

COMMUNITY OF PRACTICE ON CHEMICALS IN PRODUCTS

Organized by the SAICM Secretariat and the University of Cape Town

Issue: 2 of 2020

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Discussion 2 Digest - 2020 Enforcement in Products

Enforcement is essential, and without enforcement any law will be ineffective. This also calls for enforcement of legislation regarding chemicals – as substances, mixtures and in articles. Many chemicals are incorporated in finished products, or articles, during the production process. Examples could be painted and lacquered furniture, polymers and metals in electric and electronic products, dyes in textiles, flame retardants and plasticizers in plastic products, etc. Articles may pose a risk due to their chemical contents. In some countries specific substances have been regulated in specific groups of articles, but in general they are to a large extent unregulated with regards to their chemical contents. This discussion reviewed these issues and looked for solutions.

ABOUT THE PRESENTERS



Anna Fransson is a Senior Adviser at the international unit at the Swedish Chemicals Agency (KemI). She has more than 25 years of experience from working with preventive chemicals control, 10 of them working as an inspector at the Agency.

Her current role as an adviser includes support to the Ministry of Environment in Sweden in relation to the Minamata convention and SAICM. She has also worked with capacity building in several countries and regions. Ms Fransson is chair of the steering group to the SAICM Chemicals in Products (CIP) programme.



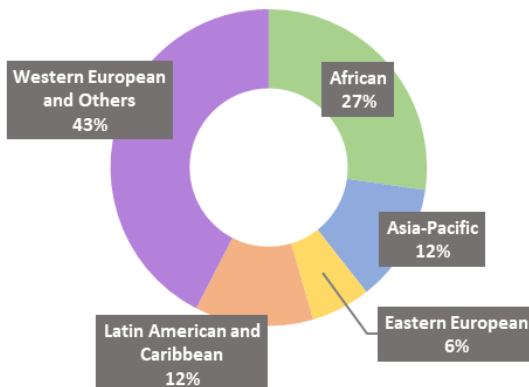
Stéphane Content is graduated in Chemistry and got his PhD in the field of photochemistry in 1998 from the Université Libre de Bruxelles. He also did a post-doctoral stay at University of California San Diego (UCSD) the field of sensors. He worked for the past 11

years at Procter & Gamble in analytical, product design and process development department for liquid detergent development. Then he joined the European Chemical Industry Council (Cefic), he is also representing International Chemical Council Association (ICCA), and supported for two years Silicones Europe before joining the Plasticisers sector. For 5 years he is manager of Product Stewardship working on communication in the value chain and the interface between chemical product and waste legislation. Stéphane is also a member of the UNEP CIP Steering committee.

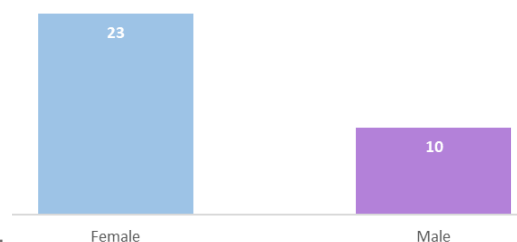
DISCUSSION 2 ATTENDANCE BREAKDOWN

TOTAL ATTENDEES FOR DISCUSSION 2: 33

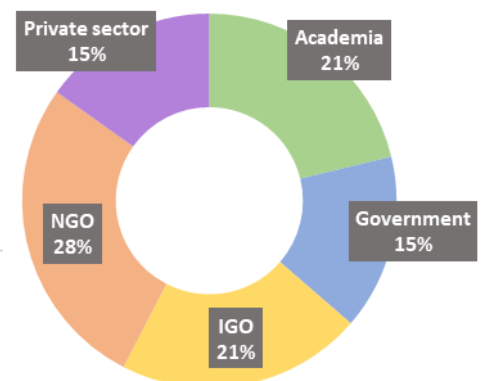
Regional representation



Gender representation



Sector representation



Key:
 IGO – Intergovernmental organisation
 NGO – Non-governmental organisation

Chemicals in Products Community of Practice Discussion 2 Summary and looking ahead

1. Many participants stated that **concrete and comprehensive chemicals legislation had not been implemented** in their respective countries. It was expressed that most low- and middle-income countries (LMICs) have struggled to implement such legislation. In countries where legislation has been implemented, it was noted that this legislation may not be comprehensive enough and has gaps that result in a lack of sound chemicals and waste management. Many participants stated that while their country may ratify international agreements, implementation and enforcement of these agreements is where the process falls short.
2. A key point mentioned by participants was the **need for enforcement tools that translate to the context of all countries**. Current tools for enforcing and implementing chemicals legislation that LMICs have access to are mostly EU focused and do not translate well to other countries and contexts. It was suggested that these tools could be adapted to fit different contexts and that perhaps the new EU Chemicals Strategy may be a good starting point for this. Suggestions of implementing such strategies in conjunction with the Globally Harmonized System of the Classification and Labelling of Chemicals (GHS) were highlighted as a means to improve implementation and enforcement.
3. A key point raised was on the **avoidance of double standards** through industry initiatives and government regulations. If there was a **global and harmonized approach on criteria to communicate in the value chain**, across sectors, industry initiatives would then be beneficial for all countries and all sectors. This will, however, will take some time and training for the correct implementation in all countries. Ultimately, this would help with enforcement (globally) if successful.

ANNEX

DETAILED SUMMARY OF DISCUSSION:

Disclaimer: The information in this digest represents the opinions of members participating from different stakeholder groups expressed during the discussion. The views expressed in this document do not necessarily represent the opinion or the stated policy of the United Nations Environment Programme, the SAICM Secretariat, the GEF or UCT, nor does citing of trade names or commercial processes constitute endorsement.

THE DISCUSSION WAS STRUCTURED AROUND THREE QUESTIONS AND THE KEY DISCUSSION INPUTS FROM PARTICIPANTS ARE PRESENTED UNDER EACH:

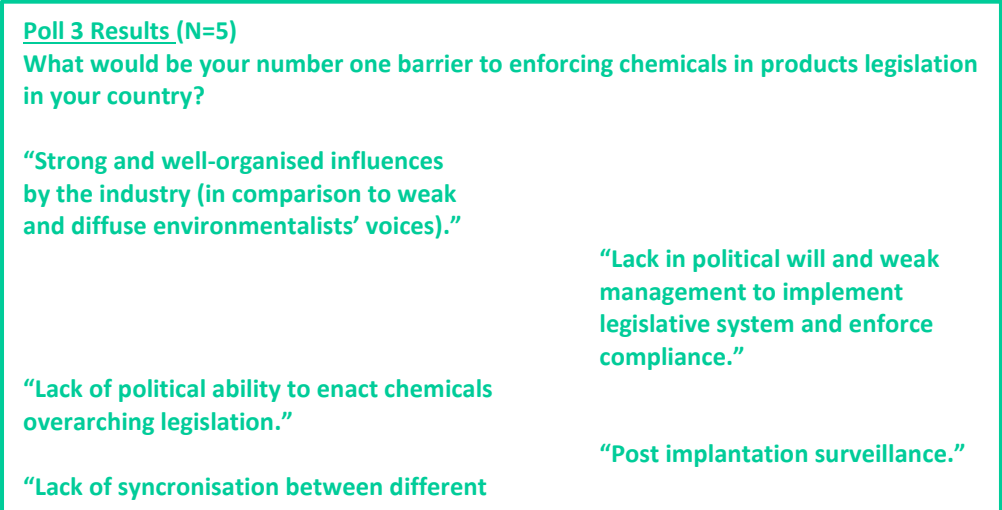
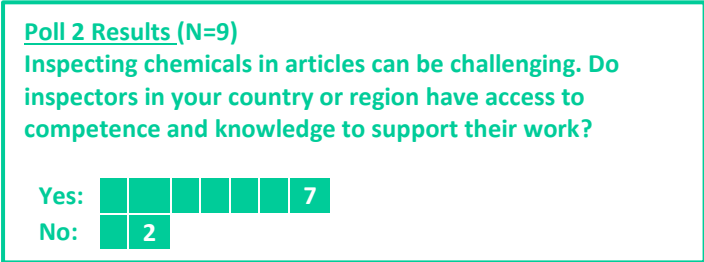
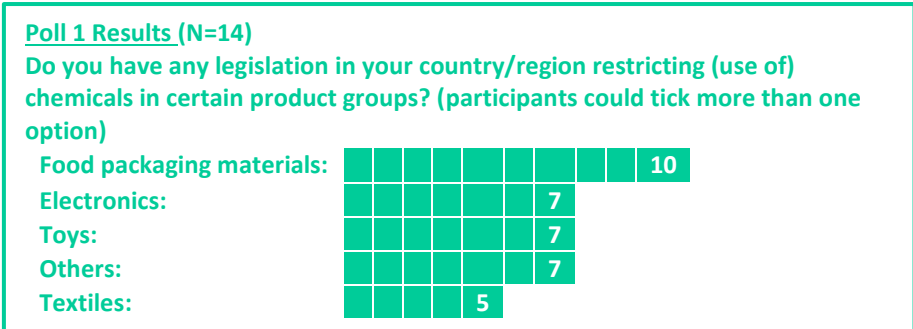
Q1. What actions are undertaken in your country, region, or sectors to ensure compliance with relevant legislation?

Are there gaps in existing legislation, regulations, or policies to address enforcement of chemicals in products in your country /region / sector?

BANGLADESH (NGO)	- No specific legislation for toys in Bangladesh
HEJSupport (NGO)	- Lead in paint is regulated in many countries now but lead is a mixture and not an article. - Cosmetics are not considered as articles either though many companies now disclose ingredients in cosmetics.
INDIA (NGO)	- RoHS guidelines are there for e-waste management purposes. - Standards are notified for some chemicals like phthalates in baby feeding bottles. - No comprehensive CiP guideline/legislation. - Some dyes are banned in textiles. - Recent ban of certain BFRs (commercial octa and commercial penta BDE) will also positively impact their use. - Major issue related to CiP comes in recycling of plastics. - No guidelines for plastic recycling yet and mixing of hazardous plastics with other plastics during recycling is an issue of great concern.
IRAN (Academia)	- Ministry of health is responsible for regulations and enforcement of chemicals in products - However, not yet properly developed. - Numerous related academic/ scientific papers/ discussions are happening in this area of research. - Delay to get regulations and enforcement in action again due to the revolution. - Many activities occurring about chemicals regulations and enforcement in government organizations and academies but not synchronize with each other.
ISC3 (NGO)	- Many directives in Europe, from which REACH is the biggest. - No united single policy and there are still gaps (e.g. in building sector the issue of fire/smoke toxicity coming from chemicals in building materials is not regulated at all; flame retardants and additives). - REACH is regulating substances of high concern. - The implementation was planned to be monitored by sample testing of about 5% of all substances on the market.
JAMAICA (NGO)	- No legislation on chemicals in products. - Guidelines on standards for chemicals specific to narcotics are in place (https://moj.gov.jm/laws/precursor-chemicals-act). - There is a regulatory authority for Hazardous Substances. - Political barriers to implementing GHS are the informal industries are on the rise with checks not being done. - The notion of economic benefits over health implications is one that is ignored in most political spheres with limited informed consultancy to create the link to the existing gap of forging science with policy in the decision-making process.
PERU (IGO)	- In 2004 a law was passed that prohibits and sanctions the manufacture, import, distribution, and commercialization of toxic or dangerous toys.
SOUTH AFRICA (Academia)	- A challenge is that legislation linked to chemicals in products does not currently exist. - Challenge faced in low- and middle-income countries is that the industry is often stronger than the government and manages to circumvent the implementation of legislation.
SRI LANKA	- Several good standards and regulations on products are in effect.

- (NGO)
 - Major gap is seen in implementation.
 - Organizations and other researchers find various heavy metals contaminated in products.
 - Difficulties in recommending suitable toys for children as there is no particular standard guiding them and those that are standardized are too expensive for middle- and lower-income families.
- SURINAME** (Government)
 - No legislation for specific products.
- SWEDEN** (Government)
 - The general product safety directive (GPSD) in the EU says that all products sold should be safe under normal or reasonably foreseeable use, this includes safe from risk of chemicals.
 - No specific rules in that directive.
 - To apply the GPSD the inspecting agency would have to do a risk assessment for the specific case.
- SWITZERLAND** (IGO)
 - National legislation restricting the use of chemicals that is mostly identical with the EU legislative framework is in effect.
 - The authority for enforcement lies with the regional governments (Cantons) who have an (own or shared) cantonal laboratory that conducts market surveillance and informational campaigns in their respective regions.
 - The Swiss national regulation on chemicals addresses chemicals in products and all other products-related legislation.
 - Refer to the chemical's regulation for the chemicals-related aspects.
- TOGO** (Academia)
 - Apart from the constitution and the law on environmental management and legal texts related to plant protection products, no legislation exists in Togo.
 - Togo ratifies international agreements without defining national texts allowing us to implement them.

Throughout the discussion, informal polls were conducted to help encourage discussion among the participants. They do not provide any representative data.



Q2. How can those initiatives contribute to a better enforcement of regulation in the world regarding the presence of substances in articles?

HEJSupport (NGO)	<ul style="list-style-type: none"> - More communication is needed to disclose information outside the supply chain, including to consumers. - Enforcement of the regulations should serve people and ensure they are safe from toxic chemicals. - Industry should think how to improve transparency both inside and outside the supply chain. - NGOs prepared their vision on how to disclose information on SVHC in products and was presented by the Proactive Alliance.
INDIA (NGO)	<ul style="list-style-type: none"> - Lack of political will and weak management. - Insufficient manpower. - Inter ministries cooperation.
IRAN (Academia)	<ul style="list-style-type: none"> - Some initiatives mostly from the ECHA but ECHA and other EU chemicals regulations agencies are mostly for EU and not for the whole world. - Even though there are good REACH sections now in many Asian countries but no help for the Middle East North Africa yet. - It would be good if all these EU initiatives were prepared to give help globally. - As an example, there are good discussions going between China and EU (Chemical Regulatory Annual Conference – Asian Helsinki Chemical Forum) to cover many chemicals regulations issues. - In many LMICs, there are good regulations, but problem is enforcement.
ISC3 (NGO)	<ul style="list-style-type: none"> - Developed countries should have a legislation forbidding the exports of problematic products or waste (hazardous stuff should not be sold to countries where it will be used).
JAMAICA (NGO)	<ul style="list-style-type: none"> - The framework that EU has developed is one that can be adopted and contextualize in each country. - It is comprehensive and shows links between industry and monitoring systems. - This is needed in the Caribbean complimented with GHS. - Information will be provided to industry, government, and civil society and this can be a driving force in regulation discussions for the future.
SOUTH AFRICA (Academia)	<ul style="list-style-type: none"> - New EU Chemicals Strategy will be a step in the direction of removing double standards. - What is needed is that the Chemical Strategy parts that are relevant for LMICs is communicated to these countries.
SWITZERLAND (IGO)	<ul style="list-style-type: none"> - All these tools are addressing important gaps and definitely have the potential to contribute to closing these gaps. - It is important to ensure that such tools can be applied in different regulatory and regional contexts.
SWEDEN (Government)	<ul style="list-style-type: none"> - Complexity with many products with different materials and many actors changing rapidly over time. - Tools will help companies to comply if functioning well. - For example, importers of not very complex products, such as clothes, still need a lot of information to ensure compliance with the EU legislation. - Reducing the cost of compliance will increase compliance.
TOGO (Academia)	<ul style="list-style-type: none"> - In developing context, communication on these tools should be promoted and include in activities. - It will improve enforcement if policy makers take time to be informed and based on fruitful experiences coming from European countries. - International project coordinator having a valuable part of researcher from local universities would help to promote close collaboration between ministries officials and academics.

Poll 4 Results (N=6)

What is needed in your country/region to improve communication in the value chain to facilitate enforcement of product groups such as toys, electronics, textiles, food packaging, etc?

“A structured and harmonized approach.”

“Stakeholders involvement, mass media communication, record keeping, and accountability.”

“Monitoring facilities such as XRF instruments for customs and other officers that control products.”

“A better, wider and stronger communications between government organisations particularly Ministry of Foreign Affairs and academia.”

“More public (media) pressure.”

“A register of what chemicals are in the products imported into the country.”

Poll 5 Results (N=8)

What communication approaches would work best for SMEs?

“Capacity building and information sharing platform.”

“Dialogue initiatives between agencies and specific product sectors, including larger as well as smaller companies can be helpful, since the larger ones can serve as forerunners.”

“Strict control measures and financial incentives for sustainable technologies.”

“Freely available, easy to use.”

“Providing information/training when licensing SMEs.”

“Informational campaigns through industry organisations or local governmental authorities.”

“Fines, incentives, strict enforcement particularly in developing countries.”

“Round table discussions with their associations and individual meetings with their companies.”

Poll 6 Results (N=10)

In case the blockchain technology can demonstrate technical feasibility, what should happen to facilitate enforcement in your region? (participants could tick multiple options)

Develop guidance on how to use:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10
Provide the tool free of charge to local authorities:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9
Give training to local authorities/to companies:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8

Helpful Resources:

- Enforcement of chemicals in products in Sweden, general information from KemI: <https://www.kemi.se/en/enforcement>
- ECHA (European Chemicals Agency), Forum Enforcement Projects (EU wide cooperation projects): <https://echa.europa.eu/fr/about-us/who-we-are/enforcement-forum/forum-enforcement-projects>
- KemI Guidance document “Enforcement of legislation on chemicals placed on the market”: <https://www.kemi.se/en/publications/guidance-on-national-chemicals-control-for-other-countries/enforcement-of-legislation-on-chemicals-placed-on-the-market>
- UNEP Guidance’s on chemicals control contributing to national progress and safety, one guidance is addressing “Enforcement of chemicals control legislation”: <https://www.unenvironment.org/resources/report/guidance-chemicals-control-contributing-national-progress-and-safety>
- Example 1: Proactive Alliance: <https://www.proactive-alliance.info/mission-goals>
- Example 2: the project Chemchain: <https://www.chemcha.in/>
- Example 3: Chemreg: <https://chemreg.net/>

CiP CoP: The Secretariat of the Strategic Approach to International Chemicals Management (SAICM) and the Environmental Health Division at the University of Cape Town (UCT) created this Community of Practice (CoP) to foster online discussions and address key issues on Chemicals in Products (CiP) among stakeholders from governments, international organizations, industry, academia and civil society.

This CoP is contributing to the SAICM/GEF project on Emerging Chemicals Policy Issues Knowledge Management Component. This activity is supported by the Global Environment Facility (GEF) project ID: 9771 on *Global Best Practices on Emerging Chemical Policy Issues of Concern under the Strategic Approach to International Chemicals Management (SAICM)*.

If you have any question or require clarification on this initiative, please contact the SAICM Secretariat at saicm.chemicals@un.org or UCT at uctcops@outlook.com.

Join the CiPs CoP at: <https://saicmknowledge.org/community>

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