



June 25, 2003

**Submission to Seventh Intergovernmental Negotiating Committee Meeting (INC7)  
Stockholm Convention on Persistent Organic Pollutants (POPs): Discussion Document**

**Prepared by Fe de Leon and Paul Muldoon**

**Overarching Canadian Objective**

- The overall objective for the Canadian position entering the intergovernmental negotiating committee meeting (INC7) in Geneva July 14<sup>th</sup> is generally supportable given the expected timeframe for the Stockholm Convention for POPs to enter into force.
- It is commendable that Canada continues to support efforts that promote implementation and the ratification of the Convention, however, NGOs continue to express reservations on the Canada's approach to engage stakeholders on many aspects of its activities to this point.

**Enhancing Stakeholder Participation**

- Last year, in its submission to INC6, the Canadian NGO community articulated concern about the reduced engagement by NGOs since the signing of the Stockholm Convention on POPs in May 2001 and the diminished capacity by government to ensure that this level of engagement is maintained. There has been little improvement in this area. As the first Conference of the Parties quickly approaches, NGOs would like to reiterate the need to enhance the role of stakeholders in all aspects of implementation activities and to ensure that adequate resources are allocated for these efforts.
- Throughout the international negotiating sessions, stakeholders' involvement has proven to be critical to the evolution of the discussions. NGOs continue to mobilize resources and expertise on issues related to POPs. For example, the International POPs Elimination Network (IPEN) submitted and received approval recently by the Global Environment Facility towards a project: **Fostering Active and Effective Civil Society Participation in Preparation for Implementation of the Stockholm Convention**. Canadian NGOs hope to be involved in this project at some level. This collaborative project may have significant impacts on the implementation activities in many countries, in particular developing countries and countries in economic transition. Certainly for Canada this project may impact Canada's domestic efforts on POPs as well as its efforts to support activities towards the objectives of the Convention. We strongly urge the Canadian government to effectively engage stakeholders in all aspects of implementing the Stockholm Convention.

**Recommendation: Canada should effectively engage stakeholders, in particular NGOs, in all aspects of implementing the Stockholm Convention.**

### **Key Issues for INC-7**

- CELA's submission will highlight specific issues identified by the Canadian Government as priority areas for INC 7. However, it is important to consider the recommendations submitted by NGOs for INC6. These recommendations remain relevant for INC 7.

### ***Financial Resources and Mechanisms***

- The NGO community has been very supportive of the efforts made by Canada in its financial commitment to POPs implementation effort, mainly through the Canada's POPs Trust Fund. However, no documentation has been provided with regards to how the funds have been expended to date. It is difficult to assess whether the Canadian funds have resulted in significant progress towards the countries' ratification activities and initial implementation. NGOs would like to understand how projects were selected and how evaluations of these projects are being undertaken. During the consultation on June 20, 2003, Canada representatives indicated that a list of activities supported by Canada's POPs Trust Fund will be distributed to the HAPs Task Force Members.
- The list of projects supported through the Canada POPs Trust Fund was received earlier this week. We hope to hear more of the projects during the week of the INC7 meeting. However, it has come to our attention that the scheduled lunch time information session to discuss the Canada's POP Trust Fund on Tuesday July 15, 2003 has been cancelled. Has this meeting been rescheduled for another time during the week?

**Recommendation: To ensure that Canada reschedules the information session on the Canada POPs Trust Fund.**

- Canada's support of the Global Environment Facility as the interim financial mechanism for the Stockholm Convention is supported with consideration of the following issues:
  - To undertake an evaluation of the effectiveness of GEF as an effective financial mechanism for Stockholm Convention activities.
  - To determine how the Canadian government will seek participation and input from stakeholders into financial matters relating to POPs activities. This level of participation should include the opportunity to comments on proposed projects, selection of countries seeking support for projects, evaluation of project results, and the effectiveness of GEF as the financial mechanism. As noted, NGOs as well as other stakeholders may provide valuable insight on different aspects of activities related to the implementation of the Stockholm Convention.
- To ensure transparency and generate support for Canada's efforts for implementation domestically and with developing countries and countries in economic transition, we urge

that the evaluation process for POPs related projects include active participation from stakeholders.

### *National Implementation Plans*

- Although Canada was the first country to ratify the Stockholm Convention during the Diplomatic Conference in Stockholm in May 2001, Canada has not taken advantage of the opportunity to demonstrate its leadership in addressing the problems with POPs, domestically. Canadian NGOs have expressed their concern and frustration from this lack of action over the past two years.
- In resolution I, Canada agreed to: "participate in and apply the full provisions of the Convention during the interim period on a voluntary basis."<sup>1</sup>
  - In the NGO submission to INC6, concerns were expressed that that the NAICC "Strategic Implementation Framework for International Commitments on Hazardous Air Pollutants" is not an appropriate model to use as the basis for Canada's National Implementation Plan. This document is seen as only one piece of many to be considered towards a NIP.
  - It is our view that the NIP should take into consideration the broader regulatory framework of Canada in the context of POPs. The regulatory requirements of the **Canadian Environmental Protection Act (CEPA)** is a key piece in building this foundation. Under CEPA, regulations that have a strong POPs component (i.e., export and import of PCB waste, and export and import of hazardous waste) either exist or are being proposed. For example, after a series of consultation meetings to discuss the proposed Export and Import of Hazardous Wastes Regulations under CEPA, it does not appear that the Government proposals to this regulation adequately address the objectives of the Stockholm Convention.
  - Further, Canada must make revisions to the federal Toxic Substances Management Policy to ensure consistency in domestic and international obligations. Currently, the criteria for persistence in water is the not same value used in the Stockholm Convention.
  - The ultimate goal of Canada NIP must be elimination of POPs to ensure consistency with CEPA goal of virtual elimination of toxic substances. Therefore, emphasis must be given towards identification and use of clean technologies and safe alternatives that do not promote the creation of POPs.
- Canada should convene a stakeholder meeting to develop Canada's NIP by the end of Fall 2003. This NIP process should take no longer than two years to complete to allow for adequate consultation with stakeholders.

---

<sup>1</sup> Resolution on Interim Arrangements, paragraph 11.

**Recommendation: Canada must proceed with development of its NIP by convening a stakeholder consultation no later than Fall of 2003. The NIP process should be complete within two years to ensure adequate consultation with stakeholders.**

**Recommendation: Canada's NIP must include specific targets and timelines for action. Further, the NIP must reflect the current regulatory framework in Canada addressing POPs and toxic substances.**

- The guidance document for NIP should promote resources and training that focus on the elimination of POPs and other toxic chemicals. These resources may be developed and implemented by other government agencies, intergovernmental organizations, and non-governmental organizations. For example, UNITAR has engaged in a number of implementation activities since INC6 that aim to assist developing countries and countries in economic transition in developing NIPs. These include the development of National Chemicals Management Profiles (see: [www.unitar.org/cwm/publications/POPs%20NP%20guidance.WD.FIN.pdf](http://www.unitar.org/cwm/publications/POPs%20NP%20guidance.WD.FIN.pdf)), training/skills-building on Action Plan Development for NIPs and for specific POPs, and the development of guidance and training materials focused on Risk Management Decision-Making. These efforts, in particular, the National Chemicals Management Profiles, may be valuable tools that will significantly enhance the ability of countries to meet their obligations under the Convention.
- Currently, references to UNITAR's efforts are included in the guidance document. Canada should congratulate UNITAR on its efforts. Further, Canada as well as other countries should review and comment on UNITAR's guidance document for Preparing/Updating a National Profile as Part of a Stockholm Convention National Implementation Plan.

**Recommendation: Canada should congratulate UNEP on its guidance document for NIPs and strive to ensure that the document is updated on a regular basis to reflect changes from countries' experiences with developing and implementing its NIPs.**

**Recommendation: Canada should endorse UNITAR's activities related to the development of NIPs and their implementation, including the development of the National Chemicals Management Profile as a useful tool towards implementation effort.**

**Recommendation: Canada should review and submit comments on UNITAR's report, Preparing/Updating a National Profile as Part of a Stockholm Convention National Implementation Plan.**

***Guidance for Review and Update of National Implementation Plans***

- NGOs support the need for a guidance document to review and update NIPs. However, this guidance document should articulate roles of stakeholders in the evaluation of NIPs.

- It is our view, that NIPs should be reviewed on a regular cycle similar to that required under CEPA. Under CEPA, there is a mandatory five-year review. NGOs would support a three to four year substantive review for NIPs.
- However, interim reporting on NIPs may be useful to ensure that regulatory and policy developments related to toxic substances, in particular on POPs are easily tracked and can be addressed by the NIP.
- Format for reporting on a review of NIPs should allow for transparency on process and comparability by countries.

**Recommendation: NGOs support the need for a regular review and evaluation process for NIPs. This review and evaluation process should be undertaken every three to four years.**

### *Compliance*

- During the conference call no significant issues were raised regarding the current position of Canada to consider the Basel Convention as a model to promote compliance to the obligations of the Stockholm Convention.
- However, upon further review of stakeholders views, the use of the Basel Convention as a model to consider on the issue of compliance significant concerns were raised that the Basel Convention is not a suitable agreement for the Stockholm Convention. These concerns were articulated during the COP6 meeting of the Basel Convention in December 2002. NGOs in particular, noted that challenges were made by various governments on the role of public and non-governmental organizations in promoting compliance under the Basel Convention. It is our view, that NGOs and the public must have the necessary tools to ensure that the objectives of the Stockholm Convention on POPs are met. NGOs support the views put forth by the Basel Action Network in its Report of the 6<sup>th</sup> Conference of the Parties of the Basel Convention 9-14 December 2002, Geneva (February 3, 2003) (see: [www.ban.org/COP6/BAN%20COP6%20Report.PDF](http://www.ban.org/COP6/BAN%20COP6%20Report.PDF)).

**Recommendation: Canada must reject the use of the Basel Convention as the model for developing a compliance mechanism for the Stockholm Convention.**

### *Listing of Chemicals: POPs Review Committee (POPsRC)*

- NGOs continue to express concern over Canada's position to have an opt-out clause towards the listing of new POPs under the Stockholm Convention. This position demonstrates a lack of leadership by Canada to address all POPs of concern and contradicts the precautionary approach being promoted under the Stockholm Convention.
- Canada's northern community and susceptible populations continue to be exposed to POPs other than those currently identified under the Stockholm Convention.

- Canada's current efforts to categorize and screen 23, 000 substances under its Domestic Substances List is commendable. It will provide information on persistence and bioaccumulation for more substances than currently available. While this process does not have a specific focus on POPs, it is one source of toxicological information that has Canada well positioned to identify and prioritize substances such as POPs for action.
- NGOs would like to ensure that the process by which the POPsRC function is transparent, accountable and representative all stakeholder and regional situations. Therefore, NGOs would like to see membership to the POPsRC be expanded from the proposed 35 members.

**Recommendation: Canada should demonstrate leadership on all POPs by eliminating its opt-out clause for listing new POPs under the Convention.**

**Recommendation: Canada should support a membership to the POPsRC that is reflective of all stakeholders and regional views. Currently, membership to the RC should be expanded from the proposed 35 members.**

***Best Available Technology and Best Environmental Practices***

- Definition of BEP needs further discussion by the Expert Group prior to the development of the relevant provisional guidance.
- In the development of guidelines on BAT and provisional guidance on BEP, Canada should ensure that the priority for such a document is to promote the use of non- incinerating technologies, clean technologies and safe alternatives that do not produce and release substances exhibiting POPs characteristics.
- In our view, it is important that the substantive issues relating to the BAT/BEP discussion is resolved in an expeditious manner as it will have some implications to the development of countries NIP.
- Canada has made some progress in setting standards on key POPs such as dioxins and furans through its Canada wide Standard setting process. Over the past year, the Development Committee for the Dioxins and Furans Working Group under the CWS engaged in a multi-stakeholder consultation to develop pollution prevention options for incineration of four sources of wastes, including hazardous wastes and biomedical wastes. These are significant sources of POPs as by-products that have safe alternatives available. This report, [Pollution Prevention Options for Incineration](#).(April 2002) was produced by CELA and can be found at <http://www.cela.ca/toxics/422incineration.pdf>. The results of the Development Committee's recommendations on this process have not been publicly released, but the exercise provided stakeholders with valuable information . Canada should promote this type of discussion and ensure that the BAT/BEP guidelines incorporate processes that investigate various pollution prevention options that do not result in the release of new POPs.

**Recommendation: Canada should ensure that the BAT/BEP guidelines provide strong reference and priority to the promotion of safe alternatives and clean technologies such as non incinerating technologies that do not produce POPs of any kind.**