Possibilities for national development

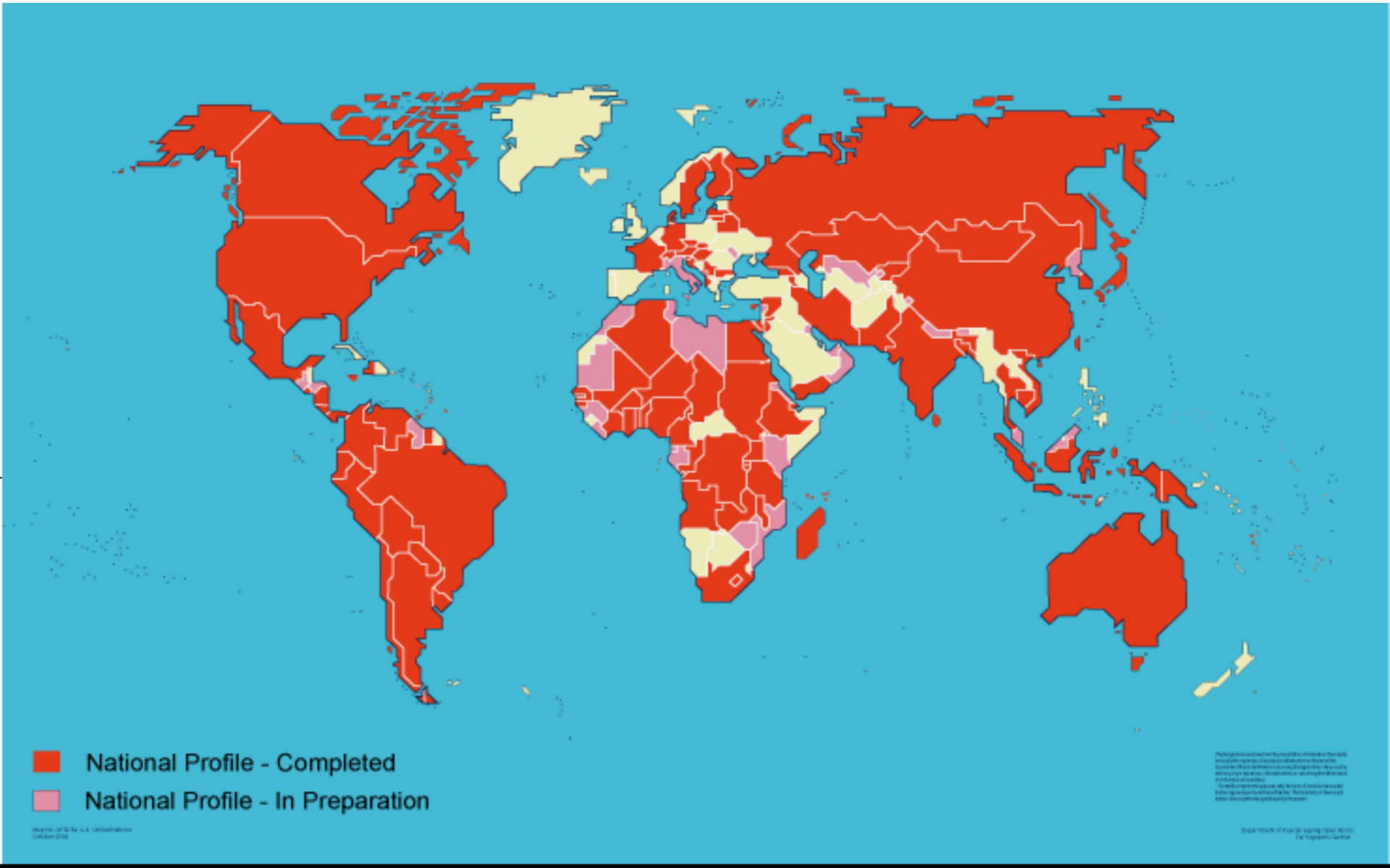
Comments to "Draft SMC road map for African countries"
Ref: UNEP-workshop in Nairobi July 2013

Torbjörn Lindh
Swedish Chemicals Agency

Points of departure

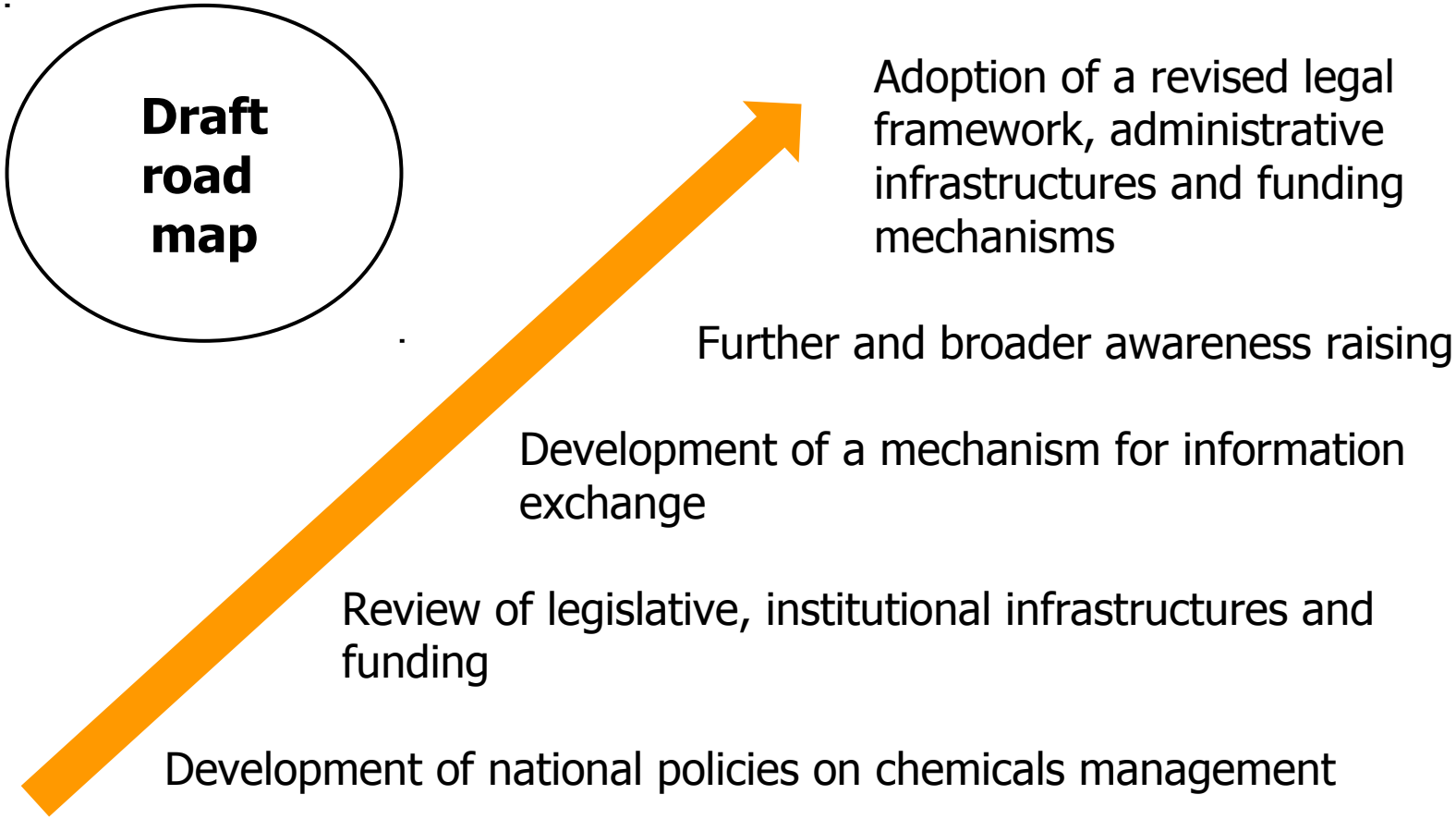
- What kind of chemicals use and what chemicals manufacture and import do you have ?
- Which are the hazards and risks from chemicals that trouble you the most ?
- What institutional traditions & institutional set-up do you have ?
- Which parties are able and most concerned to drive the process ?
- Have you signed up for SAICM (Global plan of action) ?
- Have you ratified multilateral chemical conventions ?

Is it time to review the national chemical management profile?



http://www2.unitar.org/cwm/nphomepage/np3_region.aspx

Draft roadmap for initial stages of SMC in the African region



Ref: Draft roadmap for initial stages of sound management of chemicals. UNEP Chemicals 2013

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Steps 1 and 2 of 6 :
Targeting decision-makers and interested parties
Development of national policies on chemicals management

The importance of clear scopes of legislation

- What does the law in the various areas cover?
- On whom are the law obligations placed?
- Who is given regulatory and supervisory powers?

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Ref: Draft roadmap for initial stages of sound management of chemicals. UNEP Chemicals 2013

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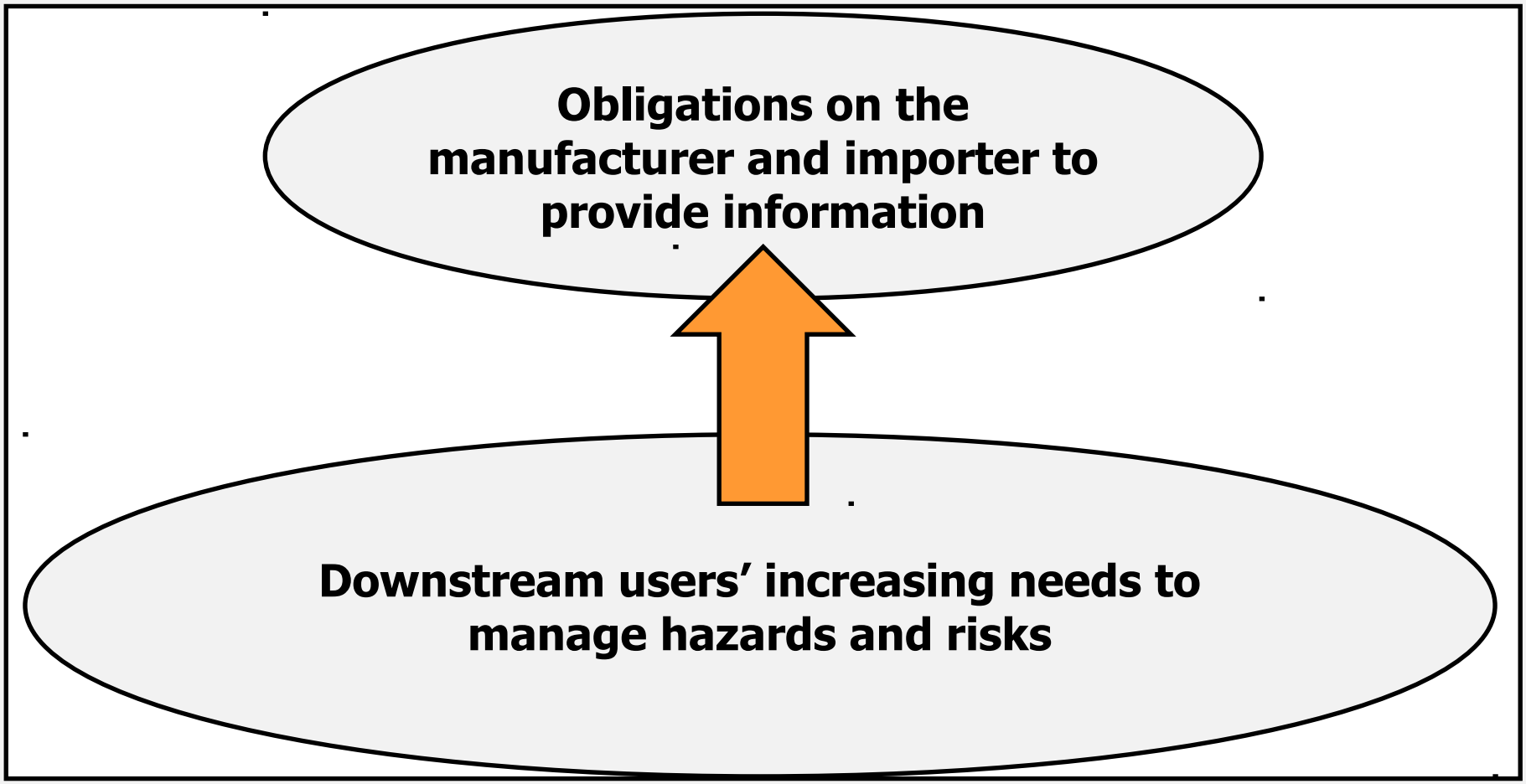
The importance of clear obligations, division of responsibilities (industry – administration), mandates to ministries and division of tasks within administration

Priorities and planning of national action

The use of rationales giving the arguments for SMC , lining out the full context of it, underscoring the vested interests of main actors and parties (Compare "white books" or preambles of legal acts)

Reliable and sustainable funding

Importance of in-built incentives: Users need to know



Step 3 of 6:

Review of legislative, institutional infrastructures and funding

- Nomination of a lead ministry or agency to initiate and oversee the activities supported by a committee including the relevant ministries and other stakeholders
- Identification of gaps and overlaps in the legal framework
- Identification of gaps and overlaps in the institutional arrangements
- Identifying key priorities and possible solutions
- Cost benefit analysis of suggested solutions and funding opportunities

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The national context

Each country does not have to have the full set-up of scientific and technical capacity, competences and other assets, for example tox-labs (being self-supplying; self-reliant)

Rely instead on the great advantages of the internationally based systems (GLP, MAD, GHS)

The idea of the UN and the OECD in this regard is to minimize time-consuming and expensive testing world over, to maximize the trade and reuse of test data and to make classification of hazards from substances known and spread to industry in all countries

Give core bodies / operative central staff / the clear tasks and powers to undertake action

Connect core bodies' tasks to the wider cluster of national expertise. Organise stakeholders' participation and support

Invest in enforcement staffs (inspectors)

UNEP Guidance LIRA

Sustainable financing, boosting SCM through other means (so called Economic instruments)

For example product standards, safety standards, environmental labelling, environmental management systems

Note that setting up systems of this kind could require legislation and public administrative resources as well

Step 4 of 6 :

Development of a mechanism for information exchange

- Setting up a committee on information exchange
- Needs assessment
- Stakeholder meetings and training

Ref: Draft roadmap for initial stages of sound management of chemicals. UNEP Chemicals 2013

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Consider also the set-up of :

- Official helpdesks on classification, labelling and safety data sheets

- National chemical products registries, offer knowledge on substances´direct use and spread, overviews of manufacture, import and the chemicals flow, improved federal chemicals statistics, contact network possibilities, information channels, support to supervision activities

- Web-sites giving access to national rules, classification lists, sources of hazard information, links to international databases and institutions, for example the OECD portal on chemicals

Step 5 of 6 :

Further and broader awareness raising

- Active engagement of decision makers for the adoption/implementation of proposed revised legal and institutional arrangements and funding mechanisms
- Media campaign

Ref: Draft roadmap for initial stages of sound management of chemicals. UNEP Chemicals 2013

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Engage interested parties in the broader sense

Industry, not at least downstream chemicals users

Important target group: Staffs to work with labelling, SDS, safety instructions, emission control programmes, waste disposal issues

Administration, not at least heads of operation and inspectors in closely related areas

Academia and NGOs, national cluster of competence.

Important target group: National experts, to assist administration and/or to assist industry (as consultants or employees)

Last step of the road map

Adoption of a revised legal framework, administrative infrastructures and funding mechanisms

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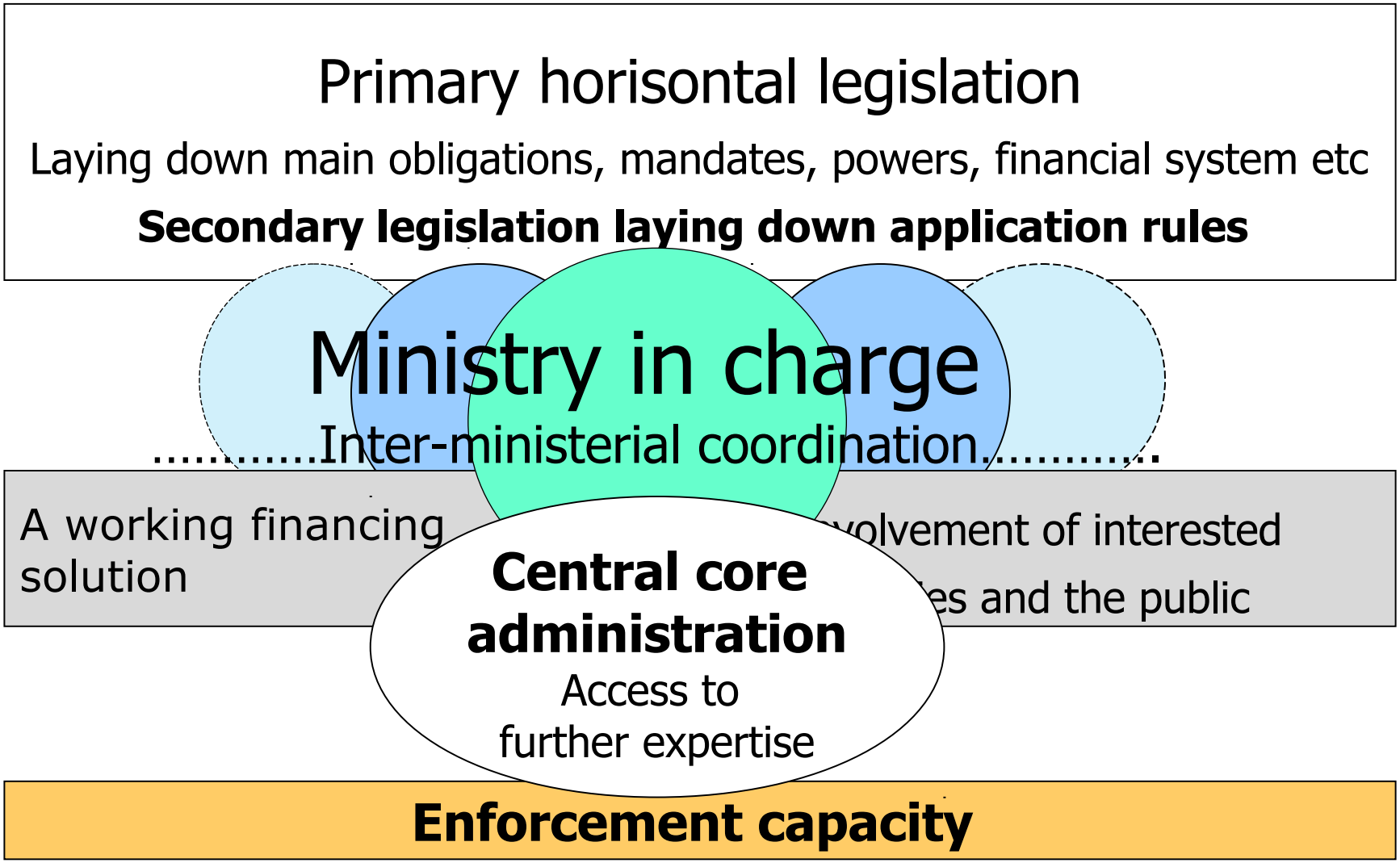
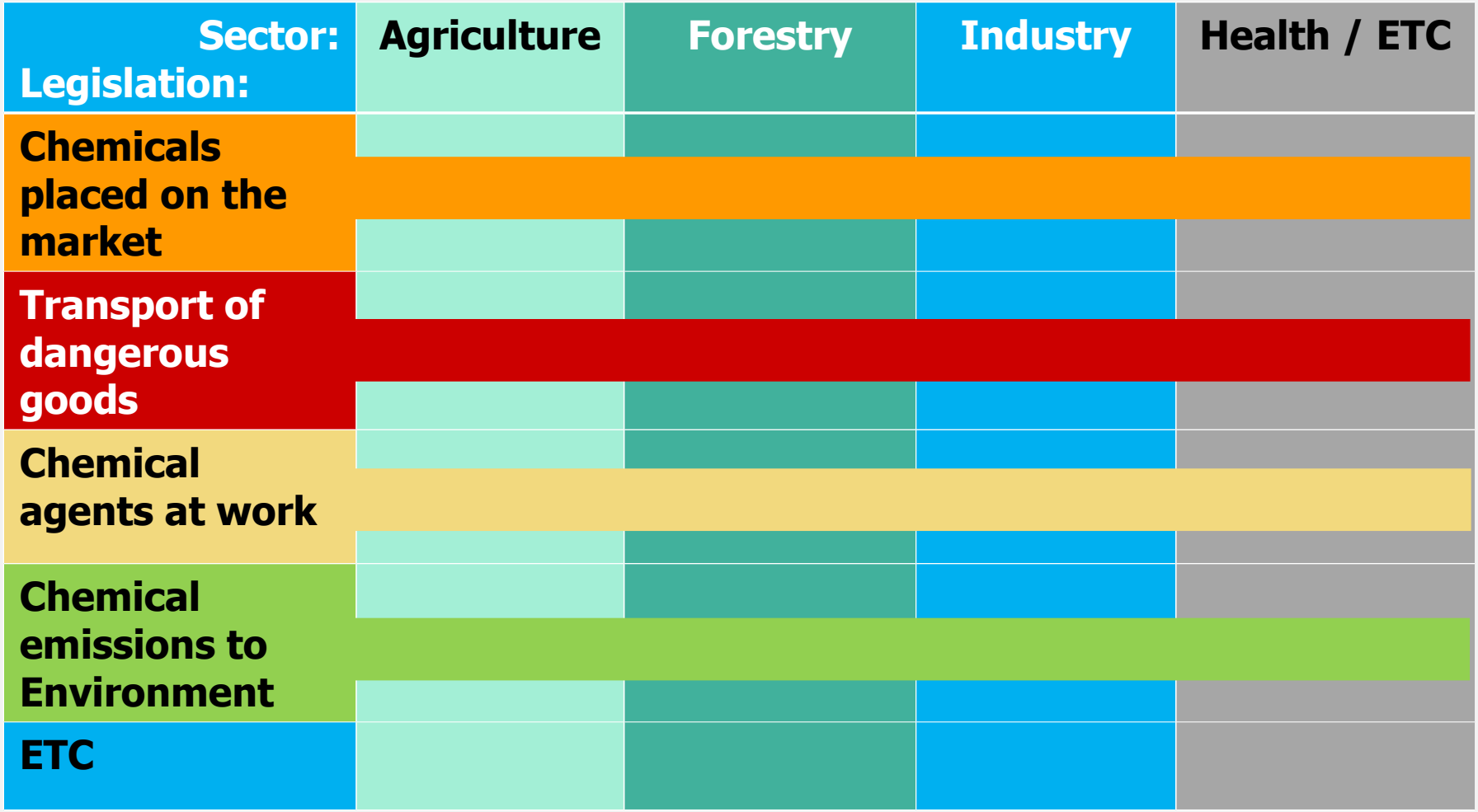
Elements for the institutional set-up



Horizontal legislation is parallel to other legislation and sector over-powering



Advantages and disadvantages from bridging over to neighbourhood areas

Ref: Central European Journal of Occupational and Environmental Medicine Volume 7; No 2/2001

Implementing GHS into national legislation ?

4. Make it binding for mixtures

3. Make C&L and SDS binding for substances;
Consider the Classification list

2. Possibly make GHS the national standard?
Consider to include what CLP adds or changes

1. Make Classification, Labelling and SDS known to industry

Introducing bans and restrictions ?

4. Consider further restrictions of substances of high concern. Use optimal periods of transition before dispositions enter into force

3. . Implement restrictions on the hazardous substances in electric and electronic equipment, restricted in China, the EU, Japan and South Korea

2. Restrict ”phasing out substances” (low hanging fruit), such as arsenic, asbestos, benzene etc…, substances on the Rotterdam list - and CMRs in consumer chemicals

1. Implement conventions: POPs, ozone eaters, Hg.

Sanctions versus enforcement powers to inspections

Place sanctions in severe and very clear cases of offenses and introduce clear descriptions of these offenses in your primary law:

- Classification faults which signify considerable risks
- No labelling, no provision of SDS to clients, The labelling or the SDS are not provided in the prescribed language

Make it possible to enforce compliance to other rules through the means of powers given to inspectors / inspectorates

Give them for example the mandate to issue injunctions and fines in cases of non-compliance

Agora é mais, obrigado