economic Co-operation and Development (OECD) and others.

[9] Because the representatives of intergovernmental organizations participating in the ICCM had no authorization to approve the SAICM on behalf of their institutions, following the ICCM, they took its decisions to their governing bodies for consideration and to authorize institutional support for SAICM implementation.

are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment." They declared their firm commitment to the Strategic Approach and its implementation and pledged to work with civil society and others in a spirit of solidarity and partnership to achieve chemical safety and thereby to assist in fighting poverty, protecting vulnerable groups, and advancing public health and human security.

The ICCM agreed that the need for action is heightened by a wide range of chemical safety concerns, including: a lack of capacity for managing chemicals in developing countries and countries with economies in transition; dependency on pesticides in agriculture; exposure of workers to harmful chemicals; and concerns about long-term health effects. It recognized that global production, trade and use of chemicals are rapidly increasing, and it agreed that this places a particular burden on developing countries and countries with economies in transition. It also agreed that the sound management of chemicals is essential to countries at all levels of development and that fundamental changes in the way that societies manage chemicals are urgently needed.

SAICM is a Useful Tool

NGOs and other civil society organizations in all regions have been actively campaigning in support of chemical safety for many years. In large part, the decision by governments and others to negotiate and adopt SAICM can be seen as a response to pressures and demands from global civil society. It is well known, of course, that lofty statements and agreements adopted at intergovernmental meetings do not, by themselves, solve the world's problems. Nonetheless, SAICM is potentially very useful as a tool that civil society in all countries can utilize in their efforts to advance chemical safety objectives.

3. Background to SAICM: A brief history of toxic chemicals and efforts to control them

The manufacture and distribution of synthetic chemicals did not emerge as a major industrial sector until the years following World War II. Then, in the 1950s, the use of chemical pesticides and fertilizers grew rapidly and soon became the dominant agricultural practice, first in highly industrial countries and then later, in much of the rest of the world. At the same time, manufacturing industries also began to use large and growing quantities of synthetic chemicals in the production of consumer and industrial goods.

SAICM comes more than half a century after the rise of the chemical industry. By adopting SAICM, world society has formally recognized that injury to human health and the environment caused by exposure to toxic chemicals is a serious global problem, one whose solution requires urgent action and a holistic global approach. To put SAICM into perspective, it is useful to briefly review some of the history of efforts to promote chemical safety and governmental responses.

DDT and Silent Spring

By the 1960s, environmental harms associated with the rise of the synthetic chemical industry started to become visible. The 1962 book *Silent Spring*, by Rachel Carson, reported on the widespread uses of DDT and other chemical pesticides, and it documented how this had destroyed bird populations and disrupted ecosystems. While Carson's book was devoted mostly to the effects of pesticides on natural ecosystems, it included information and arguments showing that pesticides also poison people and contribute to cancers and other human illnesses. As she was finishing her book, Rachel Carson learned that she, herself, had breast cancer. Carson died in 1964.

Chemical companies first attempted to prevent the publication of *Silent Spring* by threatening Carson's publisher with lawsuits. When this failed, they attacked and attempted to defame not just the book but also its author. However, Rachel Carson's message took root and it became one of the early inspirations that launched the modern environmental movement. Civil society in many countries began pressing for new laws and regulations, as well as for changes in the ways chemicals are produced and used. The civil society movement Rachel Carson helped launch has continued to grow, strengthen and spread ever since. It is now truly global.

PCBs

Following Carson, Dr. Soren Jensen, a Swedish researcher, was trying to study DDT levels in human blood. He found, however, that a mysterious group of chemicals in his samples were interfering with his analyses. After further research, he discovered in 1964 that these chemicals were polychlorinated biphenyls (PCBs), a family of industrial chemicals that were widely used in electrical transmission systems and for other applications.

As Jenson continued to look, he found PCBs everywhere: both in wildlife and in human samples. To Jenson's dismay, of all the samples he studied, the highest concentrations of PCBs he found were in the blood of his nursing infant daughter.

Mercury and Lead

Toxic metals such as mercury and lead were in widespread use much earlier than were synthetic chemicals. In the 1950s, Minamata disease was discovered in fishing villages along the shore of Minamata Bay, Japan. Patients complained of a loss of sensation and numbness in their hands and feet; could not run or walk without stumbling; and had difficulties seeing, hearing and swallowing. A high proportion died. In 1959, the cause of the disease was determined to be high concentrations of mercury in fish, shellfish and sludge in the bay. The source was a factory using a mercury catalyst in the production of acetaldehyde. Civil society fought for a decade before the mercury-polluting process was stopped; the Japanese government only formally recognized Minamata disease in 1968. As of 2001, 2,265 victims had been officially certified, and more than 10,000 people had have received financial compensation.

Lead poisoning also has a long history. As early as the 1920s, public health experts raised concerns about health effects on children and workers caused by lead in interior house paints and in gasoline additives. The 1921 Third International Labor Conference of the League of Nations recommended that lead paints for interior use should be banned, and gave countries six years to comply. By 1940, twenty-four governments had formally agreed. However, in most countries, the lead industry and its trade associations successfully defended its products and expanded their use. Lead-containing paints and later gasoline with lead additives continued in widespread for many more years.

Then, in the 1970s, new medical information about lead exposure emerged. Before that time, almost all the data on the health impacts of lead were based on high-dose exposures and the clinical symptoms they cause. Herbert Needleman, an American professor of child psychiatry and pediatrics, showed that low dose lead exposure in children is also a very serious problem. It decreases a child's intelligence, shortens a child's attention span, and delays a child's acquisition of language proficiency.

The First Generation of Chemical Control Regulations

Research findings by Rachel Carson, Soren Jensen, Herbert Needleman and many others led to increased scientific and public understanding about the harms to human health and ecosystems caused by exposure to toxic chemicals. This translated into public pressure on governments in many countries to regulate and control pesticides, toxic chemicals and other forms of toxic pollution. In response to these and other concerns, environmental law emerged as a distinct system. Many countries, for the first time, established environment ministries and environment protection agencies. In 1972, the United Nations convened the first major international Conference on the Environment in Stockholm Sweden and established its own environment program (UNEP).

Most highly industrial countries adopted laws and regulations to phase-out and ban the continued production and use of DDT and PCBs. Most also banned lead-containing

interior paints and began to phase out lead additives in gasoline. More generally, many countries began to regulate and control the use of pesticides and passed laws to control toxic substances, water pollution, air pollution and waste management practices. In most cases, developing countries were slower to act.

The first generation of environmental laws and controls were often inadequate, and their enforcement was frequently poor or inconsistent. Regulated enterprises were often able to exercise economic and political power to avoid compliance. For these and other reasons, organizations of civil society were often disappointed by the failures of the new laws and the agencies tasked with their enforcement. In the 1980s, community-based organizations mobilized in many countries to protest against pollution from local facilities. Trade unions and other organizations representing workers, farmers, peasants or other constituents continued pressing for workplace protection. Environmental advocacy organizations were taking root in many countries and growing. Many of them, at that time, identified toxic pollution as an important priority and pressed for both better laws and better enforcement.

Concerns Grow

In 1984, in Bhopal, India, a chemical plant owned by the Union Carbide company leaked 40 tons of the toxic gas methyl isocyanate causing an immediate 3,000 human deaths and a longer-term casualty figure estimated at 20,000 or more.[10] Although this was the most deadly and most highly visible of all chemical industry disasters, there were many others: at Seveso in Italy; at Love Canal in the United States; and more.

Community-based mobilizations on chemical safety issues were common, and by the mid-1980s, some of these consolidated into regional ecosystem campaigns, especially around the Great Lakes of North America, the North Sea, the Baltic Sea, the Mediterranean Sea and the Arctic Region. Environmental health research was expanding and scientists studying these ecosystems discovered that manmade toxic substances were causing serious disruptions.

Populations of fish, birds and other wildlife in these ecosystems were declining due to decreases in fertility, compromised immune systems, behavioral impairments, cancers, tumors and other disabilities. Some of the toxic pollutants causing these disruptions had entered the water bodies directly from discharge pipes or indirectly by run-off from farmers' fields and city streets. However, it came as a surprise when researchers learned that most of the toxic pollutants of concern in these large water bodies entered as fallout from the air: some from nearby sources; some from far distant sources.

Further research showed that human residents of these ecosystems suffered similar health impairments, especially those whose diet depends on local fish and wildlife. Studies showed that mothers eating fish from the Great Lakes of North America passed chemical

[10] A quarter century later, the Bhopal site has not yet been fully cleaned up nor have the victims been properly treated or compensated. For more information, see the website of the International Campaign for Justice in Bhopal at: http://www.bhopal.net/

pollutants on to their children, and this resulted in deficits in intelligence, learning disabilities and behavioral disorders. Follow-up research reinforced these conclusions and also found many other links between chemical pollution and numerous human health deficits and diseases.

Toxic Chemicals in Products

Nor were the growing concerns limited to chemical accidents, industrial pollution, toxic pesticides and widespread environmental chemical contamination. Concerns also grew about chemical exposures that result from the presence of toxic substances in consumer products. It has long been known that lead and mercury in consumer products can harm human health and especially children. More recently, scientists and civil society activists have also raised alarms about a number of synthetic organic chemicals that are present in consumer products.

Much civil society concern and activism has focused on harms to human health caused by a class of chemicals called phthalates that are used widely as plasticizers in products made from vinyl plastic and as an ingredient in many cosmetics.[11] Attention has also been given to brominated chemicals that are used as flame retardants in upholstery and in plastic products.[12] Bisphenol A, a chemical used in making polycarbonate plastics has been another subject of civil society attention.[13] Chemical industry lobbyists have vigorously defended these and the other problematic chemicals they manufacture. Nonetheless, civil society-based campaigns have succeeded in securing some governmental regulations and restrictions on these chemicals in some countries. These campaigns continue, however, because even the regulations and restrictions secured have generally been insufficient to fully address the problem.

The Basel Convention

It was only in the 1990s that chemical safety began to emerge as more than a purely national or local concern. As a consequence of national regulations to control wastes, the cost to dispose of hazardous wastes in a regulated facility rose dramatically in many highly industrial countries. This gave enterprises an incentive to minimize the amount of hazardous waste they produced, and it led to highly significant reductions in the total amount of hazardous wastes generated. However, there were some operators who attempted to continue dumping these wastes in violation of the law. Then, when the authorities cracked down on these illegal operations, some enterprises began searching for other cheap disposal options. They found unscrupulous waste dealers willing to receive hazardous wastes and export them from highly industrial countries to developing countries and to Eastern Europe, often then dumping the waste in or near unsuspecting communities.

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[11] For more information about phthalates, see: http://www.chemicalbodyburden.org/cs_phthalate.htm or http://www.ourstolenfuture.org/NEWSCIENCE/oncompounds/phthalates/phthalates.htm

[12] For more information on Brominated Flame Retardants see: http://www.noharm.org/details.cfm?type=document&id=1095 or http://www.ehponline.org/members/2003/6559/6559.html

[13] For more information on Bisphenol A see: http://www.bisphenolafree.org/ or http://www.ourstolenfuture.org/NewScience/oncompounds/bisphenola/bpauses.htm

NGOs and community groups based in both the exporting countries and the receiving countries protested this unjust practice. They campaigned for and secured a global, legally binding treaty to control the movement of hazardous wastes across international frontiers. This led to the adoption of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,[14] which entered into force in 1992.

Rio Earth Summit and IFCS

The 1992 Rio Earth Summit took up the issue of toxic chemicals in the program of action that it adopted, *Agenda 21*. Chapter 19 of *Agenda 21* is titled *Environmentally Sound Management of Toxic Chemicals*.[15] This states that chemical contamination can be a source of "grave damage to human health, genetic structures and reproductive outcomes, and the environment." Chapter 19 specifically addressed the special needs of developing countries and the problems they face, and it recognized that many countries lack national systems to cope with chemical risks, and that most countries lack scientific means of collecting evidence of misuse and of judging the impact of toxic chemicals on the environment.

Chapter 19 also called upon the governing bodies of the World Health Organization (WHO) and the International Labor Organization (ILO) to join UNEP in convening a global forum to promote chemical safety which led, in 1994, to the establishment of the Intergovernmental Forum on Chemical Safety (IFCS). The Forum was given a small budget and virtually no authority. Nonetheless, it proved unexpectedly successful, and it was especially useful to many officials from developing country Environment or Health Ministries with responsibility for overseeing national chemicals management programs.

A pioneering accomplishment of the IFCS was to win international understanding and support for allowing and encouraging full multi-sectoral and multi-stakeholder engagement in international policy-setting processes that address chemical safety issues. The Forum established the important precedent that when policies relating to chemical safety are being formulated, representatives of health and environmental NGOs should receive full participation rights alongside representatives of governments and industry associations. In 1996, IFCS adopted a recommendation to the UNEP Governing Council proposing a framework for the establishment of a global treaty to protect public health and the environment from persistent organic pollutants (POPs).

Stockholm and Rotterdam Conventions

POPs are a family of toxic chemicals that buildup in the environment; that accumulate in fish, wildlife and farm animals; that disrupt ecosystems; and that cause a wide range of health problems. Because POPs can travel long distances on air and water currents, no government, acting alone, can protect its people and its ecosystems from them. This justified the establishment of a global treaty as the only way to effectively control POPs. Negotiations to create a global POPs treaty commenced in 1998 and the Stockholm

[14] For more information on the Basel Convention see: http://www.basel.int/
[15] See Agenda 21: Chapter 19 at: http://www.un.org/esa/sustdev/documents/agenda21/english/agenda21chapter19.htm

Convention on POPs[16] was adopted in 2001. This treaty controls and aims to eliminate an initial list of 12 POPs, including DDT and PCBs. It further contains provisions for listing additional toxic chemicals with similar properties for control and elimination.

Another global chemicals treaty, the Rotterdam Convention on Prior Informed Consent[17] was also negotiated and adopted in the mid-1990s. This treaty establishes a list of chemicals that have been banned or severely restricted in at least two regions. Before any enterprise in a Party country can export a chemical that is on this list to a developing country, it must give prior notification to the government which can then deny the shipment. In 2004, both the Stockholm Convention and the Rotterdam Convention entered into force.

FAO Code of Conduct

The United Nations Food Agriculture Organization (FAO) adopted its first version of the International Code of Conduct on the Distribution and use of Pesticides in 1985. It then substantially revised and updated the Code in 2002 to correct major weaknesses and to reflect the changing international policy framework, especially the adoption of the Rotterdam Convention.[18]

The FAO Code establishes international standards for the distribution and use of pesticides, especially for countries where national legislation and regulations are inadequate. It promotes practices that will minimize adverse effects on humans and the environment associated with handling pesticides. The Pesticide Action Network played an important role in promoting the adoption of the revised Code, has endorsed it, and promotes its effective implementation.[19]

Globally Harmonized System

In 2002, the international community adopted the Globally Harmonized System of Classification and Labeling of Chemicals (GHS).[20] This system establishes an internationally agreed standard for chemical classification and hazard communication. It requires that labels on hazardous chemicals include standardized pictograms; signal words; hazard statements; precautionary statements; a product identifier; and supplier information. It further requires that chemicals be labeled the same way in every country and in every language.

The aim of the GHS is to ensure that information on the physical hazards and toxicity of chemicals are available to those who handle, transport and use them. It has also been useful to many developing countries that are working to establish their own comprehensive national chemical safety programs. Trade unions played an active role in the formulation and adoption of the GHS. They, together with NGOs and

[16] For more information on the Stockholm Convention see: http://www.pops.int/
[17] For more information on the Stockholm Convention see: http://www.pic.int/
[18] For more information on the FAO Code see: http://www.fao.org/ag/AGP/AGPP/Pesticid/Code/PM_Code.htm
[19] For information from PAN on how civil society can contribute to the implementation of the FAO Code, see: http://www.fao-code-action.info/
[20] For more information on the GHS see: http://www.unece.org/trans/danger/publi/ghs/ghs_welcome_e.html; for a presentation of the system see: http://www.unece.org/trans/danger/publi/ghs/GHS_presentations/English/hazcom_e.pdf

intergovernmental organizations, are also now working to promote its full implementation.[21]

International Chemicals-Related Conventions and Programs Set the Stage for SAICM

The Basel, Rotterdam and Stockholm Conventions, together with the IFCS, the FAO Code, the GHS and other international chemical safety programs, have all provided important frameworks and opportunities for governments and NGOs to pursue significant chemical safety objectives. Each, however, has a limited scope, and all of them, taken together, do not address the full range of chemical safety issues that countries must confront. This has led to growing recognition that a more coherent and comprehensive global chemical safety program is needed, and it set the stage for the development and adoption of SAICM.

The Growth of International NGO Networks

In some countries, NGOs with specialized expertise in chemical safety issues emerged as early as the 1970s and 80s. The Pesticide Action Network (PAN) dates from this period. However, in the1990s—partly as a response to the negotiation and adoption of the three chemicals conventions and other international initiatives—chemical safety became an increasingly important and recognized issue in many developing countries.

International environmental organizations such as Greenpeace and others ran active campaigns in many developing countries on the issues of waste trade and POPs in the lead-up to intergovernmental negotiations on what eventually became the Basel and Stockholm Conventions. In doing so, they stimulated awareness and engagement on the part of domestic NGOs working on health and environmental issues in many countries and set the stage for the emergence of new global networks. Health Care Without Harm (HCWH); the International POPs Elimination Network (IPEN); the international the Global Alliance for Incinerator Alternatives (GAIA);[22] the Basel Action Network (BAN)[23] and others emerged in this context. Together with PAN, these new networks helped spread knowledge and expertise and promoted civil society activism on behalf of chemical safety objectives in many developing countries. And as this activism grew and spread, these NGO networks became stronger and more influential.

The OSPAR Commission

While global conventions on chemicals-related issues were being negotiated, and while civil society movements for chemical safety were emerging and growing in the developing world, important new developments were also taking place in one highly industrial region. In Western Europe, regional NGO campaigns to protect the North Sea and Baltic Sea from toxic pollution succeeded in influencing regional governmental policy. In 1998, Environment Ministers from European countries bordering the Atlantic

[21] IPEN has recently established a GHS working group. Information about it can be found in the February, 2008, *IPEN Newsletter* at: http://www.ipen.org/ipenweb/news.html
[22] See Information on GAIA at: http://www.no-burn.org/
[23] See information on BAN at: http://www.ban.org/

Ocean met in Portugal in the context of the OSPAR Commission for the Protection of the Marine Environment of the North East Atlantic[24] and adopted the *Sintra Statement.*[25]

The statement included a promise of action to prevent the pollution of the marine environment from substances that are toxic, persistent and likely to bioaccumulate. The Ministers established, as an aim, that concentrations of hazardous substances in the environment should be near background values for naturally occurring substances and close to zero for manmade synthetic substances. They set 2020 as their target year for ending all discharges, emissions and losses of hazardous substances.

The adoption of the Sintra Statement had far-reaching consequences. Its 2020 target date was later reflected in SAICM's 2020 target date for internationally achieving sound chemicals management. More importantly, it initiated a policy debate within Europe that culminated with important, positive reforms of European Union (EU) legislation on chemicals.

Registration, Evaluation, Authorization and Restriction of Chemicals

In 2001, the European Commission initiated a discussion within the European Community on what was called: a *Strategy for a Future Chemicals Policy.* This led to extensive debate among governments and stakeholders, and it resulted in a proposal for a new EU regulatory framework to replace the first generation of chemicals control legislation that had been adopted in the 1970s. Learning from the weaknesses and the failures of earlier legislation, the European Commission proposed the establishment of a more effective and efficient control regime. The name given to the newly proposed legislation was *Registration, Evaluation, Authorization and Restriction of Chemicals* (REACH).[26]

Health and Environmental NGOs in Europe campaigned for the adoption of REACH with support from colleagues in other countries. REACH was eventually adopted in reasonably good form in 2006, and it entered into force in 2007.Most public health and environmental NGOs view REACH as an important and fundamental policy reform that should influence similar reforms in other countries. REACH establishes a new model for chemicals control legislation that corrects many of the failings of the earlier generation of chemicals control legislation that started in the 1970s, one that has the potential to minimize and avoid future harms caused by chemical exposures.

Canadian Environmental Protection Act

Some other countries have also started to reform their approaches to how the assessment of chemicals should be conducted. The Canadian Environmental Protection Act of 1999

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[24] The OSPAR Commission represents the 15 contracting Parties to the OSPAR Convention which combines and up-dates the 1972 Oslo Convention on dumping waste at sea and the 1974 Paris Convention on land-based sources of marine pollution, See: http://www.ospar.org/eng/html/welcome.html

[25] See the Sintra Statement of Environment Ministers meeting within the framework of the OSPAR Commission for the Protection of the Marine Environment of the North East Atlantic at: http://www.ospar.org/eng/html/md/sintra.htm

[26] Official European Union information on REACH can be found at: http://ecb.jrc.it/reach/; For an NGO perspective on REACH, see *Navigating REACH: an Activists Guide to Using and Improving the New EU Chemicals Legislation* at: http://www.wecf.eu/cms/download/2007/navi_reach.pdf. The full text of REACH can be found at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:396:0001:0849:EN:PDF

obligates the government to categorize and identify substances that are persistent or bioaccumulative and inherently toxic, and substances that have the greatest potential for exposure to human health. This exercise identified 4,300 substances that require further action and has lead to release of Canada's Chemicals Management Plan.[27]

The Strategic Approach

The events recounted in the brief history above all helped to set the stage for the adoption of SAICM. One important driving force was the recognition by NGOs and many others that the first generation of chemicals control regulations established in many countries in the 1970s was out of date and failing. The establishment of a new, internationally agreed, Strategic Approach to chemicals management would be useful in advancing efforts to establish new 21st century models of chemicals control legislation and regulation, building on recent experiences in Western Europe and elsewhere. Another driving force was recognition by both government officials and NGOs from many developing countries that the establishment of a globally agreed sound chemicals management policies and strategies would be very useful to them in their efforts to advance chemical safety objectives in their countries.

In 2002, the World Summit on Sustainable Development (WSSD) met in Johannesburg where heads of state adopted the *WSSD Plan of Implementation*. This plan included a section on the sound management of chemicals,[28] and it specifically called upon governments to develop a Strategic Approach to International Chemicals Management (SAICM). The WSSD stated that SAICM should build on conclusions and priorities established by the IFCS. It also established an ambitious global objective for this process:

> *"to achieve, by 2020, that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment."*

In response to this request from WSSD, UNEP, in cooperation with other intergovernmental organizations, convened a series of intergovernmental meetings to prepare SAICM. NGOs were invited and encouraged to actively participate. An International Conference of government delegates and stakeholders to adopt SAICM was then held in Dubai in February, 2006.

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[27] For information on Canada's Chemicals Management Plan see: http://www.chemicalsubstanceschimiques.gc.ca/plan/index_e.html

[28] See 2002 WSSD Johannesburg Plan of Implementation, paragraph 23 at: http://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/POIChapter3.htm

4. What is SAICM: A more detailed description

The Strategic Approach is an international policy framework to foster the sound management of chemicals. It was agreed by consensus at the first International Conference on Chemicals Management (ICCM-1), held in Dubai, February 2006. Environment Ministers, Health Ministers and other delegates representing more than 100 governments participated in the decision as did stakeholder representatives.

SAICM comprises three core texts: the *Dubai Declaration on International Chemicals Management,* SAICM *Overarching Policy Strategy* and SAICM *Global Plan of Action.*[29] A SAICM Secretariat was established to convene meetings and to assist in implementation; and a time-limited SAICM *Quick Start Program*, including a modest trust fund, was established to assist developing countries initiate SAICM implementation.

The Scope of SAICM

As detailed in the Overarching Policy Strategy, SAICM has a broad scope. It represents a commitment by the world's governments to achieve, in all countries, the sound management of chemicals such that exposures to both agricultural and industrial chemicals no longer cause significant harm to human health and the environment. SAICM addresses not only synthetic chemicals, but also toxic metals such as lead, cadmium and mercury.

SAICM addresses the sound management of chemicals at all stages of their life-cycle. It sets the stage for national and global reforms in the ways that synthetic chemicals are produced and used, including the possibility of measures to ban, phase-out or restrict the production and use of the chemicals of highest concern. Its implementation should establish mechanisms to ensure that workers, farmers and the public at large no longer suffer health deficits, diseases or deaths as a result of occupational or environmental exposure to chemicals.

Good SAICM implementation will promote practices that avoid or minimize the generation of hazardous wastes as well as policies that require the sound treatment of whatever hazardous wastes are generated.

SAICM additionally addresses the potential for harm from chemicals that are contained in products. It suggests the need to ban consumer products whose chemical components can cause exposures leading to significant adverse health effects. SAICM implementation also addresses the need for the sound management of household and commercial wastes. This is because most modern consumer products contain chemical components such as polymers (plastics), additives, adhesives, dyes or toxic metals. When such products become wastes, these components can contribute to serious toxic pollution if the wastes are improperly managed.

[29] The documents and resolutions adopted at the Dubai ICCM are available in all six United Nations languages and can be downloaded at: http://www.chem.unep.ch/saicm/SAICM%20texts/SAICM%20documents.htm

SAICM's scope finally encompasses all environmental, economic, social, health and labour aspects of chemical safety. SAICM is an ambitious global effort with a very broad scope.

SAICM Objectives

The overall objective of the Strategic Approach is to achieve the sound management of chemicals throughout their life-cycle so that, by 2020, chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment. To achieve this overall objective, SAICM establishes five subsidiary objectives under the headings:

- Risk reduction
- Knowledge and information
- Governance
- Capacity-building and technical cooperation
- Illegal international traffic

SAICM Risk Reduction Objectives

In the language of SAICM, all activities aimed at protecting human health and the environment from chemical exposure are called "risk reduction activities." SAICM risk reduction objectives include the following:

- When society makes decisions that relate to potentially harmful chemicals, the needs of humans and ecosystems should be taken into account and protected, especially those which are most vulnerable or most subject to exposure.

- Risk management strategies should be implemented in transparent, comprehensive, efficient and effective ways and should be based on an appropriate scientific understanding of health and environmental effects and an appropriate social and economic analysis. These strategies should be aimed at achieving pollution prevention, risk reduction and risk elimination.

- By the year 2020, chemicals that pose an unreasonable and otherwise unmanageable risk to human health and the environment should no longer be produced. Chemical uses that pose such a risk should no longer be used for those purposes.

- Chemicals that might be prioritized for assessing whether they pose unmanageable risks include: persistent, bioaccumulative and toxic substances (PBTs); very persistent and very bioaccumulative substances; chemicals that are carcinogens or mutagens or that adversely affect the reproductive, endocrine, immune, or nervous systems; POPs, mercury and other chemicals of global concern; chemicals produced or used in high volumes; those subject to wide dispersive uses; and other chemicals of concern at the national level.

- Risk reduction activities should apply the precautionary approach and give priority consideration to the application of preventive measures such as pollution prevention. Environmentally sound and safer alternatives should be developed, promoted and supported. These should include cleaner production, informed substitution of chemicals of particular concern, and non-chemical alternatives.

SAICM Knowledge and Information Objectives

SAICM's knowledge and information objectives include the following:

- Knowledge and information on chemicals and chemicals management should be sufficient to enable chemicals to be adequately assessed and managed safely throughout their life cycle.

- Information on chemicals should be available to all stakeholders and should be disseminated in appropriate languages. This should include information relevant to a chemical's entire life cycle: its production, use and ultimate environmental fate. This should also include appropriate information on chemicals in products. Information on chemicals should be available, accessible, user friendly, adequate and appropriate to the needs of all stakeholders. It should address the chemical's human health and environmental effects; its intrinsic properties; its potential uses; protective measures and regulation.

- While acknowledging that national laws or regulations sometimes require the protection of confidential commercial and industrial information and knowledge, when making information on chemicals available to stakeholders, information that relates to the health and safety of humans and the environment should not be regarded as confidential.

- The pace of scientific research to identify and assess the effects of chemicals on human beings and the environment should be accelerated. Research and development should be conducted on chemical control technologies and on the development of safer chemicals, cleaner technologies and non-chemical alternatives.

- Knowledge and information should be developed on the estimated current and projected financial and other impacts on sustainable development associated with the unsound management of chemicals of concern on a global basis.

SAICM Governance Objectives

SAICM's governance objectives include the following:

- The national, regional and international mechanisms that are used to achieve sound chemicals management should be multi-sectoral, comprehensive, effective, efficient, transparent, coherent and inclusive, and they should ensure accountability.

- Sound chemicals management should be promoted within each relevant sector of government. (Relevant sectors of government may include, among others, ministries of Environment, Health, Agriculture, Labor, Industry and Development.) Governments should additionally institute integrated programs for sound chemicals management that involve representatives from all relevant sectors.

- National laws and regulations that address chemicals management should be implemented and their enforcement should be strengthened. Relevant codes of conduct should be promoted, including those on corporate environmental and social responsibility.

- Customs services in different countries should cooperate in the exchange of relevant information aimed at preventing illegal international traffic in dangerous chemical products.

- All sectors of civil society should be given meaningful and active participation in regulatory and other decision-making processes that relate to chemical safety, particularly women, workers and indigenous communities. Governments, the private sector and civil society should cooperate in achieving sound chemicals management at the national, regional and global levels.

- Trade and environmental policies should be mutually supportive.

SAICM Capacity-Building Objectives

SAICM's capacity-building and technical cooperation objectives include the following:

- National capacity for the sound management of chemicals should be enhanced in all countries, as needed, especially in developing countries and countries with economies in transition. Sustainable capacity-building strategies should be developed and implemented and cooperation among all countries should be promoted.

- Partnerships and mechanisms for technical cooperation should be established or strengthened, including the provision of appropriate and clean technology.

- Capacity-building for the sound management of chemicals should be included as a priority in social and economic development strategies. It should be addressed in national sustainable development strategies, poverty reduction strategy papers and country assistance strategies. Chemicals-related issues should become an important part of national policy.

- Developing countries and countries with economies in transition should be helped and encouraged to make appropriate use of chemicals management models already established by other countries and international organizations.

- Donors, multilateral organizations and other relevant actors should be made aware of the relevance of chemical safety for poverty reduction and sustainable development.

SAICM Objectives on Illegal International Traffic

SAICM's objectives on illegal international traffic include the following:

- Illegal international traffic in toxic, hazardous, banned and severely restricted chemicals should be prevented. This includes products incorporating these chemicals, mixtures and compounds, and wastes.

- Domestic and regional implementation of mechanisms in existing multilateral agreements addressing the prevention of illegal international traffic should be strengthened.

- The capacity of developing countries and countries with economies in transition for the prevention and control of illegal international traffic should be strengthened and information sharing should be promoted.

SAICM Financial Considerations

The Dubai ICCM agreed that SAICM implementation will need to call upon existing and new sources of financial support in order for developing countries, particularly least developed countries and small island developing states, to make progress toward reaching SAICM's overall 2020 objective.

- At the national level, governments of developing countries and countries with economies in transition are encouraged to integrate SAICM objectives into relevant national programs, plans and strategies. They should assess current laws, policies and regulations to identify changes that may be needed to advance implementation of SAICM objectives, including an assessment of funding needs. They should assess and possibly adopt policies that might include economic instruments to help cover the cost of sound chemicals management, including the consideration of instruments intended to internalize the external costs of chemicals.

- SAICM implementation should be integrated into the objectives of multilateral and bilateral development assistance cooperation. Developing countries may integrate the implementation of SAICM objectives into relevant national documents that influence development assistance cooperation. In responding to these requests, donors should recognize SAICM objectives to be important elements of bilateral aid agency cooperation in support of sustainable development.

- United Nations specialized agencies, funds and programs and other intergovernmental organizations are invited to include Strategic Approach objectives within their activities, as appropriate.

- In order to support initial capacity-building activities for the implementation of SAICM objectives, agreement was reached to establish a SAICM Quick Start Program. This program contains a voluntary, time-limited trust fund and may also include multilateral, bilateral and other forms of cooperation.

Implementing SAICM and Taking Stock of Progress

The Dubai ICCM established institutional arrangements to support SAICM implementation and to take stock of progress. It was agreed that:

- The implementation of SAICM could begin with an enabling phase to build necessary capacity. This might include the development, with relevant stakeholder participation, of a national SAICM implementation plan. This plan should take into account existing national legislation, national profiles, action plans, stakeholder initiatives, gaps, priorities, needs and circumstances. Regional SAICM implementation plans may also be developed. Subsequent implementation phases should focus on implementing specific action plans.

- Intergovernmental organizations, international financial institutions and private actors are encouraged to support these activities and to consider the development of their own action plans as appropriate. Partnerships among stakeholders should be pursued in support of SAICM implementation.

- Each government should establish arrangements for implementing SAICM on an inter-ministerial or inter-institutional basis so that all concerned national departmental and stakeholder interests are represented and all relevant substantive areas are addressed. To facilitate communication, nationally and internationally, each government should designate a Strategic Approach national focal point to act as an effective conduit for communication on Strategic Approach matters, including invitations to participate in meetings and information dissemination.

- The ICCM will meet periodically and undertake reviews of the Strategic Approach. It will receive reports from all relevant stakeholders on progress in implementation of SAICM and evaluate implementation with a view to reviewing progress against the 2020 target. It will take strategic decisions, programming, prioritizing and updating the approach as necessary. The ICCM will evaluate performance in the financing of SAICM and will work to ensure that the necessary financial and technical resources are available for SAICM implementation. It will also promote the participation of all stakeholders in the implementation of the Strategic Approach. Sessions of the ICCM will be held in 2009, 2012, 2015 and 2020 unless otherwise decided by the Conference.

- Between meetings of the ICCM, implementation of SAICM will utilize open, multi-stakeholder and multi-sectoral methods. SAICM regional meetings will be held to facilitate input on SAICM activities, preparation for future meetings of the ICCM and exchange of regional expertise and information. These meetings will review progress on SAICM implementation within the regions; provide regional guidance on SAICM

implementation to all stakeholders; and enable technical and strategic discussions and exchange of information.

- SAICM implementation will depend in significant part on the activities of relevant intergovernmental organizations, particularly on the seven member organizations and two observer organizations participating in the Inter-Organization Program for the Sound Management of Chemicals (IOMC). The IOMC members are: the Food and Agriculture Organization (FAO); the International Labor Organization (ILO); the Organization for Economic Co-operation and Development (OECD); the United Nations Environment Program (UNEP); the United Nations Industrial Development Organization (UNIDO); the United Nations Institute for Training and Research (UNITAR); and the World Health Organization (WHO); The two observer organizations are the United Nations Development Program (UNDP) and the World Bank.

- SAICM's secretariat, based in UNEP's Geneva office, will facilitate ICCM meetings and SAICM intersessional work, including SAICM regional meetings. It will operate with maximum multi-stakeholder participation and will disseminate the reports and recommendations of the ICCM. It will promote the establishment and maintenance of a network of SAICM stakeholders at the national, regional and international levels.

SAICM Global Plan of Action

SAICM Global Plan of Action (GPA) is a guidance document that lists activities stakeholders should consider when implementing SAICM. It is a working tool that will be open for further development to address current and changing needs.

The GPA contains a matrix that lists 36 work areas of relevance to SAICM implementation. Within each work area, the GPA identifies specific proposed activities together with a list of actors, targets and timeframes, indicators of progress and implementation aspects for each. In total, the GPA matrix identifies 273 proposed SAICM implementation activities.

The full list of 273 SAICM GPA entries can not be easily summarized. The following activities supported by the SAICM GPA may be of interest to some NGOs and civil society organizations:

- Encourage full implementation of the FAO International Code of Conduct on the Distribution and Use of Pesticides.

- Base national decisions about highly toxic pesticides upon an evaluation of their intrinsic hazards and anticipated local exposures.

- Establish ecologically sound and integrated strategies for the management of pests and communicable disease vectors.

- Encourage industry to voluntarily withdraw highly toxic pesticides which are hazardous and cannot be used safely under prevalent conditions.

- Identify contaminated sites and hotspots, and develop and implement contaminated site remediation plans to reduce risks to the public and to the environment.

- Facilitate the identification and disposal of obsolete stocks of pesticides and other chemicals (especially PCBs).

- Prioritize for assessment and study chemicals that pose an unreasonable and otherwise unmanageable risk for human health and the environment.

- Promote the reduction of risks to human health and the environment from lead, mercury and cadmium; consider the full range of options for action on mercury, including the possibility of a legally binding instrument, partnerships and other actions.

- Establish and implement national action plans for waste minimization and waste disposal.

- Promote the establishment of International Labor Organization Safe Work programs at the national level and the ratification and implementation of ILO conventions 170, 174 and 184.[30]

- Establish the right of employees to refuse to work in hazardous environments if they are not provided with adequate and correct information about hazardous chemicals to which they are exposed in their work environment and about appropriate ways in which to protect themselves.

- Promote education and training on children's chemical safety.

- Establish the required framework for creating national pollutant release and transfer registers (PRTRs).

- Build the capacities of NGOs, civil society and communities in developing countries so their responsible and active participation is facilitated.

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[30] The ILO SafeWork Program addresses safety and health at work and the environment and can be found in French, English and Spanish at: http://www.ilo.org/public/english/protection/safework/intro/
ILO 170 concerns safety in the use of chemicals at work and can be found at:
http://www.ilo.org/public/english/protection/safework/cis/products/safetytm/c170.htm:
ILO 174 concerns the Prevention of Major Industrial Accidents Convention and can be found at:
http://www.ilo.org/public/english/region/asro/beijing/download/speech/ct_28apr06.pdf
ILO 184 concerns safety and health in agriculture and can be found at:
http://www.ilo.org/public/english/standards/relm/ilc/ilc89/pdf/c184.pdf

- Strengthen policy, law and regulatory frameworks and compliance promotion and enforcement.

- Include civil society representatives in government committees formulating, carrying out and monitoring SAICM implementation plans

- Implement capacity-building programs on waste minimization and increased resource efficiency, including zero waste resource management, waste prevention, substitution and toxic use reduction, to reduce the volume and toxicity of discarded materials.

SAICM as a Tool for Action

During the SAICM drafting and preparation process, health and environmental NGOs from all regions were invited to participate; played active roles; and had real influence. Participating NGOs, however, were not able to get everything they wanted. Toward the end of the process, a small number of governments intervened in an effort to reverse several SAICM provisions that had been previously agreed by governments and stakeholders: provisions that the chemical industry trade associations did not like. Strenuous negotiations followed and some parts of SAICM's final text were modified and weakened. Nonetheless, in the end, the health and environment NGOs and trade unions participating in the preparatory process all joined the final consensus decision to adopt SAICM.

These NGOs recognized that the adoption of SAICM, despite some of its weaknesses, represents an important global accomplishment and advance. High-level representatives of most of the world's governments joined with other sectors of society in giving formal recognition to chemical safety as an important global health and environmental objective. Governments agreed that a comprehensive solution to this problem is needed; they made commitments to work for real change by the year 2020; they adopted useful policies and strategies; they agreed on guidelines for action; and finally, they adopted implementation arrangements, including a series of International Conferences to review progress and to make course corrections as needed.

5. How Civil Society Can Use and Contribute to the Implementation of SAICM

The adoption of SAICM is a signal that chemical pollution and exposure is now acknowledged to be an important part of the global environmental agenda, alongside climate change and biodiversity depletion. For many years, scientists and researchers have been learning about the extent of human and wildlife exposures to toxic chemicals and about the severe harms this causes. Civil society in all parts of the world has responded to this growing body of information by demanding action and by pressing for solutions. The adoption of SAICM enhances the standing and the credibility of these civil society efforts. It also helps create the conditions for the further spread of civil society efforts and for their growing strength.

Civil Society is Already Contributing to SAICM Implementation

There are NGOs and civil society organizations in most countries and in all regions who are already contributing to SAICM implementation, many without even knowing it.

√ **Chemicals-Related Policies and Practices.** NGOs are working in many countries seeking reforms in national, state and provincial chemicals-related policies, laws and regulations. NGOs are campaigning to: end industrial polluting practices; require that polluting industries adopt best available techniques (BAT) and best environmental practices (BEP); establish national pollutant release and transfer registries (PRTRs); and support programs that promote toxics use reduction and cleaner production. Campaigns are being waged that highlight the presence of toxic chemicals in children's toys, cosmetics and other consumer products. NGOs also work to promote clean technology transfer.

√ **Pesticides.** Widespread civil society efforts are under way to end the misuse and reliance on pesticides in agriculture; to promote environmentally sound approaches to integrated pest management and agro-ecological practices; and to build consumer markets for ecologically produced food. In developing countries without adequate pesticide regulations or enforcement, NGOs are campaigning to achieve full national implementation of the *FAO Code of Conduct on the Distribution and Use of Pesticides*. In Africa, Eastern Europe and other regions, civil society has been identifying and characterizing abandoned, obsolete pesticide stockpiles and other toxic hotspots; and has been pressing governments and international agencies to undertake cleanups and proper disposal. In malaria-stricken countries, NGOs are working to promote effective malaria-control measures that do not rely on the continued use of DDT in vector control.

√ **International Treaties.** NGOs from many countries played critical roles in promoting the negotiation, adoption and ratification of the Basel, Rotterdam and Stockholm Conventions; and today, NGOs from many countries are campaigning for a new global treaty to control the serious problems caused by exposure to heavy metals such as mercury, lead and cadmium. The Stockholm Convention presently

controls and seeks to eliminate a list of 12 persistent organic pollutants (POPs) that have been recognized as environmental hazards for many decades. In recent years, scientists have identified many additional POPs that are as harmful as those presently controlled by the Stockholm Convention. These include: brominated flame retardants; certain fluorinated chemicals; the pesticides lindane and endosulfan; and others. NGOs are campaigning globally to secure the addition of these and other chemical pollutants of equivalent concern to the Stockholm Convention's list of POPs to be banned or restricted.

√ **Bio-monitoring.** In many countries, NGOs are engaged in projects to sample human blood for toxic chemicals and to publicize the results. They do this to give higher visibility to the fact that all humans now carry a large number of different synthetic toxic chemicals in their bodily tissues. These efforts focus attention on toxic pollutants of special concern such as: persistent, bioaccumulative and toxic substances (PBTs); very persistent and very bioaccumulative substances; and chemicals that are carcinogens or mutagens, or that adversely affect the reproductive, endocrine, immune or nervous systems.

√ **Children's Health.** Children's environmental health issues have become increasingly important to many parents, health professionals and others. The reason is researchers have discovered that the unborn foetus, the human infant and young children are all especially susceptible to health injuries from toxic pollutants. Women who are exposed pass on chemical pollutants from their own bodies to those of their children before birth; and they continue to pass on pollutants in their breast milk when nursing.[31] Pre-natal and infant exposure to chemicals is associated with numerous diseases and disabilities both in childhood and in later life. In some cases, women can reduce their own exposure and those of their children through changes in diet, but the protection achieved is limited at best. As a result, many have taken up advocacy campaigns to end the polluting practices that cause the problem in the first place.

√ **Waste Disposal.** Improper waste disposal, including dumping, open burning and inappropriate incineration is another major source of toxic pollution. This has led community-based groups in many countries to oppose waste dumps and incinerators; to discourage the practice of open burning; and to promote waste minimization, including numerous effective *zero waste* campaigns. NGOs are also campaigning globally to expose and stop trade shipments of electronic wastes and other wastes from highly industrial countries to developing countries, and to close the loopholes in the Basel Convention that have allowed waste traders to justify these polluting practices with the claim that they are legitimate forms of recycling.

√ **Occupational Health.** Trade unions and other advocates for workers, farmers, peasants, fisher-folk and others have sought the adoption of national laws and regulations, and of international conventions and programs to protect against chemical exposure and chemical hazards in the workplace. And, once adopted, they

[31] Doctors recommend that women, nonetheless, continue to breastfeed, since breast milk has important beneficial properties.

have worked to ensure that these regulations, laws, conventions, and programs are honored and enforced.

The above are just some examples of civil society advocacy and campaigns in support of chemical safety objectives that are now taking place around the world. Each is a contribution to SAICM implementation. In the context of SAICM, they are all parts of a single, coherent, global whole; they all contribute to the achievement of a future world where chemical exposure is no longer a significant source of harm to human health and ecosystems. With the adoption of SAICM, and with growing international recognition of chemical safety as an urgent global problem, conditions are created that can help spread and intensify these and other NGO and civil society efforts to advance chemical safety objectives.

SAICM Helps Strengthen to NGO Efforts

In the SAICM Dubai Declaration, governments acknowledged that public health and environmental NGOs, trade unions and other civil society organizations have made important contributions to the promotion of chemical safety, and they stated their intent to engage actively in partnerships with civil society in SAICM implementation. This helps make civil society advocacy and campaigns in support of chemical safety objectives less controversial and more mainstream than they often were previously perceived to be. It also makes it more difficult for the polluters to deny that a real problem exists. And in countries where civil society activism can sometimes be risky, it enables NGOs to identify their work as being in alignment with the stated policy of their government to implement the Strategic Approach and to work toward achieving the SAICM 2020 objective.

National Legislation and Regulations

Although civil society activism can contribute to the achievement of SAICM's objectives, in the end, responsibility to protect human health and ecosystems from harms caused by toxic chemicals lies with governments. This requires establishing a national regulatory regime that is based on effective national or international policies, laws and regulations. It also requires the creation of adequate national regulatory infrastructures with sufficient laboratories, trained personnel and the authority to effectively monitor and enforce chemicals management laws and regulations.

In the world today, few countries have established adequate national regulatory regimes sufficient to enable national achievement of SAICM 2020 objective. Therefore, an important objective for NGOs and civil society organizations that wish to contribute to SAICM implementation is to work for the reform of national chemicals regulatory regimes.

The EU REACH Legislation

Regulatory reform is already well underway in the countries of the EU, Norway and Switzerland. There (as described earlier), civil society successfully campaigned for and secured the adoption of new chemicals-control legislation called *REACH* that has already entered into force. The preamble to the REACH legislation states that the EU aims to

achieve the 2020 objective and suggests that the REACH legislation was adopted as a contribution to that effort.

Under REACH, chemical producers and importers who wish to market a chemical for use in the EU will, in many cases,[32] be required to first generate and make available a full set of data on the chemical's properties, including its hazard characteristics. They will also be required to make available information on the chemical's uses, and provide information to users on safe ways of handling it. For those chemicals that exhibit certain hazard characteristics, use-specific authorization will also be required. This authorization will only be granted to enterprises that can show that risks are adequately controlled, or if social and economic benefits outweigh the risks, when no suitable alternative substances or technologies are available.[*]

The Core Principles on which REACH Is Based

REACH is a very specific and complex legislative package designed for application in the countries of the EU. It provides a good model for highly industrial countries, but it assumes a level of wealth and technical infrastructure that is not generally available in countries that are less industrial or less wealthy. Nonetheless, the core principles upon which REACH is based should be generally applicable to countries at any level of development.

- Before REACH, there was little—if any—data on potential health impacts available anywhere for most industrial chemicals in use. Under REACH, chemical manufacturers or importers who wish to continue selling a chemical on the European market in volumes above one ton per year must make a comprehensive set of data and information about the chemical available to the regulators and to users. This establishes a new principle, sometime called: *No data, no market.*

- Under REACH, data relevant to the health and environmental impacts of chemicals will be made available not only to the government, but will also be made available to the public. This fulfills an important SAICM principle that civil society has always considered very important: *The Right to Know.*

- REACH also calls for the progressive substitution of the most dangerous chemicals when suitable alternatives have been identified. This provision creates economic incentives for enterprises that are able to bring safer alternatives into the market; and it will lead to eventual bans and phase-outs for hazardous chemicals when safer alternatives are available. This approach is called: *The Substitution Principle.*

[32] REACH registration requirements will apply to substances produced or imported in volumes more than one ton per year per producer or importer. Additionally, only a limited data set of chemicals properties will be required for substances produced or imported in amounts between one and ten tons.

[*] It will take time for REACH to be fully implemented, so a final judgement on this new law and its enforcement regime is not yet possible. Additionally, the REACH reforms do not extend to the control of pesticides or heavy metals; to the control of industrial pollution; or to ensuring proper waste management practices. Nonetheless, most health and environmental NGOs and civil society organizations with expertise in chemicals management issues consider the REACH legislation to be a very important and positive advance, an advance that other countries can learn from and emulate.

- REACH requires manufacturers, importers and downstream users to ensure that the chemicals they manufacture, place on the market or use do not adversely affect human health or the environment. These provisions are underpinned by: *The Precautionary Principle.*

These four principles: 1) No Data, No Market; 2) the Right to Know; 3) the Substitution Principle; and 4) the Precautionary Principle; provide a useful starting point for NGOs working in any country to reform national chemicals management legislation and regulations.

The data and information on chemicals generated by REACH will be available to regulators in all countries. By incorporating the Substitution Principal into national law, it enables a country to restrict the use of a hazardous chemical or to halt its import or manufacture when safer alternatives are available; and it progressively removes from the national market chemicals that are especially difficult for users to safely manage. This approach reduces the workload of national regulators. It places the main responsibility for informing the end-user about how a chemical should be safely used on the chemical manufacturer or importer. And by incorporating the Precautionary Principle into the legislation, it enables regulators to take precautionary and preventive action when justified, even in the face of conflicting claims.

The REACH example can be useful to NGOs in advocating reforms in chemicals-related policy, laws and regulations to help advance their country toward achieving the SAICM 2020 objective. Other internationally recognized principles such as the *Polluters Pays Principle* and the right to liability and compensation for the victims of pollution are also useful.

6. Technical and Financial Assistance to Implement SAICM

NGOs, especially those working in developing countries and countries with economies in transition, understand that reforming chemicals-related national policies, laws and regulations will not, by itself, achieve SAICM's objectives. Laws and regulations have, at best, a limited impact in the absence of the necessary chemicals management infrastructures, including adequate mechanisms for enforcement and monitoring. Furthermore, to achieve chemical safety requires investments be made in cleaner technologies, safer products and practices, and the remediation of contaminated sites. Many developing countries, especially least developed countries and small island developing states, lack the ability to internally generate the resources to establish and maintain chemicals management infrastructures and to make necessary investments in technology and know how.

Such countries will need external technical and financial assistance if they are to have any hope of properly implementing SAICM. Therefore, NGOs committed to chemical safety must work to expand the pool of financial and technical resources available to those developing countries that need it to progress toward achieving SAICM's objectives.

Chemical Safety and Sustainable Development

Until now, source of financial and technical assistance in support of chemical safety objectives has been very limited and difficult to secure. International development assistance agencies and governments have tended to view chemical safety as a luxury that poor countries cannot afford. The adoption of the Strategic Approach, while it does not solve this problem, provides a basis for its solution. The first substantive sentence in the SAICM Dubai Declaration states:

> *"The sound management of chemicals is essential if we are to achieve sustainable development, including the eradication of poverty and disease, the improvement of human health and the environment and the elevation and maintenance of the standard of living in countries at all levels of development."*

In adopting SAICM, governments agreed that advancing chemical safety should be viewed as a necessary component of the sustainable development agenda. The diseases and behaviour disorders caused by chemical exposures not only cause human suffering, they also retard economic productivity and impose costly additional burdens on a country's health delivery and education systems. Shortfalls in a country's ability to manage chemicals can become a barrier that blocks economic development and poverty reduction initiatives.

SAICM Overarching Policy Strategy calls for the integration of the Strategic Approach objectives into multilateral and bilateral development assistance cooperation. It calls upon developing countries to integrate SAICM objectives into national documents that influence development assistance cooperation; and it calls on donors to recognize

SAICM objectives as an important element of bilateral aid agency cooperation. If implemented, this can dramatically enlarge the pool of resources potentially available to developing countries who wish to improve their chemicals management regulatory regimes; and who wish to transition toward cleaner industries and technologies.

Two months after the Strategic Approach was adopted, a meeting of Development Ministers and Environment Ministers from highly industrial countries took place in Paris. This meeting adopted a new policy called *Framework for Common Action around Shared Goals.*[33] In prior meetings, Development Ministers had agreed that climate change, desertification and loss of biodiversity were worthy of development agency support. In April 2006, for the first time, they agreed that *chemicals management* is also a global environmental objective that should be better integrated into national and local development policies and plans.

The United Nations Development Program (UNDP) also responded to SAICM. UNDP now links SAICM implementation to the Millennium Development Goals (MDG) and has created the *Toolkit for Incorporating the Sound Management of Chemicals in MDG-based Policies and Plans.*[34]

NGO Efforts

NGOs can work to encourage better recognition that chemical safety is essential to achieving sustainable development and poverty reduction goals. In developing countries, they can work to encourage governments to incorporate chemicals management objectives into the aid programs they request. As a global community, NGOs can monitor how development agencies respond to such requests.

NGOs can additionally promote the establishment of a financial mechanism for SAICM that goes beyond SAICM Quick Start Program. Quick Start is a modest, time-limited program that was never designed to provide the resources that will be needed to achieve proper SAICM implementation in many developing countries. A full-fledged SAICM financial mechanism has been a demand of developing countries since preparations of SAICM first began; and this demand has been given serious consideration by several donor governments.

The initial size of such a mechanism should be on the order of $50-100 million USD per year of new and additional funds. The funds should go, on a priority basis, to least developing countries, small island developing states, and other lesser industrialized countries. The recipient countries should be those that lack the ability to internally generate the resources needed: to establish effective chemicals management regulatory, monitoring and enforcement infrastructures; to cleanup existing chemical hotspots; and to

[33] The policy statement adopted by the ministerial level joint meeting of the OECD Development Assistance Committee and the OECD Environmental Policy Committee can be found at: http://www.oecd.org/dataoecd/44/27/36427017.pdf

[34] See http://www.undp.org/chemicals/Documents/UNDP%20toolkit%20-%20Mainstreaming%20the%20Sound%20Management%20of%20Chemi%5B1%5D..pdf

begin a transition to cleaner products and processes. One approach would be to pursue the adoption of a new Global Environment Facility (GEF) Focal Area focused on Sound Chemicals Management. However, if a few large donor countries continue to veto this approach, other mechanisms should also be pursued.

The adoption of SAICM creates new possibilities for mobilizing development assistance funds for use in support of sound chemicals management objectives; and it also creates international debate about the possibility of establishing an international financial mechanism for this purpose such as a new GEF Focal Area or its equivalent. Unfortunately, these new possibilities have not yet materialized on a scale that is sufficient to enable a credible effort to globally implement SAICM and achieve its objectives. Therefore, NGOs from all regions will need to continue raising awareness about this deficiency in SAICM, and working to help ensure that new and additional funding becomes available for SAICM implementation.

7. Conclusion

The adoption of SAICM provides an opportunity to help build and strengthen a global civil society movement aimed at preventing further harm to human health and to ecosystems caused by exposure to chemicals and other toxic substances.

When the REACH legislation was first debated by the European Parliament, Inger Schörling, a Member of Parliament and one of REACH's original architects, produced a guide to the legislation titled: *REACH - The Only Planet Guide to the Secrets of Chemicals Policy in the EU. What Happened and Why?*[35] This guide helped mobilize civil society across Europe to press successfully for REACH's adoption. In it, Schörling expressed her feelings about why chemicals policy reform is so important:

> *"Earth is the only planet known to be suitable for human habitations. We share this home with other living creatures and it should be the home of countless generations to come. All of us, and those not yet born, are dependent on the global ecosystem to survive. It is a closed system, and if we risk disrupting or destroying it, we threaten ourselves."*

When the Intergovernmental Conference in Dubai adopted the Strategic Approach, the stage was set for a worldwide movement to reform chemicals policies and practice in every country. The key to success will be the ability of global civil society to take up this opportunity and challenge and bring about real change.

[35] See: http://assets.panda.org/downloads/theonlyplanetguide.pdf

8. Afterword: the Global Civil Society SAICM Outreach Campaign

In January 2008, representatives of six international NGO networks[36] held a Planning Meeting in Toronto and agreed to jointly launch a *Global SAICM Outreach Campaign* to inform NGOs and civil society organizations (CSOs) in all regions about SAICM, and encourage them to contribute in their own way to its implementation in their country. The meeting also agreed on the text of an *NGO/CSO Global Common Statement* on SAICM.

NGOs and CSOs in all countries are asked to review the Common Statement and to consider endorsing it. One goal of the SAICM Outreach Campaign is to secure at least 1,000 NGO and CSO endorsements of the Statement in a least 80 countries. This booklet was produced as part of the campaign.

More information about the Global SAICM Outreach Campaign can be found at www.ipen.org/campaign. The Common Statement and an NGO endorsement form can be downloaded in seven languages: Arabic, Chinese, English, French, German, Russian and Spanish.

The Common Statement text follows:

[36] These networks were: Health Care Without Harm (HCWH); the International POPs Elimination Network (IPEN); International Society of Doctors for the Environment, (ISDE); Women in Europe for a Common Future (WECF); and the World Federation of Public Health Associations (WFPHA).

NGO/CSO Global Common Statement on The Strategic Approach to International Chemicals Management[i]

Recognizing that "fundamental changes are needed in the way that societies manage chemicals,"[ii] Environment Ministers, Health Ministers and other delegates from over 100 governments together with representatives of civil society and the private sector declared in Dubai, February 6, 2006, that "the environment worldwide continues to suffer from air, water and land contamination, impairing the health and welfare of millions."[iii] They adopted the *Strategic Approach to International Chemicals Management* (SAICM), a global plan of action whose stated goal is: "to achieve the sound management of chemicals throughout their life-cycle so that, by 2020, chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment."[iv]

The SAICM addresses both agricultural and industrial chemicals; covers all stages of the chemical life-cycle of manufacture, use and disposal; and includes chemicals in products and in wastes.

We, (*Name of organization*)_____, a civil society organization, join in this global effort to work for a future where exposure to toxic chemicals is no longer a source of harm.

We agree with the SAICM:

- On the need to take action to "prevent the adverse effects of chemicals on the health of children, pregnant women, fertile populations, the elderly, the poor, workers and other vulnerable groups and susceptible environments."[v]
- On the need to "apply the precautionary approach"[vi] and "give priority consideration to the application of preventive measures such as pollution prevention."[vii]
- On the need to address the "lack of capacity for managing chemicals in developing countries and countries with economies in transition, dependency on pesticides in agriculture, exposure of workers to harmful chemicals and concern about the long-term effects of chemicals on both human health and the environment."[viii]
- With the commitment to "promote and support the development and implementation of, and further innovation in, environmentally sound and safer alternatives, including cleaner production, informed substitution of chemicals of particular concern and non-chemical alternatives."[ix]
- On the need to promote "adequate transfer of cleaner and safer technology"[x] and with a call to make available both "existing and new sources of financial support."[xi]
- On the need to promote "capacity-building, education and training and information exchange on sound management of chemicals for all stakeholders."[xii]
- That "the sound management of chemicals is essential if we are to achieve sustainable development, including the eradication of poverty and disease, the improvement of human health and the environment and the elevation and maintenance of the standard of living in countries at all levels of development."[xiii]
- With the commitment to "promote and support meaningful and active participation by all sectors of civil society, particularly women, workers and indigenous

communities, in regulatory and other decision-making processes that relate to chemical safety."[xiv]

- With the commitment to facilitate access to "information and knowledge on chemicals throughout their life cycle, including the risks that they pose to human health and the environment."[xv]

We commit ourselves and call upon all stakeholders including governments, nongovernmental organizations, the private sector, intergovernmental organizations and others to work together to implement SAICM policies, and to reform domestic chemicals assessment and management laws, policies and practices to achieve the 2020 goal in all countries.

[i] The *Strategic Approach to International Chemicals Management* (SAICM) comprises three core texts: *The Dubai Declaration*, which expresses the commitment to SAICM by Ministers, heads of delegation and representatives of civil society and the private sector; The *Overarching Policy Strategy*, which sets out the scope of SAICM, the needs it addresses and objectives; and A *Global Plan of Action*, which sets out proposed work areas and activities for implementation of the Strategic Approach. These texts can be found in all UN languages at: http://www.chem.unep.ch/saicm/SAICM%20texts/SAICM%20documents.htm
[ii] SAICM Dubai Declaration paragraph 7
[iii] SAICM Dubai Declaration paragraph 5
[iv] SAICM Overarching Policy Strategy paragraph 13
[v] SAICM Overarching Policy Strategy paragraph 7 (c)
[vi] SAICM Overarching Policy Strategy paragraph 14 (e)
[vii] SAICM Overarching Policy Strategy paragraph 14 (f)
[viii] SAICM Dubai Declaration paragraph 6
[ix] SAICM Overarching Policy Strategy paragraph 14 (j)
[x] SAICM Overarching Policy Strategy paragraph 10 (b)
[xi] SAICM Overarching Policy Strategy paragraph 19
[xii] SAICM Global Plan of Action, Executive Summary, paragraph 8 (i)
[xiii] SAICM Dubai Declaration paragraph 1
[xiv] SAICM Overarching Policy Strategy paragraph 16 (g)
[xv] SAICM Dubai Declaration paragraph 21