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**4th Roundtable
Combine or Combust! Cooperating on
Chemicals Management**

Brussels, Belgium | 30 November – 1 December 2006

Summary Report



Asia-Europe Environment Forum
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Background

In order to contribute to the current global policy dialogue on chemicals management through promotion of transparency, capacity building and knowledge transfer, the Asia-Europe Environment Forum (ENVforum) organised a 2 day roundtable discussion involving over 30 participants and 20 observers from the government, industry, civil society and research sector. This roundtable was co-hosted with the European Commission and was held at the Centre Albert Borschette from 30th November to 1st December. This meeting was also supported by the Asia Pacific Forum on Environment and Development (APFED) as a part of the APFED policy dialogue.

The roundtable is significant given the fact that the European Parliament was entering into its second and crucial reading of the Registration, Evaluation and Authorisation of Chemicals (REACH) proposal and its entry into force in June 2007 is imminent. Additionally, the regional consultation of the Strategic Agreement on International Chemicals Management (SAICM) in Asia is to be held in May, 2007.

Participants are drawn from various partner countries of the Asia-Europe Meeting (ASEM). Highly specialised in their various fields; each works on various aspects of chemicals management from evaluation to policymaking, from different fields such as pesticides to electrical waste. This diverse and, yet, coherent group in fact revealed the crucial character of chemicals management: that chemicals are so heterogeneous in properties and functions that they require a wide field of expert knowledge and, more importantly, a need for close cooperation between practitioners.

Given the atmosphere and setting of the roundtable, there is a greater sense of urgency amongst participants of the need to address the need for closer cooperation between the two regions. There is also recognition of the work of the ENVforum in bringing chemicals management to the forefront of environmental dialogue between Asia and Europe.

The design of the roundtable

The roundtable was divided into four sessions. The aim was to provide a general overview of the state of chemicals management; presented by stakeholders by representatives from the international forum, civil society, industry and research sector.

Next, representatives from various organisations; notably Viveka Bohn, former President of the SAICM Preparatory Committee, presented the overarching policy issues through presentations on lesson learning, regional and sectoral initiatives as well as evaluation.

In order to delve deeper into the topics, the third session initiated the participants into specific topics such as illegal trade of chemicals, civil society involvement in chemicals management, chemicals risk issues as well as initiatives in pesticide management.

The final session brought the roundtable to an end with presentations on mobilising action and participation on chemicals management through international policy dialogue as well as through international cooperation framework.

Introduction

Rapid industrialisation around the world is fuelled and accompanied by an equally extensive development of the invention and use of synthetic chemicals – to control diseases, increase food production and for our daily products. The role of chemicals is undeniably important.

The use of chemicals is prevalent in all of our lives. Some of them are known to be toxic to human health. Some pose unknown health risks. What is known however is that some have made their way into our bodies and into the environment. There are concerns that information on the uses, releases and impacts of chemicals on health and the environment is scarce and incomplete.

Given the heterogeneous level of industrialisation in Europe and Asia, and indeed the world, it is not surprising that legal frameworks and infrastructure for research, management, monitoring, measuring and prevention of impacts on human health and environment resulting from chemical production and uses, are not set up properly in several countries and many times can be considered inadequate, if not, inexistent.

Sound management of chemicals is essential if we aim to protect health and the environment from damages caused by chemicals throughout their life cycles. Achieving sustainable development and protecting the rights of future generations implies minimising health risks whereby food, water, soil and air should not contain chemical pollutants that have the potential to cause harm to human health and the environment.

Policymakers and their partners should take into consideration

- 1/ multiple aspects of chemicals management
- 2/ challenges in policy application and enforcement
- 3/ the need for exchange and dissemination of relevant information (best practices, private sector participation in policy design, good governance, etc.)

I/Understanding chemicals risk assessment and management

Even before attempting to manage chemicals, there is a crucial need to evaluate and assess the use and effects of chemicals. Given the extensive and diverse use, application and effects of chemicals, chemicals risk assessment requires a variety of expertises; from toxicology to biology to environmental science to computer modelling, these being non-exhaustive examples. A high level of technology and skills are required for adequate and sustainable levels of chemicals risk assessment. A chemical has to be assessed and its known/unknown effects carefully monitored.

Risk assessment of chemicals requires the need to factor in variables such as exposure and toxicity. This means that even with the highest toxicity, a chemical could still be used, provided that its exposure to environment and man is regulated within reason. On another hand, there is also the debate on ‘substitution’, whereby it is argued whether use of a toxic chemical should be allowed when safer alternatives can be available. Installing a competent system of chemical risk management becomes more complicated as the toxicity of a chemical increases. A sufficient and sustainable mass of experts needs to be trained in handling scientific data and in understanding the various concepts and implications of chemical risk management. Secondly, there is a need for adequate financial resources in order to provide for both human and material resources that are essential for chemicals risk assessment and management.

Beyond this scientific demand, there is also an overwhelming imperative to factor in the socio-economic aspect of a particular country. Given that risk is measured by toxicity and exposure, whereby the former is evaluated on the solid principles of science and technology, the latter (exposure) requires an adequate evaluation of the socio-economic reality of a country. Therefore, while international standards are important, domestic chemicals risk management should take into consideration the prevailing standards and common practices of a country.

The disparity of capacities and capabilities in chemicals risk assessment and management has to be dealt with decisively. Training and facilities should be made available either through partnerships or investment. The challenge here is ensuring adequate financial support to research, education and infrastructure.

Policymakers and their partners should take into consideration
 1/ the complexity and sophistication of the level of expertise in risk assessment and management
 2/ socio-economic conditions of a particular country
 3/ the need for training and technical assistance

II/ International and regional efforts

International

Several international treaties regulate certain aspects of chemicals management. The Rotterdam Convention concerns the movement of hazardous chemicals, the Stockholm Convention relates to Persistent Organic Pesticides (POPs), the Basel Convention touches on issues relating to hazardous wastes while the Montreal Protocol effectively manages the use of ozone depleting chemicals and substances. Yet, holistically, the international framework of chemicals management requires further and greater coherence.

SAICM

Though SAICM is welcomed by the stakeholders, there is a point of contention amongst them as to its eventual effectiveness since it is a non-legally binding policy framework. Its implications on trade are also important and need to be monitored closely by states and the business sector.

However, there was consensus that SAICM will be able to provide the much needed framework to bridge the divide between countries and regions. Its objectives of risk reduction and knowledge and information based on sound principles of governance, capacity building and technical cooperation will be important in shaping the future of management of chemicals throughout their life cycle.

National and NGO focal points play an important role in the first phase of SAICM. In leading up to the Asia-Pacific dialogue session to be held in Bangkok, 2007, a common view is that chemicals management should be highlighted and brought to the forefront of both environment and industry policy since the success of SAICM depends fundamentally on the active participation by all stakeholders in its implementation.

With regards to REACH, it was noted that although there exists, with SAICM, a significant overlap in chemicals labelled as “very high concern”, some participants suggested that SAICM’s definition could be broader in order to be more holistic.

Industry

The industry has played an important role in its commitment to sound chemicals management through its voluntary actions such as Responsible Care¹. The industry also contributes regularly to the dialogue on Global Product Strategy. Through the International Chemicals Council Association (ICCA), the industry forms part of the multistakeholder group in the SAICM consultations.

The points of contention between the industry and other stakeholders are the issues of substitution and precaution. Industry also welcomes a clearer interpretation of terms such as

¹ Responsible Care is the chemicals industry’s global voluntary initiative to improve health, safety, and environmental performance and to communicate with stakeholders about their products and services. Please see www.responsiblecare.org

“dangerous levels” and “unhealthy levels”, underscoring the significance of methodology in chemicals and risk management.

NGOs

Through considerable work of NGOs to raise awareness of increasing illegal trade and movement of chemicals, the roundtable unanimously agreed to bring up this issue to their relevant authorities. In certain Asian countries, trade of illegal chemicals are still rampant.

A point that was also important is the need to address factors that lead to the import and export of such chemicals and how to improve compliance to rules on these two fronts.

Yet an issue that is striking for Asian NGOs is human resource constraints. There is too few full time staff in Asian NGOs and insufficient manpower. A solution offered is through a coalition of NGOs through mechanisms such as the Tokyo Declaration for a Toxic Free Earth which aims to raise awareness through publication and the media.

Regional

EU and REACH

The richness and the long debate over REACH suggest the different approaches to chemicals management. Designed for the registration of chemicals, REACH would imply the shifting of burden to the industry. Industry experts on the other hand are very much concerned with additional layers of registration and its impact on business and economy.

To answer questions whether REACH would result in multiple approaches to chemicals management, it should be noted that REACH uses an approach that is comparable with OECD's techniques and has a strong link to SAICM. As such, it seeks to reinforce existing and future approaches to chemicals management.

The different stakeholders have been contributing greatly to the discussion on REACH. If approaches and motives differ, these were reflected in the continuous lobbying and debate over this new legislation. However, what is agreed upon by all stakeholders is that the commitment to chemicals management is strong amongst all.

East Asia

In East Asia, without that similar institutional framework, chemicals management lies along national lines. There are big disparities within Asia, generally between North East Asian countries such as China, Korea and Japan on the one hand, and ASEAN countries on the other. National policies on chemicals management have developed in Northeast Asian countries over the last few decades in particular, though the fact remains that chemicals policies in these countries are still fragmented. On the other hand, chemicals policy has not been high on the list of priority agenda in other countries. Asian countries have different levels and characteristics of economic development, and so chemicals management systems are vastly different. Collaboration between Asia and Europe should be diverse to elaborate this fact.

At the regional level, if any coherent trends are to be mapped out, they would lie along those related to international ones with close cooperation with international bodies such as the International Forum on Chemicals Safety (IFCS), the United Nations Environment Programme (UNEP), the United Nations Training and Research (UNITAR) as well as dozens of aid agencies and NGOs.

The East Asian region hosts several important chemicals industries. The range of economic development across the region therefore means that the industries in the countries may have different priorities and focus. Awareness and knowledge are not at a homogenous level here. However, East Asian countries are committed to the importance of the international conventions on chemicals management as reflected by the number of signatories to the relevant conventions.

There is, however, a point of contention with regards to the level of cooperation between the countries in chemicals management. A claim is made, during the roundtable, as to the weak level of cooperation that exists between the countries. Yet, if we look at the industry sector, it is possible to find a close degree of collaboration for example that within the Association of Southeast Nations (ASEAN) Chemicals Industry Council and the Asia Pacific Economic Cooperation (APEC) chemicals dialogue. Several programmes also exist that are led by the Singapore Chemicals Industry Council within the Southeast Asia. A point was made that cooperation need not necessarily be measured by that between governments. Indeed, often, as is demonstrated by the lessons from the Montreal Protocol, the industry can play a big role and can sometimes even pioneer the advancement in chemicals management policy.

One main concern for the East Asian is the movement of chemicals; the disturbing illegal trade and smuggling of chemicals and poor handling and disposal of electronic wastes have led to worries on the increasing amount of dioxin emission.

Asian countries generally welcome the fact that EU has been taking the lead in chemicals management by introducing REACH. However, there are worries that the EU's action could have unintended negative consequences for Asia; affecting exports of chemicals which are subject to REACH. Also, there still remain some reservations that part of the rationale behind REACH and other chemicals policy is an attempt to protect European market for European producers.

Another concern is that concerning pesticides whereby the pesticides market is probably underestimated in Asia. Given the production/consumption relationship between markets, it has been noted that the EU system of creating positive and negative lists of pesticides creates mixed consequences for Asian countries. On one hand, it has led to some dangerous pesticides being phased out (partly because of EU limits on pesticide residues in foods imported from Asia). On the other, pesticides approved in Europe have remained on markets in Asia even though some countries there are less able to manage exposure to them and thus the risks they pose.

Policymakers and their partners should take into consideration
1/ SAICM needs to be adopted/implemented decisively, with attention to its impact on trade
2/ REACH needs to be communicated well within and outside of Europe
3/ Illegal trade and movement of chemicals and pesticides need a coordinated response in East Asia

III/ Recommendations

The recommendations flowing from this meeting have been divided by the rapporteurs into three sections: recommendations for policymakers and stakeholders **in Asia, in Europe and in both regions**. Due to the lack of time, these recommendations were not directly discussed or agreed upon during the meeting and are summarised from the discussions.

Asia:

It is essential to understand the fact that different levels of economic development among Asian countries have resulted in different national chemicals management policies. This fact needs to be taken fully into account in promoting the SAICM process in Asia.

Policymakers and stakeholders in Asia could consider creating **“common platforms” that involve all relevant ministries in chemicals management issues for a more coherent chemicals policy development. The information that will be generated under REACH may prove to be useful** in the development of local SAICM implementation in Asia.

Stakeholders should create a **communications strategy on chemicals in the Asian region. Case studies from Europe** in which lessons have been learned on chemicals policy may be

found very useful to Asian stakeholders. It should be noted that some Northeast Asian countries have developed and implemented a national **pollutant release and transfer register (PRTR)** system, which is considered an important initial step towards risk based chemicals management..

Meanwhile, **policy “champions” should be identified** to push the chemicals agenda within **ASEAN**, especially among businesses and SMEs.

Europe:

European policymakers and stakeholders should fund **capacity-building activities in Asia** if they would like to encourage Asian countries to develop more coherent chemicals policy in Asia. Europe needs to **make sure that the information generated under REACH is available as much as possible** in Asia.

To this end Europe could propose to create a **mechanism of collaboration with Asia**, perhaps by creating a website to share all best practices and all possible updated information on chemicals management in Europe. They should also **work harder to ensure Asian stakeholders know that financial support can be available** under EU funding programmes to deal with chemicals management issues.

Policymakers need to work harder to **reassure Asian countries that its chemicals management legislation is motivated only by environmental and health concerns**, with no protectionist element. They should fund studies on all possible effects REACH will have on Asian countries, particularly with regards to trade to the EU.

Both regions

Policymakers and stakeholders in both Europe and Asia should try to develop potential collaboration **on common achievements to promote a more comprehensive risk based chemicals management** and a appropriate **common definition of producer responsibility for chemicals**. A “core group” of Asian countries could take on this job together with the EU.

There needs to be a far greater effort in both regions to **improve the exchange of information at expert level**. To make this exchange “more effective and sustainable” the relevant bodies should set up “distributed networks” of contacts to **improve information flows**. The most cost-effective ways of doing this should be chosen – for instance, by **using existing networks** such as those created under the Montreal protocol. Governments in both regions could commission a **study into the costs of inaction on chemicals policy**.

Policymakers and stakeholders in both regions should **cooperate to share EU’s experiences with REACH policy to Asia** very quickly because these countries are rapidly developing their chemicals policies. There is a pressing need for **cooperation to secure an adequate pool of risk assessors** to carry out the tasks required under REACH. Organisations such as the UN Institute for training and research (UNITAR) should be involved in **capacity building activities** in countries that will be affected by the provisions of REACH.

In general all policy actors should ensure that chemicals management policy formulation is done with the **proper contribution and participation of all stakeholders**.

In particular they are invited to make bigger efforts to get **journalists and the media** interested in chemical policy issues.

Finally, stakeholders should make a concerted effort to provide positive inputs regarding the development of chemicals policy at the **SAICM Asian region focal group meeting** to be held in May 2007.

The ENVforum is co-organised by:



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^{*}The Asia-Europe Meeting (ASEM) is an informal process of dialogue and cooperation. It brings together Austria, Belgium, Brunei, Cambodia, China, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Indonesia, Ireland, Italy, Japan, Laos, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Myanmar, The Netherlands, The Philippines, Poland, Portugal, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Thailand, United Kingdom, Vietnam, and the European Commission. ASEM will further grow to include Bulgaria, Romania, India, Pakistan, Mongolia, and ASEAN Secretariat.



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