COMMUNITY OF PRACTICE ON

CHEMICALS IN PRODUCTS

Organized by the SAICM Secretariat and the University of Cape Town

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Discussion digest

Topic of Discussion: Cross-sectoral global minimum transparency standard for hazardous chemicals in products - an essential tool to detoxify material cycles.

Discussion 2 of the Chemicals in Products Community of Practice (CiP CoP) focused on "Cross-sectoral global minimum transparency standard for hazardous chemicals in products - an essential tool to detoxify material cycles". This discussion aimed to talk through a new approach for global minimum cross-sectoral transparency standards for chemicals of global concern in products as a step towards the transition to non-toxic materials. This will assist in having a prolonged product life in combination with increased reuse/recycling of materials and less waste. In turn, this will help us reduce the need for virgin raw materials for the economy, thereby reducing the need for process chemicals, process water and energy. This means less ecosystem destruction, less overshoot of natural resource outtake, and less negative climate impact and pollution.

To view the PowerPoint presentation from this discussion, click here.

ABOUT THE PRESENTERS

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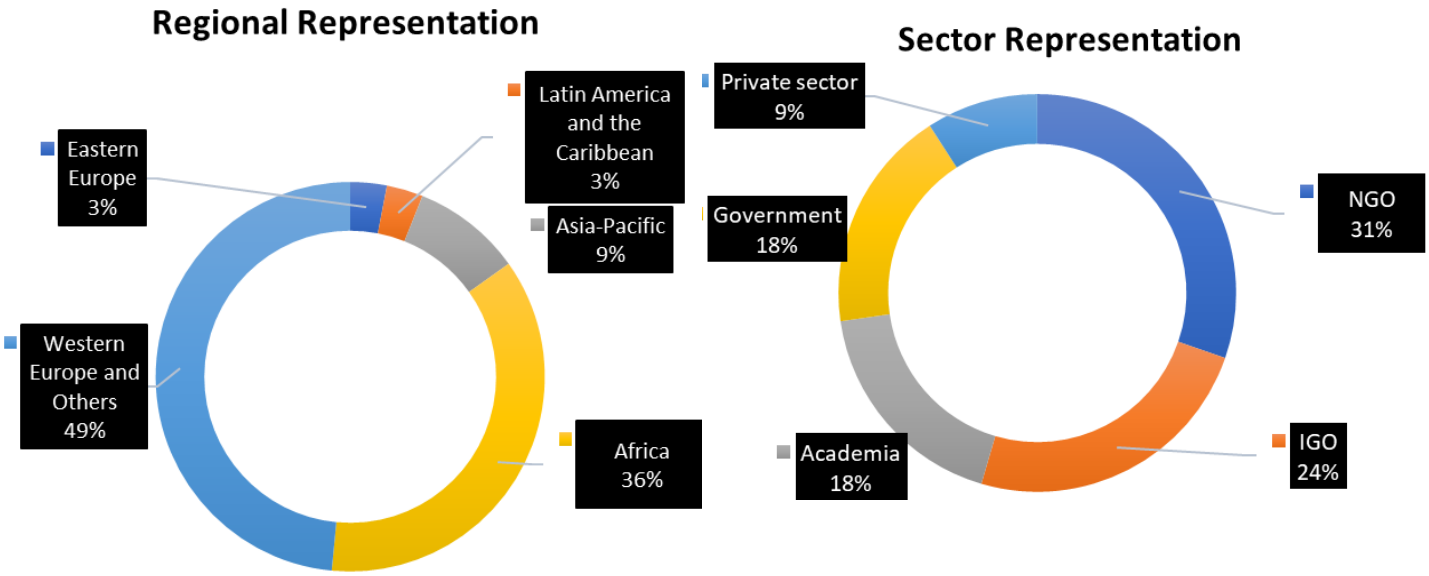
2022 DISCUSSION 1 ATTENDANCE BREAKDOWN

TOTAL ATTENDEES FOR 2022 DISCUSSION 1: 33
Female – 52%
Male – 42%
Unknown – 6%



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

Chemicals in Products Community of Practice 2022 Discussion 1
Summary and looking ahead

Various initiatives help ensure that products do not contain toxic chemicals. However, all of them have challenges. For example, voluntary transparency schemes from industry focus on transparency for a reduced number of stakeholders within the supply chain, which is an obstacle to sound life-cycle management of materials and products. Also, voluntary transparency schemes by industry result in multiple parallel standards, and the information on the chemical composition of materials/products stays with the certifier. Moreover, complying with these various standards can be a challenge for small and medium-sized companies and Low- and middle-income countries (LMICs) with less strict chemical regulations and enforcement.

The Global Minimum Transparency Standard (GMTS) is a tool for companies to disclose hazardous chemicals in their products throughout the whole product lifecycle. It is intended to help achieve equal access to information for all stakeholders, irrespective of country and within and outside the supply chains. It is a step toward stricter regulation or even a complete phase-out of hazardous chemicals leading to global human health and environmental safety.

The idea of a global minimum transparency standard for hazardous chemicals in products helps overcome the above-mentioned challenges as well as other challenges with disclosing chemicals in products. It puts in place conditions for disclosing information about toxic chemicals inside and outside supply chains for materials and products; helps eliminate double standards, and at the same time, addresses the challenge with internet trade. This is achieved by putting in place conditions for harmonized accounting for hazardous chemicals in products offered on e-platforms and across different jurisdictions and sectors. It is a tool for improving access to information and a step toward a progressive ban on hazardous chemicals in products. For more information, please check https://www.globalchemicaltransparency.org/.

The GMTS covers the same product scope as the SAICM Chemicals in Products Programme (CiP). However, the GMTS chemical scope is initially focused on chemicals that are recognized as chemicals of "global concern/particular concern" by chemical conventions or progressive regional legislation. It is also envisioned to be a living standard. Once the underlying conventions and regional legislation are updated, so will the GMTS, and it can also be expanded beyond regulated chemicals as needed. The proposed GMTS will, nevertheless, directly support the CiP Programme.

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 an endorsement.

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

Q1. In your sector or organization, what do you think are the key issues to ensure the reliability of the information being provided for decision-making?

Country	Participant's responses
BRAZIL	- There are many benefits if this happened in Brazil: for the protection of human health and natural resources. Currently, there is no register of the chemicals and there is little information available to the consumer**.**
BOTSWANA (GOVERNMENT)	- Disclosure will help in enhancing public education and awareness campaigns, especially on products containing POPs chemicals.
GERMANY (NPO)	- As it was already noted, information disclosure of hazardous chemicals in products will help identify products with hazardous chemicals and determine product components that contain such chemicals. For mercury-containing products, for example, this is very important because some products (e.g. those listed in Annex A of the Minamata Convention), like batteries and electrical switches, can be part of more complex products, from electrical and electronic appliances to toys. - Information stating that a product does not contain toxic chemicals or is non-toxic is insufficient for consumers to make the right decision. - Consumers face a lack of transparency in many countries. For example, while the mercury in cosmetics and pesticides is subject to GHS requirements and could be disclosed within and outside the supply chain via an ingredient list, for manufactured products or articles the transparency requirements for information about mercury do not exist.
NEPAL (NGO)	- This is the only way to get information about the product from a consumer. - People's life and health can be protected by full information disclosure.
SWEDEN (NPO)	- If transparency for chemicals composition was mandatory at the multilateral level, no single country would have to set up their systems and databases. This means that e.g., in Brazil, where little information is currently available, imported goods, would automatically get this information tagged to the goods.
TUNISIA (GOVERNMENT)	- It exists for just a few products in Tunisia to inform the consumer about the absence of some hazardous chemicals in a few products.
UNITED KINGDOM (GOVERNMENT)	- There are issues with POPs in waste. Disclosure of chemicals in products might help in the future to separate products containing POPs or help forecast which waste streams might be a problem in the future. - There has been some good practice in the UK with waste wood - waste operators working with suppliers to develop guidance on which products contain hazardous chemicals. Greater transparency/traceability would help with this in the future. - Are suppliers happy to disclose even within value chains? IP and competition issues. And we need to think about the waste stage too - access for waste operators. - Transparency and full material disclosure are gold standards, but issues around communicating the information in a way that is useful to suppliers/consumers/waste operators. (Cost/benefit issue).
USA (PRIVATE)	- Some industries are more actively pursuing than others. - Internet platforms are a major issue (no liability) and have become a haven for counterfeit and unsafe products.

OTHER	-	The retail sector currently must rely on Restricted Substance Lists to ensure that there are chemicals of concern in the products they purchase for resale. However, they do not know what is being used instead and don't know what their vulnerability is to new hazards being discovered or new regulations being put in place (e.g., with PFAS). Therefore, greater transparency would assist with that.
PRESENTER'S NOTES:	-	In the EU we have the SCIP database, which should help waste managers and consumers know what SVHCs are in products
	-	Disclosure outside the supply chain is important for policymakers and consumers to access their right to know.

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

Poll 1 Results (N=15):

Is your country/organisation planning to develop a circular economy for a non-toxic approach to the safe material cycle? (n=15)

Yes – 12 (80%)
No –0 (0%)
Not sure -- 3 (20%)

Answers

Armenia

- "So far on the level of training activities by international organizations jointly with Government, e.g., in 2021- professional seminars "Practice of implementing a circular economy ", funded by the European Union in the framework of actions for the environment, to promote the EU-funded UNDP (UNIDO) and Resource Efficient and Cleaner Production (RECP) component implemented by the Armenian office of the Regional Environmental Centre for the Caucasus (REC Caucasus Armenia). It is designed to stimulate the activities of SMEs by improving their environmental behaviour and resource efficiency.

Botswana

- "Botswana has in September 2021 approved the integrated waste management policy with its thrust mainly on promoting circular economy. This has been launched to the public on the 10th of March 2022 for appreciation and uptake by the Private sector".

Brazil

- "Yes. Recycled plastics in products have tested positive for toxic substances (Arnika project, some years ago)."

Germany

- "Germany - not sure about any national plan. There are some initiatives at the EU level for the future."

Sweden

- "Certain textile companies and furniture companies now disclose information regarding certain chemical substances in their products."

UK

- "Ongoing work around both circular economy and managing hazardous substances through their lifecycle"

Poll 1 Results cont. (N=15):

Is your country/organisation planning to develop a circular economy for a non-toxic approach to the safe material cycle?

Other countries

- "Yes. The European Union has launched a Circular Economy Action Plan coupled with a Chemical Strategy for Sustainability to assist with this. I am based in the UK and similar approaches are under review."
- "There is a lot of hype about the importance of the circular economy concept, but little or no talk about a non-toxic circular economy."
- "There are several ongoing policy processes in the EU. Now we also need to make them non-toxic."

Poll 2 Results (N=9):

Is there evidence of value chain contamination with hazardous chemicals from recycling products?

Found evidence

- "Study of Toys in Nepal by CEPHED and IPEN found to be contaminated with Penta and Octa BDE which is clear evidence of value chain containing hazardous chemicals in Nepal."
- "State of current evidence for contamination in the PET value chain. https://www.sciencedirect.com/science/article/abs/pii/S0304389422001984"
- "We also found Phthalates in Plastic Toys, schools stationaries like Eraser"
- "Yes, it can happen (e.g., brominated flame retardants in polystyrene), but there are technologies to strip out the flame retardant before recycling."
- "POPs in plastic from electrical waste, and in soft furnishings waste. Hazardous substances in waste wood. Work has been/is being undertaken in all cases."
- "Some incidences, but not a widespread issue. A clean source of recycling is critical to avoid this. You must know where your material is coming from."
- "We have seen cases of upscaling initiatives of plastics that contain high levels of CoCs."
- "Yes, e.g., residues of flame retardants (HBCD) in polystyrene insulation plates."
- "Armenia: no special landfills for hazardous (especially highest, 1st class of hazard) substances which leads to uncontrolled dumping and accumulation."

Responses from chats

USA

- "Yes. Mislabeling as well as inappropriate recycling, is the main cause."
- "Also, the volume of material to be recycled is a big problem."
- "Internet platforms are a major issue-no liability and have become a haven for counterfeit and unsafe products".

Tunisia

- "Yes, the use of recycled materials in products which are not authorized to have it in"
- "Here I think the best way is labelling like "free lead", "free mercury" "free organic solvents" in some products but in Tunisia, we have just a few examples like the glue used at school".

Poll 2 Results cont (N=9):

Is there evidence of value chain contamination with hazardous chemicals from recycling products?

Presenter's comment

- "Recycling is often not the silver bullet to solve issues around the circular economy because it can prolong the use of harmful chemicals, then often without knowing in what products they are used."

Questions to presenters

Nepal

- "Can we make GREEN Circular economy? "

Other

- How do we provide a suitable context for consumers to make decisions, even with full material disclosure? Chemical names mean nothing to most people.

Response

- "Yes, we can create a safe circular economy if we have transparency for at least hazardous chemicals, providing the information is shared with all stakeholders in the life cycle of products."

Q2. What initiatives to disclose toxic chemicals in products are you aware of in your country or region? What challenges and benefits do these initiatives present for regulators, retailers, consumers, and recyclers in your country?

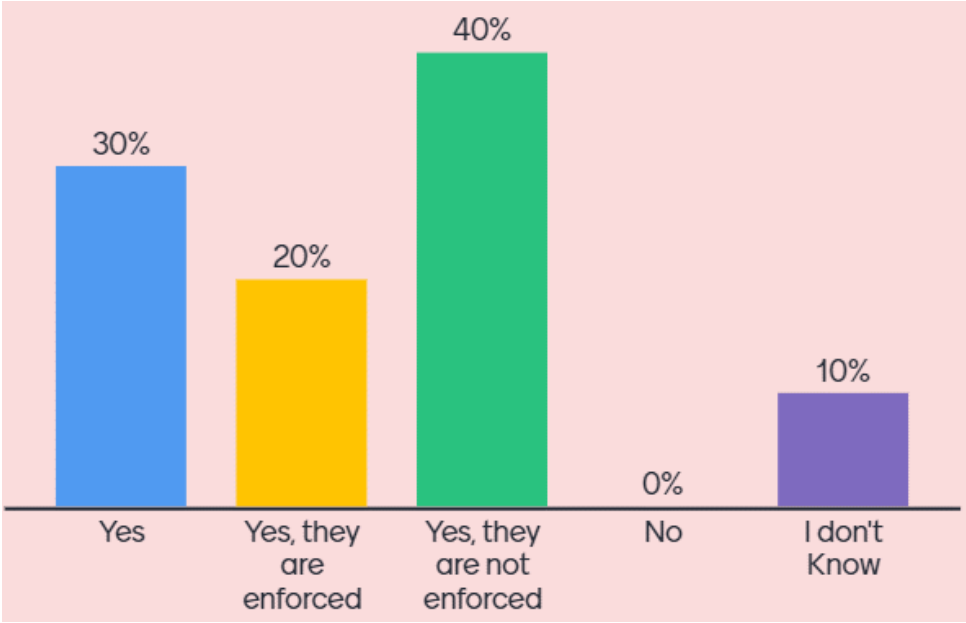
Country	Participant's responses
ARMENIA	- Armenia is a member of the Eurasian Union. Eurasian Economic Commission establishes legally binding requirements for the subjects of technical regulation in the Union territory, e.g., chemicals in children's toys, chemicals in paints, etc… - The 4 chemicals conventions: e.g., Armenia is a party to Rotterdam Convention, Stockholm Convention also has Annex of banned substances, etc. As a party, Armenia must comply.
BRAZIL	- In Brazil, except for some specific existing legislation, which does not cover many substances and some legislation on reverse logistics of hazardous waste, there is nothing on the horizon that indicates an innovation in this sense. - In Brazil, only civil society's initiatives are known. Important challenges are raising awareness among consumers/citizens to demand that their rights be respected, as well as the need for restrictive and implemented legislation.
GERMANY (NPO)	- In the EU, cosmetics must disclose almost all ingredients. It is a huge benefit for consumers, especially for those who want or must avoid certain ingredients. This shows that full disclosure is not a threat to any product sector, and at the same time very helpful, also for policymakers.
NEPAL (NGO)	- Right to Information Act as well as the Constitutional Fundamental Right to Information is in place. Needs effective implementation in Nepal. This is not the case for most other jurisdictions, as they usually have no control over products sold online. - Labelling of chemicals about health and environmental concerns should be mandatory throughout the life cycle. - Labelling is mandatory but it is not always mandatory for its chemical constituents.
OTHER	- SCIP is the most obvious initiative in the European Union, as already mentioned in the presentation. - SCIP is legally enacted under the Waste Framework Directive rather than under the Chemical Regulatory provisions of REACH. Hence, there are some differences in the use of nomenclature.
SWEDEN (NPO)	- A harmonized approach to sharing information on chemical composition and minimum requirements for disclosure would be helpful.
UNITED KINGDOM (GOVERNMENT)	- Several sector-specific initiatives (e.g., I4R for electronics). The challenge for producers/suppliers in getting the information about chemical content from sometimes complex supply chains. The challenge for everyone else is utilising the information e.g., processing large volumes of waste. - SCIP is a big initiative in this area. Any indications that consumers or waste operators are using the information? - The REACH definition is useful, I presume this is what we are focused on: "an article is defined in REACH as 'an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition".
USA (PRIVATE)	- The toxicity of products and materials should be made available regardless of how they are sold (online or retail) or mode of transportation. Also keeping the information locally when a product is sold globally is an issue. - In several US states, there are disclosure requirements for a specified list of chemicals of concern. Seem to create an administrative burden on producers but does not seem to benefit consumers to any degree. These disclose only content without context or potential exposure information. - Many formulators and products companies are hesitant to disclose ingredient information because it is their IP. Therefore, we are developing a platform where suppliers can securely provide the ingredient information, get analysis that can be certified, and the manufacturers can access this certified analysis. This will allow the manufacturers to ensure that they are selling products that are within Govt. allowable toxicity guidelines. And Govt. can monitor the disposal/recycling of toxic products.

PRESENTER'S NOTES:	- The EU has entered into voluntary agreements with some major platforms to cooperate with the EU to map supply chains of products that do not comply with EU law and to regularly refer to the EU RAPEX register, which contains information on products already identified as non-compliant and harmful. Protects EU consumers but is far from complete. - Going back to e-commerce - Internet platforms have little understanding of what information on chemical contents they should ask for, as there are so many national standards and legislations to ensure fulfilment with. - Since January 2021, the SCIP database displays 7 million searchable article notifications, from nearly7 000 companies across the EU. - The existing chemicals conventions like the Stockholm Convention on POPs or the Minamata Convention on mercury do not have formal transparency requirements. The only exemption so far is for the flame retardant Hexabromocyclododecane (HBCD) in recycled isolation materials.

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

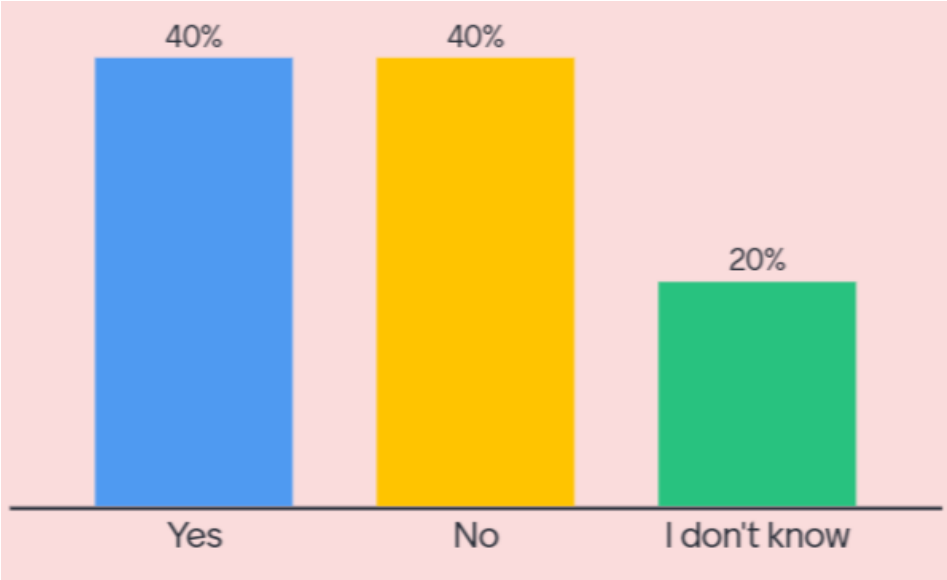
Poll 3 Results (N=10):

Are there national standards/legislation for disclosing the identity of chemicals in products available in your country? Are they enforced?



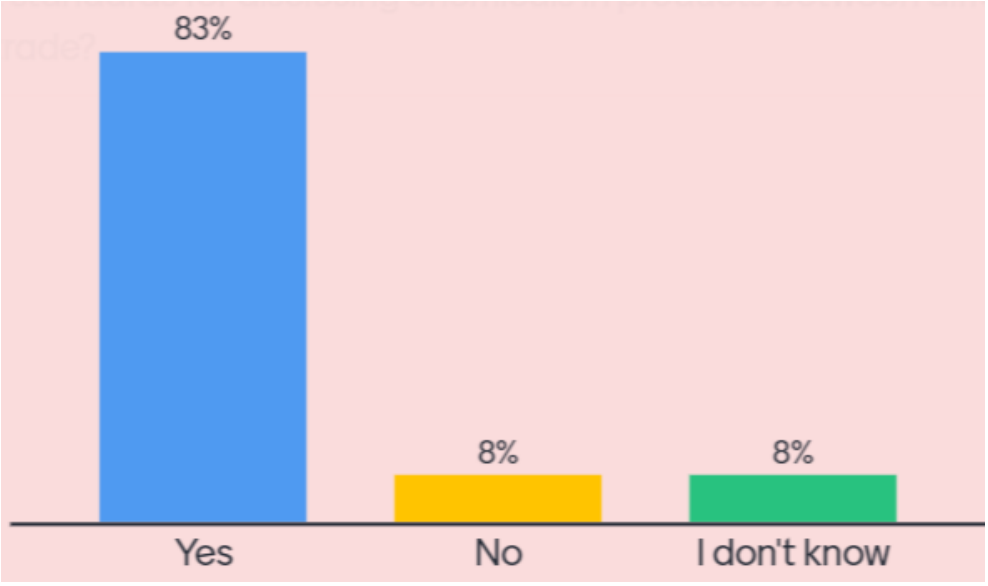
Poll 4 Results (N=10):

If there are industry standards for disclosing the identity of chemicals in materials in your country, are they useful for lifecycle management?



Poll 5 Results (N=12):

Do you believe that having different standards for disclosing chemicals in products between different sectors and countries complicates trade?



Brazil

- "I am only aware of civil society's initiatives. Important challenges are raising awareness among consumers/citizens to demand that their rights be respected, and restrictive and implemented legislation"

USA

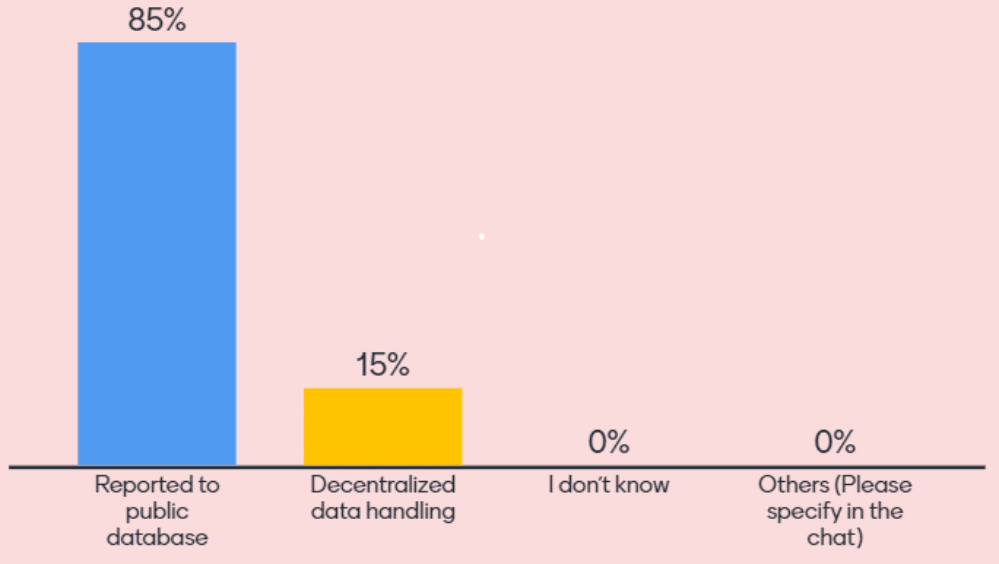
- "There are loose regulations, that are difficult to enforce. In the US, some states are disclosing more openly than others."

Q3. What is the best approach to construct the Global Minimum Transparency Standard?

Country		Participant's responses
ARMENIA (NGO)	-	Soft and hard approaches go in parallel. There are already products that should be banned, lead in paint is one such example.
	-	Grouping chemicals would speed up the process with health hazards being the primary criteria.
	-	Gender considerations should also be part of the discussion- so indeed agreeing on SAICM targets would help.
BRASIL	-	A binding mechanism in the post-2020 SAICM.
NEPAL (NGO)	-	Bringing WTO as well as Party country for maintaining minimum transparency standards by making it mandatory.
	-	A voluntary standard is a preferable approach, at least to start. Chemicals selected should be based on risk, not mere presence, or hazard profile only.
OTHER	-	Having targets and indicators that can be cross-sectoral can also help mainstream such a standard.
USA (PRIVATE)	-	Asking companies to provide the toxicity analysis of their products will be less intrusive, and easier to implement (like GHS analysis). Also, a global guideline on how to measure and what type of toxicity must be measured at a minimum will help (currently not sufficient).
UNITED KINGDOM (GOVERNMENT)	-	The problem with a focus on risk here is how to account for legacy substances (e.g., flame retardants that end up listed as POPs, turn up as waste 40 years later...).
PRESENTER'S NOTES:	-	The chemicals that we suggest starting to include in the standard are substances of high concern. For some, like carcinogens, it is impossible to determine safe limits. Thus, we believe that the hazard approach is most appropriate in this case.

Poll 6 Results (N=12):

What do you think are the best options for management of disclosed data on chemicals in products?



Armenia

- A transparent system owned by the government.
- The participation of civil society, workers and academia is necessary for the management of the database

Other

- Relevant government ministries could be owners of public data control?

Presenter's comments

- We believe that IOMC could be the host of GMTS
- IOMC could be the host of the database.

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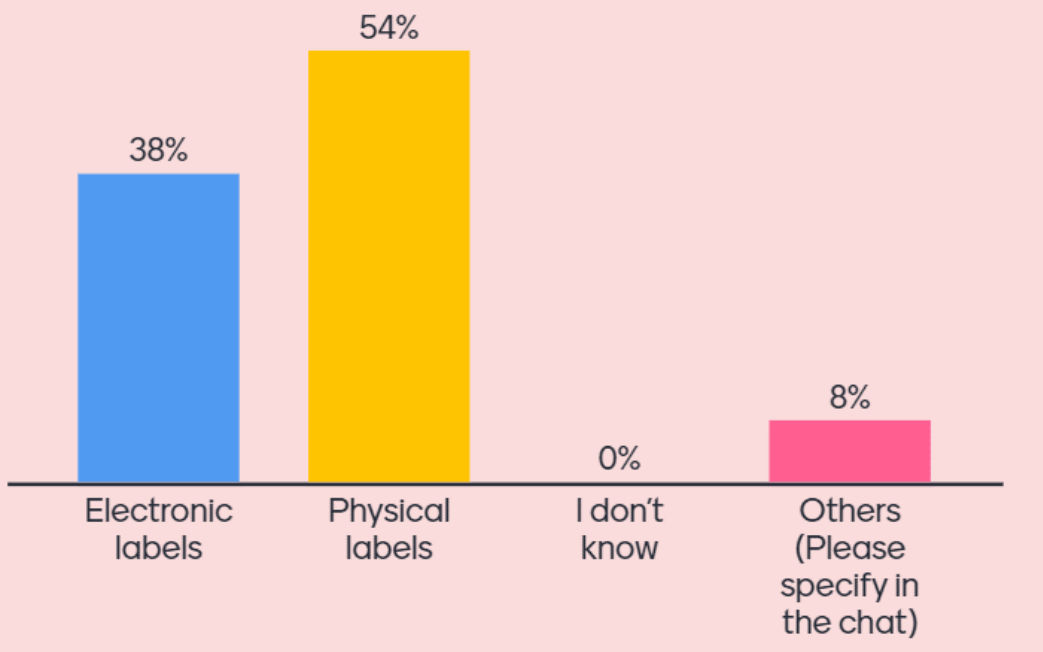
Poll 7 Results (N=13):

Which approach is best for disclosing chemicals in materials and products in your country?



Nepal

- Strengthening our chemical safety campaign

Tunisia

- I think that the topic we discuss today is complicated because it depends on awareness issues about the risks and hazards in every country or region
- Even with physical or electronic labels, there is a big problem with the small font of the labels
- Another problem: there are thousands of hazardous chemicals which one is more hazardous? which will be prioritized first.
- I think that the main responsibility is on the industry which must be more transparent and think more about health and the environment.

UK

- The best approach probably varies depending on the product. Electronic labels for high-value and long lifecycle products could make sense e.g., large electronic appliances like fridges
- RFID chips for shorter lifecycle and lower value products seem to run into problems.
- I'm guessing that intellectual property issues are partly why SCIP focuses on REACH SVHCs (already supply chain communication requirements under REACH A.33).

Other:

- May physical labels be easier to tamper with.
- Creating a list of Chemicals of concern has a problem of getting stale very quickly. With millions of chemicals being introduced constantly, systematic measurement and analysis based on the chemical will be best (like ViridisChem's Chemical Analyzer). And certification of products that use highly toxic substances should be a requirement.
- Automatically connecting the highly toxic chemicals lists with harmonized GHS analysis will be very helpful
- Physical labels are also important in developing countries where the internet and databases are not easy to access.

Helpful resources:

- African Circular Economy Alliance
  https://pacecircular.org/african-circular-economy-alliance
- Latin American and Caribbean Circular Economy Coalition
  (https://pacecircular.org/latin-america-and-caribbean-circular-economy-coalition)
- UNEP Resolution 6 on Marine plastic litter and microplastics
  (http://wedocs.unep.org/bitstream/handle/20.500.11822/28471/English.pdf?sequence=3&isAllowed=y)

- UNEP Resolution 7 on environmentally sound management of waste
  http://wedocs.unep.org/bitstream/handle/20.500.11822/28472/English.pdf?sequence=3&isAllowed=y.
- UNEP Resolution 19 on mineral resource governance
  http://wedocs.unep.org/bitstream/handle/20.500.11822/28501/English.pdf?sequence=3&isAllowed=y
- The role of circular economy in addressing the global biodiversity crisis
  https://circulareconomy.earth/publications/the-role-of-the-circular-economy-in-addressing-the-global-biodiversity-crisis.
- Inter-governmental systems, e.g., the voluntary UNEP Chemicals in Products Programme
  https://www.unep.org/explore-topics/chemicals-waste/at-whwe-do/emerging-issues/chemicals-products
- Legislative systems, e.g., the EU SCIP database for Substances of Very High Concern
  https://echa.europa.eu/sv/scip
- Design for Environment - governmental certification system
  https://www.epa.gov/saferchoice
- Industry internal transparency schemes, e.g., in the automotive International Materials Data System (IMDS)
  https://www.mdsystem.com/
- BASTA – industry certification system
  http://www.bastaonline.se/searchpage-en/?q=&
- GOTS – totally independent
  GOTS the leading organic textile standard - GOTS (global-standard.org);
- The auto sector has the Global Automotive Declarable Substances List - threshold limits of 0.1% (or lower in certain cases)
  www.mdsystem.com/index.jsp
- 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
  www.c2ccertified.org
- Microplastics as Trojan horses for trace metals. Journal of Hazardous Materials Letters 2, 1-6
  (https://www.sciencedirect.com/science/article/pii/S266691102100023X/pdfft?md5=b07e8065a5891907244cbbc82d3e134e&pid=1-s2.0-S266691102100023X-main.pdf);
- Mapping global flows of chemicals: from fossil fuel feedstocks to chemical products. Environmental Science & Technology. 52(4), 1725-1734.
  https://pubs.acs.org/doi/10.1021/acs.est.7b04573

- Global Minimum Transparency Standard
  https://www.globalchemicaltransparency.org/
- Global Minimum Transparency Standard (GMTS) for hazardous chemicals in products: A missing but essential tool for the protection of biodiversity
  https://www.globalchemicaltransparency.org/#a13lightbox-work-12559

- Chemicals Strategy for Sustainability – towards a toxic-free environment
  https://ec.europa.eu/environment/pdf/chemicals/2020/10/Strategy.pdf
- UNEP/EA.4/Res.8 on sound management of chemicals and waste
  http://wedocs.unep.org/bitstream/handle/20.500.11822/28518/English.pdf?sequence=3&isAllowed=y

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If you have any questions 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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