Global Minimum Transparency Standard

Chemicals of Global Concern in products

New Target B.3: By 2026, a global minimum cross-sectoral transparency standard for chemicals of global concern is in place and used to support the work on Chemicals in Products internationally and in national implementation plans, as well as the transition to non-toxic materials flows, e.g. via circular economy.

VWG1_Co-facilitators-final-report_16FEB2021_FINAL.pdf (saicm.org)

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Why is it crucial to know what hazardous chemicals are in products?

Cleaner processes

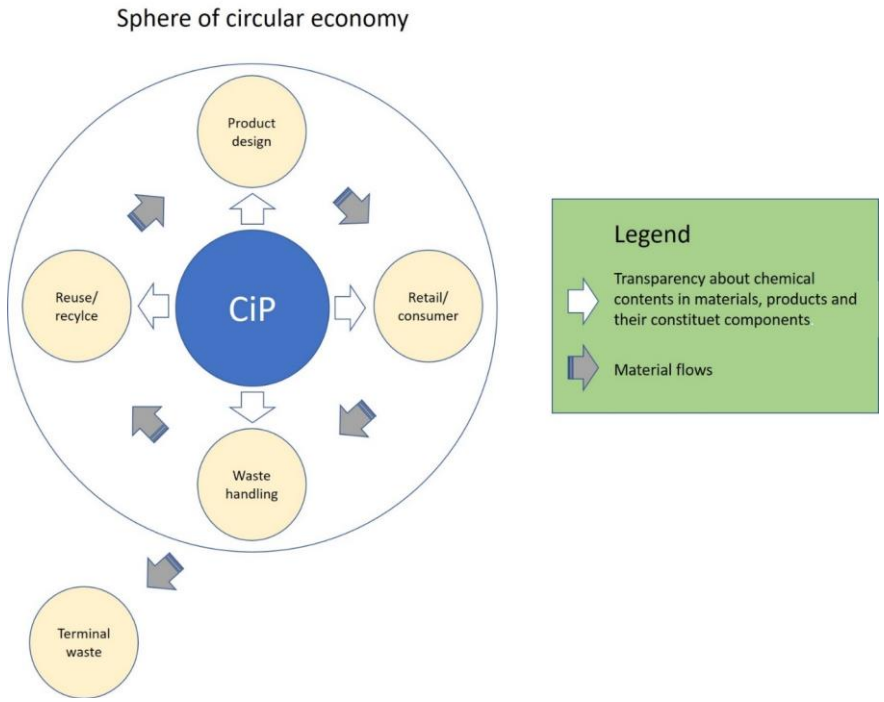
Safer products

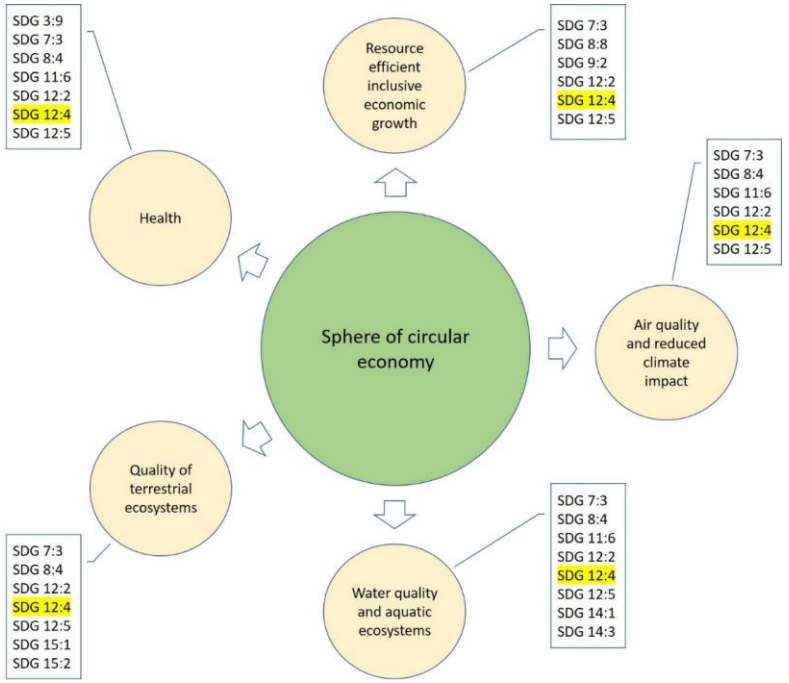
Healthier people and the environment

Prosperous business

Implementation of Agenda 2030

Safer and more effective circular economy





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Substances already included into global/regional agreements and internationally recognised documents

Stockholm Convention
- All flame retardants
- Additives to paints, plastic, paper, cardboard etc
- Heat exchange fluids
- Dioxins and furans
- All solvents

Basel Convention
- contaminants in plastic:
- Halogenated polymers
- Toxic additives

Minamata Convention
- Native mercury
- Mercury compounds

Montreal Protocol
114 chlorinated and brominated compounds that have phase out plans

EU Substances of Very High Concern (SVHC)
- PBT
- vPvB
- CMR
- Chemicals of other concern, e.g. EDCs, neurotoxicants and immunotoxicants

EU RoHS Directive
6 hazardous substances in electrical and electronic equipment

Chemicals prioritized under UNEP CiP Programme
- PBT
- vPvB
- CMR
- Chemicals of other concern, e.g. EDCs, neurotoxicants and immunotoxicants

IARC Chemicals
- Carcinogenic chemicals

Initiatives for providing safer products

- Design for Environment - governmental certification system https://www.epa.gov/saferchoic...
- BASTA industry certification system http://www.bastaonline.se/sear...
- GOTS – totally independent

  GOTS the leading organic textile standard - GOTS (global-standard.org)

Examples of reporting thresholds for chemicals in products

Different sectors and stakeholders have defined relevant reporting thresholds for chemicals in products. For example:

(a) The auto sector has the Global Automotive Declarable Substances List, which sets threshold limits of 0.1% (or lower in certain cases) (see www.mdsystem.com/index.jsp ; GADSL-Guidance-Document.pdf);

(b) The Cradle-to-Cradle Product Innovation Institute sets the reporting threshold at 1000 ppm (0.1%) for chemicals banned for use in Cradle-to-Cradle certified products (see www.c2ccertified.org);

(c) The Health Product Declaration Collaborative sets the reporting threshold at 100 ppm and 1,000 ppm. (see Health Product Declaration Collaborative - Welcome - HPD Collaborative (hpd-collaborative.org));

(d) The directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) sets a limit of 100 ppm or 1,000 ppm in homogenous materials for covered chemicals in electrical and electronic equipment (see http://ec.europa.eu/environment/waste/rohs_eee/index_en.htm).

The Chemicals in Products Programme Guidance for stakeholders on exchanging chemicals in products information. See: Microsoft Word - Chemical in Products Programme Guidance - Final.doc (unep.org)

How to ensure compliance with the standards?

Examples at the regional and national levels

EU SVHC

- Transparency requirement if ≥ 0.1% of a material.
- **Must be reported to a public data base of the EU Chemicals Agency ECHA**.
- Only allowed to be used with authorization by ECHA.
- If no authorization is granted, an SVHC gets a sunset date.
- First step to restriction and phase out.

- Within the EU, the production, import and use of HBCD and articles containing HBCD above 100 ppm (0.01%) is prohibited.
- In the U.S., companies must notify the U.S. EPA ninety days prior to manufacture, import, or processing of HBCD in consumer textiles (except for use in motor vehicles) or in textile articles.
- Certain U.S. states have regulations for HBCD. For instance, in Minnesota and Washington, there is a limit of 1000 ppm (0.1%) for HBCD contained in residential upholstered furniture and children's products. In California, flame retardants including HBCD contained in certain upholstered furniture must be labelled.

Proposed amendments to the Prohibition of Certain Toxic Substances Regulations, 2018 consultation document: chapter 2 - Canada.ca

What went wrong?

- Confidential business information.
- Non-harmonized rules of information exchange on chemicals in products:

❑ costly systems for compliance checks at the borders;

❑ costly control systems imposed on the supply chains in other countries;

❑ trade between countries is complicated;

❑ risk for double standards and dumping of products of lesser quality in countries with less ambitious chemicals legislation or means to implement the legislation.

Advantages of a globally harmonised standard

- Global information requirements will help countries to request information from suppliers.
- Globally harmonized standards ensure equality before the law and eliminates double standards.
- Globally harmonized standards facilitate safe recycling.
- Globally harmonized standards inspire innovation and safe product design
- Global harmonized standards is a tool for improving access to information.
- Global harmonized standards is a step towards progressive ban of hazardous chemicals in products

Chemicals to be included in information exchange

- Disclose all intentionally added chemicals in a product (along with impurities that are chemicals of concern) and their hazards;
- Disclose chemicals based on their potential for significant adverse impacts on human health or the environment based on the Strategic Approach criteria;
- Disclose chemicals included into the most progressive regulations available in developed countries;
- Disclose chemicals included into the existing or projected regulations in countries where a product is manufactured, sold, used or expected to be disposed of.
- Disclose chemicals regulated by the global treaties

What will a minimum global transparency standard help to achieve?

- **The most stringent threshold should be considered**
- **Cross-sectoral approach**
- Disclose information about toxic chemicals in products inside and outside the supply chain thereby supporting the right to know and sustainable consumption and production;
- Promote safe product design;
- Strengthen national and international legislation to ensure disclosure and toxic free products.
- Ensure circular economy is not undermined because of toxic chemicals recirculated in products

Use of the standard - Binding actions

Management of Chemicals of Global Concern should have mandatory obligations.

a) ”Soft” approach: mandatory information disclosure globally on their presence in materials/products.

b) ”Hard” approach: global bans or restrictions.

What chemicals should be included in the standard?

Begin with already regulated chemicals of concern – no CBI claims should be justified

a) Chemicals regulated in global treaties (Stockholm, Rotterdam, Basel, and Minamata Conventions, and Montreal Protocol of the Vienna Convention for the Protection of the Ozone Layer).

b) Regulated in progressive regional legislation (Substances of Very High concern (SVHC) in the EU REACH Regulation and the RoHs Directive).

c) The IARC list of carcinogens.

Rationale for Substances in the Global Minimum Transparency Standard

Stockholm Convention
Already globally regulated, yet no transparency requirement.

We need to recycle more materials safely in the future. Low POPs limits established for secondary raw materials and waste, but no formal transparency requirement in the convention, and requirement for sharing information in supply chains.

The chemicals in the directive have one or several of the hazard qualities of CiP Programme prioritized chemicals.

Basel Convention
The chemicals in the directive have one or several of the hazard qualities of CiP Programme prioritized chemicals.

We need to be able to safely recycle more materials, which to some degree will come from internationally traded waste.

Contamination limit of plastic waste is currently under consideration.

No formal transparency requirement in the convention, and requirement for sharing information in supply chains for recyclers.

Minamata Convention
Substances should be eliminated according to the Convention.

The chemicals in the directive have one or several of the hazard qualities of CiP Programme prioritized chemicals. Can be present in waste destined for recycling.

No formal transparency requirement in the convention, and requirement for sharing information in supply chains.

Montreal Protocol
Substances should be eliminated according to the Protocol.

No formal transparency requirement in the protocol, and requirement for sharing information in supply chains about their presence in products. May lead to accidental and unnecessary released of the regulated chemicals.

Rationale for Substances in the Global Minimum Transparency Standard

Chemicals prioritized under UNEP CiP Programme
A good approximation of the CiP Programme prioritized chemicals.

A regional system already up and running; a good number of assessments already done (211 substances at this moment).

Primarily hazard-based evaluation. The precautionary principle better ensured.

REACH an inspiration for other countries (e.g. South Korea and China).

EU Substances of Very High Concern (SVHC)
A good approximation of the CiP Programme prioritized chemicals.

A regional system already up and running; a good number of assessments already done (211 substances at this moment).

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EU RoHS Directive
The chemicals in the directive have one or several of the hazard qualities of CiP Programme prioritized chemicals.

Chemicals for which there is good scientific consensus of hazard.

Many countries around the world have already used the EU RoHs Directive as a blueprint for similar legislation, but in a good number of countries the RoHs chemicals are still not regulated in electric and electronical products.

IARC Chemicals -
Carcinogenicity is one of the hazard qualities of CiP Programme prioritized chemicals.

Chemicals for which there is good scientific consensus of hazard.

Complement the EU SVHC listed carcinogens.

What chemicals should be included in the standard?

Criteria for additional chemicals of global concern

a) Ways of global dispersal not considered when the treaties were developed, e.g. in multi-national supply chains for products.

b) Trans-generational effects.

c) Chronic exposure, but not persistent.

Development and management

Ideally the global minimum standard should be binding from the beginning

Following a UNEA or UNGA decision, it could be investigated if any of the existing conventions would allow for the inclusion of the standard, e.g. as a protocol. It could be the Basel or Stockholm conventions, or perhaps the Aarhus Convention?

Another option would be to create a global standard like the GHS, which is voluntary, but becomes binding once adopted into national legislation.

Milestones in a CiP work plan

a) Milestone 1: Development of a global minimum transparency standard for chemicals of global concern.

b) Milestone 2: Countries that include work with the global minimum transparency standard in national action plans on CiP, report materials/products for which the chemical content is disclosed in line with the standard to the Secretariat.

c) Milestone 3: The Secretariat, or another suitable host, construct a global transparency database.

Use of the standard – voluntary actions

Development and management

If we in parallel work with the voluntary option
Following a decision at ICCM5, a voluntary standard and voluntary complementary criteria for Chemicals of Global Concern could be developed for the successor to SAICM.

For both the binding and the voluntary approach we need.
A multi-stakeholder committee free from influence of commercial interests and coordinated by the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) could be tasked with developing the transparency standard and complementary criteria for Chemicals of Global Concern, following a decision at UNEA5 or by the UNGA.

Why should low- and middle-income countries support the standard?

Many countries is at risk for double standards and to become a dumping ground for products that contain hazardous chemicals banned in other jurisdictions.

Many countries have limited resources for large-scale spot checks for imported goods, to ensure that they do not contain hazardous chemicals.

Many countries also need to transition to non-toxic circular economy, which will help with resources strategies that alleviate dependence on imported critical materials, and address the waste issue.

Suggested way forward

- continue the work with voluntary disclosure of chemicals in general in products;
- consider two types of increased obligation for CiP which are linked to Substances of Global Concern – “soft” and “hard”:
  - “Soft”: Mandatory full disclosure of the concentration of Substances of Global Concern in all materials and constituent components of products, in line with a new European Chemicals Agency (ECHA) database on the presence of hazardous chemicals in articles (SCIP).
  - “Hard”: Bans or restrictions of Substances of Global Concern.

Options for discussion

- Standard based on chemical by chemical approach
- Standard based on chemical family approach
- One standard for all SVHC
- Options for disclosure:
  - Electronic labels;
  - Physical label
  - Reported to public database (similar to SCIP database) hosted by IOMC

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