

BRS Conventions COPs Highlights: Thursday, 9 June 2022

The TripleCOP continued discussing joint issues of concern to all the Conventions, including how science can inform action and how to mainstream gender considerations. The Stockholm Convention (SC) COP agreed to list perfluorohexane sulfonic acid (PFHxS), its salts, and PHF_xS-related compounds in Annex A without exemptions, among other decisions.

The Basel Convention (BC) delegates discussed technical guidelines throughout the day in a contact group. Contact groups also met on technical assistance and financial resources, joint issues, and BC legal matters.

Joint Sessions of the COPs

Enhancing Cooperation and Coordination among the BRS Conventions

Clearing-house Mechanism: The Secretariat introduced the clearing-house mechanism and workplan (CHW.15/22, INF/46; RC/COP.10/18, INF/30; POPS/COP.10/22, INF/50).

The EU and Sierra Leone, for the AFRICAN GROUP, supported the efforts, noting the value of information exchange, particularly to support developing countries' implementation efforts.

The COPs took note of the information.

Mainstreaming Gender: The Secretariat introduced its report on efforts to implement the gender action plan and further activities (CHW.15/23, INF/47; RC/COP.10/19, INF/31; POPS/COP.10/23, INF/51).

MEXICO, the EU, Lesotho, for the AFRICAN GROUP, Uruguay, for GRULAC, the UK, and IPEN welcomed the Secretariat's efforts, and underscored the disproportionate impacts of chemicals and waste on women, due to physiology and gendered patterns of work and household labor.

The AFRICAN GROUP and IPEN called for national-level gender action plans, underscoring that women have experiences and expertise that can help achieve the sound management of chemicals and waste.

The COPs took note of the information.

From Science to Action: The Secretariat presented information on the implementation of the Science to Action roadmap (CHW.15/25, INF/49/Rev.1; RC/COP.10/21, INF/36/Rev.1; POPS/COP.10/25, INF/54/Rev.1). Several countries welcomed the work by the Secretariat.

The EU, opposed by IRAN, proposed referencing the UNEA resolution that called for the establishment of a science-policy panel for chemicals and waste.

IPEN called for full access to scientific information, particularly for developing countries, stressing that the evidence is clear that vulnerable communities suffer the most from pollution.

The discussion was suspended to allow Iran time to consult.

In the afternoon, parties returned to the document, noting the EU's proposal to insert a reference to the UNEA resolution.

IRAN said it could not accept the revision.

The EU emphasized that it is important that the BRS Conventions participate fully in the work of the new panel to share scientific contributions and ensure there is no duplication of work. SWITZERLAND, EL SALVADOR, PERU, BRAZIL, AUSTRALIA, URUGUAY, CANADA, and the DOMINICAN REPUBLIC supported the EU, emphasizing the importance of sharing the BRS Conventions' scientific knowledge.

IRAN insisted on deleting the EU's proposed text, as "a matter of principle."

Noting the broad support for the EU's proposal, SC COP President Kalnins asked Iran if the decision could be adopted as amended, noting Iran's concerns in the meeting report. IRAN asked for time to consult.

Memorandum of Understanding between the UNEP, FAO, and the COPs

The COPs took note of the documents (CHW.15/27, INF/58, 63/Rev.1; RC/COP.10/23, INF/40, 44/Rev.1, 26/Rev.1; POPS/COP.10/27, INF/61, 65/Rev.1), which includes, *inter alia*, the new delegation of authority policy.

The EU and Lesotho, for the AFRICAN GROUP, expressed their support, with the latter highlighting the proposal for the Executive Secretary to be involved in decision making and action related to policy frameworks in matters related to the Conventions and Secretariat.

Other Matters

Admission of Observers: The COPs took note of the lists of observers requesting admission (CHW.15/INF/70; RC/COP.10/INF/38; POPS/COP.11/INF/8).

Stockholm Convention

Matters Related to the Implementation of the Convention

Measures to Reduce or Eliminate Releases from Intentional Production and Use: DDT: SC COP President Kalnins invited parties to adopt the decision on DDT (CRP.16) without the square brackets around text inviting parties "in a position to do so" to provide technical and financial resources to support the implementation of activities set out in the road map.

IRAN asked if his country had proposed the square brackets, which SC COP President Kalnins confirmed and added that the EU had preferred to retain "in a position to do so." IRAN insisted on removing the bracketed text. The EU said it could live with the deletion.

Parties adopted the decision as amended.

Polychlorinated biphenyls (PCBs): Parties adopted the decision (POPS/COP.10/CRP.15).

Measures to Reduce or Eliminate Releases from Wastes:

The COP adopted the decision (COP.10/9).

Listing of Chemicals to Annexes A, B, and/or C: PFHxS, its salts, and PHF_xS-related compounds: Maria Devlin (Sweden), Co-Chair of the Listing Contact Group, introduced the draft decision (CRP.10) to list PFHxS, its salts, and PHF_xS-related compounds in Annex A without exemptions, noting the chemical definition was altered from the original version to better align with COP9 decision on perfluorooctanoic acid (PFOA).

She also introduced the further actions to be taken related to the listing (CRP.11), highlighting that an indicative list of chemicals will be developed, and countries will be urged to consider the health and environmental effects of fluorine-based fire fighting foams when replacing PFHxS-related foams.

IRAN said it could not accept the listing, given the use of PFHxS in textiles and carpets in his country.

The Secretariat recalled that countries could opt-out of new listings within one year of the communication by the depository, and for those countries, the amendment would not enter into force.

The plenary suspended its discussion to allow Iran time to consult.

In the afternoon, SC COP President Kalnins invited parties to consider the decision (CRP.10).

IRAN reiterated the PFHxS is still used by Iranian industries, said his country will “notify the Convention of its intentions,” said it could go along with the decision, and asked for his views to be reflected in the meeting report.

Parties adopted the decision without amendment.

SC COP President Kalnins invited parties to consider the decision on related actions (CRP.11), which was adopted without amendment.

Contact Groups

Joint Issues: In the contact group, co-chaired by Artak Khachatryan (Armenia) and Hassan Azhar (Maldives), delegates continued deliberation on the draft decision on cooperation and coordination with other international organizations.

On cooperation with the prospective UN e-waste coalition, one country insisted on deleting “state and non-state actors” when referring to partners of the coalition, underscoring that the proposal is consistent with the relevant decision at COP9. Some countries opposed the proposal, preferring to retain the original text prepared by the Secretariat.

On cooperation with the World Health Organization (WHO), one developing country proposed adding a paragraph to recognize that, for the BRS programmes and activities, a good understanding of the health and environment linkages is vital for decision making. A group suggested recognizing the WHO’s leading and coordinating role on health issues and that the implementation of the BRS Conventions contributes to protecting human health.

Participants also discussed a country’s proposal to urge the WHO to provide regular updates on statistics of diseases and conditions associated with exposure to the chemicals listed under the BRS Conventions. The WHO clarified it lacks the mandate and resources for this activity. The country withdrew the proposal. Discussions will continue.

Technical Assistance and Financial Resources: In the contact group, co-chaired by David Kapindula (Zambia) and Premysl Stepanek (Czech Republic), participants finalized all three technical assistance decisions: technical assistance and capacity building for the implementation of the BRS Conventions (a joint document); BC Regional Centres; and SC Regional Centres.

Discussions then turned to the decision on the financial resources, trying to resolve several brackets on the issues where previous disagreements triggered the need for bilateral consultations. Disagreements emerged in three areas, all related

to the strength of the language: addressing the lack of responses to the needs assessment questionnaire; providing financial support for the elimination of PCBs and meeting the SC deadlines; as well as an understanding of the lack of funding as a “financial need” or “financial gap.” Many participants stressed the multiple connections among data quality, funding, implementation, and compliance.

One of the delegates pointed out the imbalance between the growing obligations that stem from additional listings under the SC and the scarce resources available for their fulfillment, urging parties to approve stronger language, and stressing that the deadline for PCBs should not be pushed back again. The delegates took a break for further consultations among themselves and with their respective capitals, and they reconvened later in the evening to continue their work.

BC Technical Matters: In the morning, the contact group, co-chaired by Patrick McKnell (UK) and Magda Gosk (Poland), addressed the draft technical guidelines for plastic wastes, paragraph-by-paragraph. Participants debated the proper terminology for the sources of plastic waste leakage, including how to capture nano-plastic and pellets, as well as the characteristics of biodegradable plastics, including the threshold for identifying plastic as compostable and the appropriate mechanisms for breaking down these plastics. Co-Chair McKnell urged a faster pace, suggesting that participants may wish to devote less time to the introduction section, to which one delegate cited the need to carefully consider the entire document.

In the afternoon, parties focused on the draft decision on waste lead-acid batteries. All underscored the need to update the existing technical guidelines. One group suggested expanding the scope to include other batteries, such as lithium-ion batteries, which was opposed by another group that urged a sole focus on lead-acid batteries, given the urgency. Some noted that the technologies to safely dispose of lithium-ion batteries are in the early stages of development and cited other differences. Others noted the limited capacity to draft technical guidelines and cited some commonalities. They agreed to a “one group, two guidelines” approach.

In the Corridors

In the morning, a delegate remarked that, perhaps, “everything was running too smoothly.” He worried that the decisions being gaveled, and constructive discussions held in contact groups could grind to a halt as more “weighty” decisions were brought before plenary. Others forewarned about the “unpredictability” to come.

But, to the surprise of several, this worry was not realized, for today at least. The SC COP agreed to list PFHxS in Annex A without exemptions. Unpredictably works both ways, and many were pleased that it worked in favor of ending the production and use of this toxic chemical, which one observer called a “regrettable substitution” for perfluorooctanesulfonic acid (PFOS), a previously listed POP. Unprompted, a few delegates started sharing photos of fire extinguishers they recently took in hotels and conference venues in various European and other countries, which underscores the scale and complexity of the waste challenge to fully eliminate fluorinated fire-fighting foams.

Across the venue, and the Conventions, there was hope for continued smooth days ahead. The technical assistance and financial resources delegates paused to give themselves a little pat on the back for their constructive progress. In previous years, these issues have gone to the wire. So far, there are already decisions cleared. With the SC set to finish tomorrow, and the BC set to ramp up (even more) of its substantive work, smooth sailing would certainly be appreciated by many.