

## BRS Conventions COPs Highlights: Thursday, 2 May 2019

On the fourth day of the 2019 meetings of the Conferences of the Parties (COP) to the Basel, Rotterdam, and Stockholm (BRS) Conventions, Stockholm Convention (SC) COP9 convened to address issues related to: releases of persistent organic pollutants (POPs) from unintentional production; implementation plans; and the Russian Federation's proposed amendment to the SC. In the afternoon, delegates discussed effectiveness evaluation, measures to reduce or eliminate releases of POPs from wastes, and specific exemptions, acceptable purposes and other exemptions for continued production and use of listed POPs.

Contact groups met throughout the day to work on issues related to: budget; technical assistance and financial resources; joint issues; and SC listing of chemicals.

### Stockholm Convention COP9

#### *Matters related to the implementation of the Convention*

**Measures to reduce or eliminate releases from intentional production and use: Exemptions:** Delegates adopted, without further discussion, the decision on specific exemptions, acceptable purposes and other exemptions (POPS/COP.9/CRP.11).

**Evaluation of the continued need for the procedure under paragraph 2 (b) of Article 3:** The Secretariat introduced document (POPS/COP.9/8) on the review of the effectiveness of the procedure under paragraph 2 (b) of Article 3 of the Convention. The EU supported the proposed decision. Noting so few reportings, many other priorities and the need for capacity-building, the US called for this issue to be considered at COP11. The decision was adopted without amendment.

**Measures to reduce or eliminate releases from unintentional production:** The Secretariat introduced the documents (POPS/COP.9/9, INF/14-15) on the Toolkit for Identification and Quantification of Releases of Dioxins, Furans and Other Unintentional POPs and guidance on best available techniques (BAT) and best environmental practices (BEP).

The EU suggested amending the draft decision to remove references in the workplan to work on the Toolkit, and changing the word "encourages" to "reminds" when calling for parties to develop source inventories. CHINA did not support the EU proposal to replace "encourages" with "reminds," saying this would create an obligation to review strategies every five years.

The AFRICAN GROUP supported the recommendations of the experts on the Toolkit and BAT/BEP guidance. GHANA encouraged the working group to add experts to the roster. ARGENTINA called for consistency with the Basel Convention (BC) technical guidelines. IPEN encouraged parties to share

information on POPs contaminated sites. TOXIC LINKS urged the Secretariat to step up its efforts in capacity building, facilitating access to BAT, and providing financial assistance to deal with unintentionally produced POPs.

SC COP9 President Khashashneh called for the Secretariat to consult with the EU and China to prepare a revised draft decision.

**Implementation plans:** The Secretariat introduced the documents (POPS/COP.9/11, INF/17-21, INF/19/Add.1), noting that less than half of parties submitted updated national implementation plans (NIPs) that include POPs listed after 2004.

Many developing countries underscored the need for technical assistance and financial resources for updating NIPs to include new POPs and to address the priorities identified in those plans.

The EU supported the draft decision on the NIP guidance document, and noted its submission of CRP.2, which requests the collection of qualitative as well as quantitative data in the electronic template. GRULAC and CANADA supported the CRP. GRULAC proposed removing the consultation role of the POPRC and the experts on the BAT/BEP electronic template, and to provide an opportunity for parties to comment on the template and consider it at COP10. CANADA suggested revising the decision to urge, rather than encourage, parties to submit updated NIPs.

IPEN called for multi-stakeholder involvement in NIP design and implementation and for the guidance to include instructions on developing inventories for PCBs and POPs listed at COP9.

Based on their experience supporting parties, SC REGIONAL CENTRE URUGUAY underlined the importance of the guidance tools proposed.

Parties adopted the decision with the proposed amendments.

**Measures to reduce or eliminate releases from wastes:** Delegates adopted, without further discussion, the decision on this issue (POPS/COP.9/CRP.15).

**Listing of chemicals in annex A, B or C to the Convention: Amendment proposed by the Russian Federation:** The RUSSIAN FEDERATION outlined its proposal to amend Article 8 of and Annex D to the SC to "improve the mechanism of listing chemicals."

NORWAY, SWITZERLAND, NEW ZEALAND, PAKISTAN, CANADA, JAPAN, EL SALVADOR, ARGENTINA, DOMINICAN REPUBLIC, PERU, the AFRICAN GROUP, TRINIDAD AND TOBAGO, ECUADOR, COSTA RICA, CHILE, the BAHAMAS, and the EU said they did not support the proposal.

NORWAY emphasized that the POPRC's review process is long, thorough, and transparent, and called for active participation by parties and observers. The US emphasized that the science-based approach of the SC may be credited for much of its success. IPEN said the proposal would seriously undermine the precautionary approach and delay listing of new chemicals.

Noting the lack of support, COP9 President Khashashneh asked the Russian Federation if they could withdraw the proposal. The RUSSIAN FEDERATION called for continued discussion, and subsequently introduced its second proposal, requesting the POPRC to develop a draft guideline document on ways to improve the listing of chemicals in the Convention which would reflect the normative conditions for the application of the precautionary approach. He suggested that this guideline should specify the basis on which persistence can be evaluated in the case of lack of scientifically sound information regarding the half-life. IRAN supported, suggesting that further clarity could support the Convention's implementation.

COLOMBIA, GABON, CANADA, the EU, NORWAY, THE DOMINICAN REPUBLIC, SWITZERLAND, NEW ZEALAND, and JAPAN opposed, with most saying that this proposal should not be discussed further.

IPEN said there is no reason to "fix a system that is not broken," and noted the Convention already provides for the POPRC to consider all relevant data for persistence.

The INTERNATIONAL COUNCIL OF CHEMICALS ASSOCIATION said the COP should develop the guideline, particularly on socioeconomic factors given the Convention's "new phase" of considering chemicals widely in use.

Parties agreed to suspend this discussion.

**Reporting pursuant to Article 15:** The Secretariat introduced the documents (POPS/COP.9/19, INF/22, 29, 53).

The EU highlighted its CRP, noting the need to emphasize that the manual is still a "draft" and to include a deadline for improvement of the electronic reporting system by the end of 2021 at the latest. Some delegates shared information on their latest submissions and others noted difficulties in obtaining data. GHANA said the electronic reporting system is convenient and CHILE urged parties to continue to use it despite difficulties. IPEN called for more space for narrative reporting so countries can insert background information.

The AFRICAN GROUP, with EGYPT, THE DEMOCRATIC REPUBLIC OF THE CONGO, CÔTE D'IVOIRE and MALI, reiterated the need for financial and technical support.

Parties adopted the draft decision, noting that paragraph 6(a) of the decision, on updates to the electronic reporting system, would be amended to account for any decision to list new chemicals in the Annexes to the SC.

**Effectiveness evaluation:** The Secretariat introduced the documents (POPS/COP.9/20; Add.1; POPS/COP.9/21; and INF/35-37) on effectiveness evaluation of the SC pursuant to Article 16 and global monitoring plan.

CHINA, PAKISTAN, IRAN, and SYRIA called for technical assistance and financial resources for countries to fulfill their role in the global monitoring plan. The AFRICAN GROUP noted the importance of funding for the regional organization groups and the global coordination group to continue to implement the global monitoring plan, stating the activities should not be subject to the availability of funding. The plenary adopted the draft decision.

PALAU underscored the importance of the marine waters matrix for the Pacific region.

The US suggested indicators to measure if the assistance has helped parties fulfill their obligations in the effectiveness evaluation framework.

IPEN called for establishing marine water monitoring standards for coastal and open ocean, noting the link between PFOS and toxic additives to plastics that are likely to leech into the sea.

ALASKA COMMUNITY ACTION ON TOXICS, for IPEN, Inuit Circumpolar Conference, the Native Movement, and Indigenous Peoples' Caucus, urged that the global monitoring plan be implemented so the burden of proof is not put on the most vulnerable peoples.

The COP adopted a decision on the effectiveness evaluation framework (POPS/COP.9/20) and the global monitoring plan for effectiveness evaluation (POPS/COP.9/21).

### Contact Groups

**Technical Assistance and Financial Resources:** The group discussed several issues, including a draft decision on the SC Regional Centres (SCRCs). They considered how to address the SCRCs' work on plastic litter, with some favoring that the SCRCs work on "marine litter, including plastic litter and microplastics, from both land- and sea-based sources," aligning with UN Environment Assembly language; while others noted that the work of the centres involves plastic waste more broadly. They also discussed the periodicity of regional centres' meetings, debating annual or biennial meetings, and ultimately agreeing on annual meetings, subject to the availability of funding. Discussions continued throughout the day.

**Listing of chemicals under the SC:** Participants discussed the specific exemptions requested by parties that were outside the POPRC recommendation. One party requested two exemptions: for use in textile and carpet industries, electronic and paper industries, corrosion and health exchange resistance membranes, and fire-fighting foam; and for the manufacture of fluoropolymers for use in raw material for production of several types of plastic, epoxy fluorine, polyurethane rollers, and v-belt. Many opposed, citing the breadth and vagueness of the exemptions, and the availability of alternatives. All but one party preferred deleting the exemptions from the text, and the remaining party agreed to consult internally on next steps.

Two other parties requested exemptions for polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF) for a total of three applications: high performance, corrosion-resistant gas filter membranes, water filter membranes, and membranes for medical textiles; industrial waste heat exchanger equipment; and industrial-sealants capable of preventing leakage of volatile organic compounds and particulate matter 2.5. After lengthy discussion, parties accepted this exemption. The group reconvened at 8pm and discussions continued.

### In the Corridors

On the last full day of SC COP9, work remained on one "big ticket item": perfluorooctanoic acid (PFOA). The draft decision to list this industrial chemical in the Convention still contained brackets, including around some proposed exemptions that had taken many participants by surprise. While some of these newly-proposed exemptions were accepted, and the broadest remained bracketed, some argued that the POPRC's work was being undermined, with one calling the discussion "very frustrating for a POPRC member."

Other delegates wondered how the COP would resolve the Russian Federation's proposals. With only two parties willing to engage in further discussion of the ideas and clear signals from the Russian Federation that they would not withdraw their proposal, some speculated that the only possible agreement would be to "kick this can down the road" to COP10.

Many delegates were keen to include relevant aspects of marine plastics in the work of the Stockholm Convention. Several drew connections between POPs and marine plastics in discussions on the global monitoring plan and the work of the regional centres. However, some delegates pushed back against "elevating" marine plastics over all other plastic litter, highlighting the problem of dioxin releases from plastic waste in landfills. Meanwhile, an online petition on the dumping of plastic waste by a vocal international campaign group called for immediate action by the Basel Convention, which resumes its work tomorrow.