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**International Conference on Chemicals Management**

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Item 4 (e) of the provisional agenda\*

**Implementation of the Strategic Approach to  
International Chemicals Management:  
emerging policy issues**

**Progress report on the Chemicals in Products project, including  
proposed recommendations for further international  
cooperative action**

**Note by the secretariat**

The secretariat has the honour to circulate a report on the Chemicals in Products project prepared by the United Nations Environment Programme (see annex). The report summarizes the work carried out on the project and includes a number of proposed recommendations for further international cooperative action in that regard. The report was considered at the first meeting of the Open-ended Working Group, held in Belgrade from 15 to 18 November 2011 (see SAICM/OEWG.1/10), and was subsequently revised following recommendations received from the Working Group.

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\* SAICM//ICCM.3/1.

## Annex

### **Progress report on the Chemicals in Products project, including proposed recommendations for further international cooperative action**

#### **I. Background**

1. Chemicals are an essential part of our everyday life. They are present in practically all products manufactured by mankind. A key to protecting human health and the environment is to share adequate and relevant information on chemicals in manufactured products throughout the production chain and further down the value chain and to ensure that the necessary information for safe handling and use, recycling and disposal of products is available, accessible and transferred to the relevant stakeholders in a timely and understandable manner throughout the product life cycle. Sustainable use of resources is important in a world where consumption is steadily increasing and this can be achieved through an increase in appropriate and safe recycling of materials from discarded products. In order to do so it is important to know what is in the products to be recycled such that they are handled safely and recycled in an optimum way.

2. Producers are central in collecting and making available such information, and retailers, recyclers and consumers should have access to information for informed choices and for proper waste management. The majority of current efforts are aimed at ensuring that harmful chemicals are not present in a product and legislation and control measures are designed to achieve that. Few systems are developed to inform on what exactly is in the product. Despite efforts by some stakeholders to provide information, the current lack of information on chemicals in products is one of the obstacles to achieving a reduction of risks from these chemicals and a more sustainable handling of resources, which, with sufficient cooperative action, can be one of the keys to achieving sustainable development. Avoiding an uncoordinated patchwork of information systems and maximizing compatibility with existing systems can benefit all stakeholders and reduce costs.

3. The Overarching Policy Strategy of the Strategic Approach to International Chemicals Management (SAICM) in its provisions on knowledge and information states, among other things, the objective of ensuring that information on chemicals throughout their life cycle, including, where appropriate, chemicals in products, is available, accessible, user-friendly, adequate and appropriate to the needs of all stakeholders.<sup>1</sup> In its provisions on governance<sup>2</sup> the Overarching Policy Strategy notes the role of governments and governance tools to achieve the sound management of chemicals throughout their life cycle that are multisectoral, comprehensive, effective, efficient, transparent, coherent and inclusive and ensure accountability, taking into account the circumstances and needs of countries. Knowledge and information about chemicals in products is fundamental to the sound management of chemicals throughout the life cycle of products and chemicals in products are an important cross-cutting issue involving a broad range of stakeholders with specific information needs within and outside the value chain.

4. Current efforts and capacities to provide information about chemicals in products are insufficient to understand fully the risks that may occur to human health and the environment throughout the life cycle of products and for informed decision-making. For effective and efficient information generation and accessibility, cooperative action is needed at all levels with the involvement of all relevant sectors and stakeholders, in accordance with national authorities and regulations and within available resources.

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1 Report of the International Conference on Chemicals Management on the work of its first session (SAICM/ICCM.1/7), annex II, para. 15(b)(i).

2 Ibid., para. 16.

## II. Introduction

5. In May 2009, at its second session, the International Conference on Chemicals Management adopted resolution II/4, in which it agreed to implement a project on chemicals in products with the overall objective of promoting the implementation of paragraph 15 (b)<sup>3</sup> of the SAICM Overarching Policy Strategy. The project would include the development of specific recommendations for further international cooperative action for consideration at the third session of the Conference in 2012. The Conference invited UNEP to lead and facilitate the project. The Conference agreed that the following tasks be undertaken:

(a) The collection and review of existing information on information systems pertaining to chemicals in products including but not limited to regulations, standards and industry practices;

(b) The assessment of that information in relation to the needs of all relevant stakeholders and the identification of gaps;

(c) The development of specific recommendations for actions to promote implementation of SAICM with regard to such information, incorporating identified priorities and access and delivery mechanisms.

6. The resolution recommended that proposals for cooperative actions should take into account the Globally Harmonized System of Classification and Labelling of Chemicals and avoid any duplication of effort under that system.

## III. Project activities and outcomes

7. A primary scoping phase of the Chemicals in Products project involved a survey sent to SAICM focal points designed to identify good examples provided through existing information systems, to collect views from SAICM stakeholders on the focus and priorities for the upcoming assessment of stakeholder information needs and to determine which priority product sectors should receive first attention. The results were considered at a scoping meeting in December 2009 where participants agreed that the product sectors of the highest priority were: children's products/toys, electronics, clothing, construction materials, food packaging and personal care products. Of these sectors, the first four were selected for more in-depth examination.

8. Following the scoping phase, the project undertook analytical activities, including an overview of existing systems<sup>4</sup> providing a global screening of systems for information on chemicals in products and describing needs of stakeholders for such information. The overview report suggested a two-tier approach to information flow on chemicals in products. The two tiers aim to address (a) the challenges of knowing and transmitting information on what substances are present in the product and (b) the challenge of interpreting and evaluating that information to serve differentiated stakeholders' needs.

9. The major stakeholder groups involved in the value chain of products and in need of information on chemicals contained in them include manufacturers/producers, retailers, distributors, consumers and end-of-life actors. Stakeholders outside the actual value chains also needing information include policymakers, government agencies, non-governmental organizations, research and academia, and the media. The type of information needed for the products include producer-related information to enable traceability, chemical content and instructions for safe use, handling and disposal.

10. Case studies were carried out through different institutions with the aim of:

(a) Providing reviews of the state of the art with regard to information exchange on chemicals in products in the chosen sectors;

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3 Para. 15 (b) reads: "To ensure, for all stakeholders: (i). That information on chemicals throughout their life cycle, including, where appropriate, chemicals in products, is available, accessible, user friendly, adequate and appropriate to the needs of all stakeholders. Appropriate types of information include their effects on human health and the environment, their intrinsic properties, their potential uses, their protective measures and regulation; (ii). That such information is disseminated in appropriate languages by making full use of, among other things, the media, hazard communication mechanisms such as the Globally Harmonized System of Classification and Labelling of Chemicals and relevant provisions of international agreements".

4 Kogg and Thidell, *Chemicals in Products: An overview of systems for providing information regarding chemicals in products and of stakeholders' needs for such information*, [www.chem.unep.ch/unepsaicm/cip/default.htm](http://www.chem.unep.ch/unepsaicm/cip/default.htm).

(b) Identifying the specific needs of the different stakeholders of the selected sectors for information on chemicals in products, mapping out the information flows in the sector and performing a gaps analysis;

(c) Identifying obstacles to providing/accessing information and looking for possible actions that could help overcome such obstacles.

11. Towards the completion of the case studies, a small sector-expert consultation for the Chemicals in Products project was held in December 2010, convening the individual institutes and sector experts in order to:

(a) Share the collective research results of the institutes as the case studies neared completion;

(b) Exchange experts' experiences and knowledge from the different sectors on product chemical information;

(c) Identify critical issues with regard to exchange of information on chemicals in products, especially on the data providers' side;

(d) Discuss possible measures or options that could help overcome obstacles for providing information.

12. The consultation concluded that there is a push by chemicals manufacturers to provide information on chemicals they supply further down the production chain. At the other end of the production chain, producers/brand owners are trying to pull down information on the chemical content in materials and components from actors higher up in the chain. However, between these two ends in the production chain there is usually an interruption of information exchange that needs to be overcome. Considering this, and the information needs among stakeholders further down the value chain, the consultation suggested that the flow of information could be handled in a two-tier manner with the first tier addressing the need to ensure that information is provided throughout the production chain and the second tier addressing the needs further down the value chain by tailoring of information to stakeholders' needs, including for consumers and end-of-life treatment actors.

13. The consultation further suggested that based on the work done to date in the project on chemicals in products, undertaking one or more pilot projects would be the most useful and positive next step forward. Such a project would require commitment from a few leading companies in the selected sector. A pilot study could address such issues as the scope and format of an information system on chemicals in products; the methods to promote widespread use of such a system; identification of systems that could be used as a basis on which to build a new information system or further develop an existing one; methods to raise awareness and understanding among stakeholders to ensure an effective system is developed; special needs and capacity building for developing countries and countries with economies in transition; and resource implications for different stakeholders.

14. A synthesis report of the principal outcomes of the project overview report,<sup>4</sup> the four sector case studies and the consultation meeting was prepared to identify major and common findings, including suggestions made for taking the project forward. The synthesis report, which is available to the current meeting as an information document,<sup>5</sup> summarizes the gaps, obstacles and commonalities identified in the four sector reports and the project overview report. The commonalities identified include those relating to the need for information within all the sectors studied – on the part of product designers in making decisions, actors within the production chain concerning the chemicals they use, Governments and distributors in overseeing the safe composition/content of products, consumers in making informed purchases, recyclers in properly directing materials back into production processes and waste-handlers in following proper disposal practices. Certain sectors also identified specific segments of the life cycle where information needs were particularly high. Other major common issues included that there were market leaders in all sectors, legal regulation was a driver to the provision of information and that significant gaps currently exist in information exchange.

15. An international workshop on the Chemicals in Products project was held from 16 to 18 March 2011 to discuss the outcomes of the previous meetings, the four case studies and the synthesis report. The workshop included presentations by industry representatives and other stakeholders on current efforts to increase availability and access to information on chemicals in products, served to raise awareness and understanding of the project and its outcomes among a wider audience of SAICM stakeholders and provided an extended role to those present to inform other stakeholders about the

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<sup>5</sup> See SAICM/ICCM.3/INF.20. It should be noted that findings of the UNEP-led project on information on chemicals in products pre-date the March 2011 workshop on the Chemicals in Products project.

project. The main goal of the workshop was to identify elements to be addressed in the proposed recommendations for cooperative actions to be presented to the first meeting of the SAICM Open-ended Working Group and thereafter to the International Conference on Chemicals Management at its third session. Discussions were held in breakout groups to determine principal concerns, issues and elements to address when going forward. In general, it was proposed that some form of framework be developed to improve the availability of and access to information on chemicals in products. The outcomes of subsequent plenary discussions have been used to prepare the proposed recommendation. The report of the workshop is available to the current meeting as an information document.<sup>6</sup>

16. The Chemicals in Products project report and proposed recommendations<sup>7</sup> were considered by the Open-ended Working Group at its first meeting, held from 15 to 18 November 2011. The Working Group generally expressed its appreciation for the work and progress of the project to date, while commenting on or requesting further information, as follows:

- (a) The term “framework” did not accurately reflect the desired outcome of the proposed work to be addressed by the project’s recommendations;
- (b) Further information was requested on the technical working group proposed in the recommendations. The need to bring more technical expertise into the process was also highlighted;
- (c) Future work under the Chemicals in Products project should build upon the work carried out to date and should preferentially concentrate on the priority product sectors established under the project (i.e., electronics, textiles, toys and building materials).

17. A contact group met during the first meeting of the Open-ended Working Group and addressed the issues identified in paragraph 16 (a) and (b) above, proposing modifications to the text of the recommendations as follows:

- (a) The term “framework” was replaced by the term “chemicals in products programme”;
- (b) The reference to a technical working group was removed. The recommendations were changed to suggest that further stakeholder groups and small expert groups could become involved in the project (with the purpose of bringing to the project required technical expertise) and that the existing steering group could be extended as necessary.

18. The modified draft recommendations were considered by the Committee of the Whole of the Open-ended Working Group. While the Committee of the Whole did not comment on the two issues referred to above, one delegation noted that there had been insufficient time during the session of the Working Group to sufficiently discuss the modified draft recommendations of the Chemicals in Products project. The Committee of the Whole transmitted the modified draft recommendations to the Conference for consideration at its third session.

#### IV. Proposed action

19. Taking the above into account, the Conference may wish to consider and adopt, mutatis mutandis, the following resolution for further international cooperative action, as contained in section B of the annex to decision OEWG.1/3:

##### **Resolution III/[ ]: Emerging policy issues**

##### **B**

##### **Chemicals in products**

*The Conference,*

*[Recalling that at its second session, in 2009, the International Conference on Chemicals Management adopted resolution II/4 C to implement a project with the overall objective of promoting the implementation of paragraph 15 (b) of the Overarching Policy Strategy of the Strategic Approach to International Chemicals Management, and that would, among other things, develop recommendations for further international cooperative action for consideration by the Conference at its third session, in 2012,*

*[Recognizing that continued international cooperation is essential to increase stakeholders’ access to information on chemicals in products throughout their life cycle and that prompt, concerted*

<sup>6</sup> The report of the March 2011 workshop on the chemicals in products project is available to the Conference as SAICM/ICCM.3/INF/19.

<sup>7</sup> SAICM/OEWG.1/10.

action is needed to promote harmonization, thereby avoiding an uncoordinated patchwork of information systems and maximizing compatibility with existing systems and benefits to all relevant stakeholders,

*[Welcoming the initiatives taken by Governments, industry, non-governmental organizations and others to facilitate the exchange of information on chemicals in products in some areas,*

*[Acknowledging with appreciation the progress made in undertaking the specific tasks set out to meet the goals of this first phase of the project, including the survey, the results of the case studies, the synthesis report and the results and conclusions of the meetings held since the second session of the International Conference on Chemicals Management,*

*[Having considered the results of the project activities and especially of the international workshop on the Chemicals in Products project held in March 2011 and the proposals for elements, as specified in the annex to the present resolution, to include in a framework to facilitate information flow on chemicals in products,*

[1. *Agrees, with a view to taking appropriate cooperative actions, to address the need to improve availability of and access to relevant information on chemicals in products in the supply chain and throughout their life cycle, recognizing the need for further action to contribute to the overall objective of the Strategic Approach that by 2020 chemicals are used and produced in ways that minimize significant adverse effects on human health and the environment;*

[2. *Decides that the multi-stakeholder process established by the Conference at its second session should be expanded, subject to available resources, with a mandate to develop a proposal for an international programme for information on chemicals in products (hereinafter “the chemicals in products programme”) with the overall goal of facilitating and guiding the provision, availability and access to information on chemicals in products among all stakeholder groups, and the main objective of facilitating the development, expansion and implementation of information systems on chemicals in products throughout their life cycle, including by building on experiences and work undertaken to identify and address the gaps and obstacles faced by stakeholders in gaining access to or providing information on chemicals in products;*

[3. *Recommends that a proposal for the chemicals in products programme should take into account the Globally Harmonized System of Classification and Labelling of Chemicals, avoid any duplication of effort under that system and provide for the future development of general and sector-specific guidance or guidelines to support stakeholders’ implementation of the programme;*

[4. *Urges the proposed chemicals in products programme to take into consideration major stakeholders and their specific needs identified during the first phase of the Chemicals in Products project, taking into account the elements suggested at the workshop on the Chemicals in Products project and as set out in the annex to the present resolution;*

[5. *Underlines that the chemicals in products programme should identify the roles and responsibilities of the major stakeholder groups while providing for flexible and differentiated approaches to meet the needs of individual sectors and individual stakeholder groups, including through flexible and adaptable guidance, both general and sector-specific, on what information can be transferred and how information access and exchange can take place by considering best practices and taking successful experiences, progress and developments into account;*

[6. *Suggests that the multi-stakeholder process continue to be advised by the steering group established under resolution II/4 C, and that attention be paid to the inclusion in the steering group of further stakeholder groups as necessary;*

[6 bis. *Also suggests that the multi-stakeholder process could include small expert groups to explore issues in order to, for example, develop sector-specific guidelines and activities, exchange experiences across sectors and share, develop and implement best practices;*

[7. *Urges the chemicals in products programme to take into consideration stakeholder needs in relation to and accessibility of information on chemicals, in addition to best practices for providing access to that information, taking full account of paragraphs 15 (a)–(c) of the Overarching Policy Strategy;*

[8. *Calls for cooperative action during the development of the chemicals in products programme to implement pilot projects, taking into account needs for information on chemicals throughout product life cycle and situations in developing countries, to demonstrate the applicability of the programme in one or more sectors;*

[9. *Urges* that due attention be paid to the special needs of developing countries and countries with economies in transition, including in terms of financial assistance, capacity-building and training, and improved access to technology;

[10. *Encourages* industry or business organizations, Governments, regional economic integration organizations, intergovernmental organizations and other international organizations, non-governmental and civil society organizations and academic institutions actively to participate in the development of the proposal for the chemicals in products programme with a view to facilitating information flow on chemicals in products, including associated pilot demonstration project(s);

[11. *Urges* the private sector, Governments and intergovernmental and non-governmental organizations to provide adequate human, financial and in-kind resources on a voluntary basis to support the development of a proposal for the chemicals in products programme for facilitating information flow on chemicals in products, including pilot demonstration project(s);

[12. *Invites* the United Nations Environment Programme to take the lead in implementing the process in an open, transparent and inclusive manner and to submit the proposed chemicals in products programme to the International Conference on Chemicals Management for consideration at its fourth session.]

### **Annex to resolution III/[ ] B**

#### **Elements to be considered for inclusion in a framework to improve access and availability to information on chemicals in products<sup>8</sup>**

In response to its objective to develop elements to be addressed in recommendations for cooperative actions, the Workshop on the Chemicals in Products Project held in March 2011 identified the following elements for consideration in the development of a framework to improve access and availability to information on chemicals in products. While the following text does not constitute negotiated text it does represent the overall outcome of the workshop largely based on reports from discussions in breakout groups.

The framework could be generic and, consistent with the Strategic Approach to International Chemicals Management, voluntary in nature. The framework could stimulate activities in specific product sectors and allow flexibility to accommodate the different needs of those sectors.

The framework could identify:

- (a) The roles and responsibilities of the major stakeholder groups
- (b) Principles on what information could be transferred to different stakeholders and how that transfer could take place
- (c) Build on existing experiences of best practices

The development of the framework could base itself on an analysis of critical elements of best practices for chemicals in products information, draw on the sector case studies prepared for toys, electronics, construction materials and textiles, a document that had been developed entitled: An overview of systems for providing information regarding chemicals in products and of stakeholders' needs for such information, and presentations made during the International Workshop on Information on Chemicals in Products by all stakeholder representatives. It could also draw on conclusions from that Workshop and other meetings held during the development of the project.

During the development of the framework, the needs of stakeholders for information should be recognized and should be implemented in a balanced approach that at the same time recognizes and respects the important concept of intellectual property and protection of confidential business information.

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<sup>8</sup> The present annex has been extracted from the report of the March 2011 workshop on the chemicals in products project. The term "framework" was agreed to at that meeting and changed subsequently to "chemicals in products programme" as reflected in the draft resolution transmitted to the International Conference on Chemicals Management by decision OEWG.1/1. It has not been formally edited.

When developing the framework the following could be taken into consideration:

- (a) Establishment of principles that determine what information could be provided to address stakeholders needs for example which chemical substances, types of information to address etc.
  - (b) Provision and communication of information between different stakeholders:
    - Development of technical requirements for new information exchange methods including best practices of existing methods, and
    - Strengthening of existing information exchange methods to broaden the acceptance and implement their use
  - (c) Encouraging partnerships across all the stakeholders, including public-private partnerships
  - (d) Implementing actions to gain buy-in by industry and other stakeholders and ensure success; one possible activity could be “business cases” highlighting the benefits and added value of improved flow of information for key players in the value chain
  - (e) Building on existing and on-going work on cost of inaction, capacity building, and technical and financial assistance for developing countries and countries with economies in transition that would assist governments to assess the costs and benefits related to information systems
  - (f) Awareness-raising of existing systems, in particular to governments, the informal economy, small and medium size enterprises and the public, and strengthening capabilities to implement those systems
  - (g) Addressing how to define and treat confidential business information
  - (h) Development of guidance documents and could consider the above-mentioned issues and focus on, for example:
    - (i) Best practices including lessons learned and successful systems
    - (ii) Using standardized languages
    - (iii) Transfer of knowledge
    - (iv) Policy guidelines consistent with paragraph 16 of the SAICM Overarching Policy Strategy
    - (v) Proposals for regulatory tools.
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