



UCT Division of Environmental Health CHEMICAL NETWORK

Issue: 2 of 2023

Date: 18 April 2023

TOPIC: Discussing the Elements and Process of Developing an International Code of Conduct on Chemicals and Waste Management.

This document is a summary digest of the University of Cape Town's (UCT) Division of Environmental Health's (DEH) Chemical Network Community of Practice held on the 18th of April 2023, titled: "Discussing the elements and process of developing an International Code of Conduct on Chemicals and Waste Management". The digest summarises responses from participants to the four poll questions asked by panelists during the discussion session.

The topic discussed was around the African Region's proposal on the development of a Code of Conduct (CoC) during the Strategic Approach to International Chemicals Management (SAICM) Beyond 2020 process and proposed resolution for the Fifth Meeting of the International Conference on Chemicals Management (ICCM5) in September 2023. The purpose of the panel discussion was to raise important points and issues, respond to questions that may arise about the proposal, provide more information about the CoC by giving examples, explore the pros and cons of developing such a document, and give an opportunity for participants to raise questions and concerns. The aim was to increase knowledge around the issue of CoC building at the ICCM5 and The Fourth Meeting of the Intersessional Process (IP4.3).

To view the PowerPoint presentation and other resources for this discussion, click [here](#).

KEY MESSAGES

Intervention from panellists: Though the CoC on chemicals and waste management can act as a **hub to develop additional resources on technical and regulatory topics**, panellists raised concerns about having a CoC **with a very wide scope** and it could **override previously developed guidance documents and tools on Chemicals and Waste Management**. The CoC should include and not be limited, the following elements:

- The code should act as a framework to develop additional technical and legislative materials.
- Have a defined scope regarding the type of chemicals, wastes and the stages in their life cycles covered.
- Not act as a binding instrument
- Not override previously developed regulatory and guidance documents on chemicals and waste management.
- Include elements covered in international conventions on chemicals and waste.
- Ensure that all relevant stakeholders are involved in the development process and implementation of the CoC.

Intervention from participants: Participants perceived the purpose of the CoC as one that **guides the practice of chemical and waste management** as well as **complements existing legislation on chemical and waste management**. This CoC is mostly directed at **practitioners** involved in chemicals and waste management to ensure standardisation and **uniformity** across different sectors and regions and the involvement of stakeholders at all levels, especially in low and middle-income countries (LMICs).

Respondents representing stakeholders from government and from intergovernmental organisations (IGOs) gave perspectives on how the CoC would support their work in the management of chemicals and waste mostly by **acting as a standard of practice and guiding legislation**. Respondents representing non-governmental organisations (NGOs) and the private sector added that the CoC needs to **cover all the aspects of chemicals throughout their lifecycle** and implement **best practices developed in countries** with better chemical and waste management systems to benefit their sectors.

The proposed title of the CoC given by most respondents was **"Code of Conduct on Chemicals and Waste Management"** and the respondents felt that should there be any CoC developed, it needs to **cover all the aspects of chemicals and waste management, as chemicals are not always used in same countries in which they are**

manufactured. Overall, participants felt that there needs to be more information sharing and collaboration when developing this document.

CONTRIBUTIONS OF THE PANELISTS



David Kapindula, Zambian Environmental Management Agency (ZEMA): David Kapindula as the first panelist introduced the discussion by presenting the two documents namely the **SAICM IP.4 CRP.10** and **SAICM IP.4 INF 33** submitted by the Africa Group at the Fourth Meeting of the Intersessional Process for SAICM (IP4) outlining the proposal for the development of an International Code of Conduct on Chemicals and Waste Management and the reasons the African Region would need a CoC, especially in LMICs. David gave examples of previously developed CoCs and outlined key elements to be included in the suggested CoC.



Mark Davis, Centre for Pesticide Suicide Prevention (CPSP) from the University of Edinburgh, Scotland: Mark built on his previous experience in leading the revision of the International Code of Conduct on Pesticide Management and its subsequent implementation. . Mark highlighted the aspects of the CoC that made it influential in becoming a guiding framework of how pesticides should be regulated and managed throughout their lifecycle. These included the provision of a guiding framework by the CoC, its clearly defined scope, and the non-binding nature of the code that allows flexibility in its adoption. Mark added that these should be among the key considerations when developing a CoC clarifying the purpose, ownership, scope, and nature of a CoC, highlighting that it should be a guiding framework or a hub for more specific guidelines and

should involve all stakeholders from various sectors.

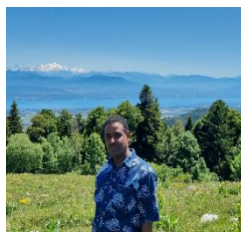


Richard Thompson, Food and Agriculture Organisation of the United Nations (FAO): Richard spoke about the insights and lessons learned from the current development of the Voluntary Code of Conduct on the sustainable use of plastics in agriculture. Richard covered the key aspects that were considered when developing the CoC, which included the importance of the Assessment report that galvanized FAO members to give the mandate for its development; decisions for its objectives and scope, including the stages in the life cycle hat the CoC will cover and the relationship

between a CoC and other existing voluntary and legally binding international instruments.



Delisa Jiang, CropLife International, The CropLife: Delisa drew from CropLife's experience in implementing the **FAO (Food and Agriculture Organisation) Code of Conduct for Pesticide Management** stating that the CoC underpins the day to day activities of the organisation and commitment to the code is mandatory to become a member of CropLife International and/ or the CropLife network. She stated the advantages of using a CoC is in providing a comprehensive best practice guide, promoting shared responsibility. It has also been useful in building up momentum in countries where regulations are lacking to improve standards and build towards gradual regulatory developments. She concluded by adding that when developing a CoC, it is important to make sure that they are specific and not overlapping with other existing CoCs to establish clarity in responsibility and ownership of such Codes.



Tadesse Amera, Pesticide Action Network (Pan), Ethiopia: Tadesse covered the NGO perspective on the CoC and how it can benefit this sector. Tadesse stated that a CoC on chemicals and waste should cover elements of international conventions on chemicals including the human health aspect and the Sustainable Development Goals (SDGs). The CoC should include all stakeholders and have defined roles and responsibilities for each of them. It should cover issues of concern as outlined in the SAICM framework (specific issues) for each region and sector.



Maria Ruiz-Cuevas, European Chemical Industry Council (CEFIC): Maria covered the industry perspective on the development of a Chemicals and Waste Management CoC. She stated that the concept of the “Code of Conduct” is not well known in the sector and having a CoC will assist in creating a digestible scope for the Beyond 2020 framework considering the broad nature of chemicals and waste management. She added that the industry needs to be involved in the CoC development and there needs to be more channels to raise awareness in industry around the topic. The CoC should avoid duplication and link to relevant conventions. It should be kept ambitious and realistic as each country has different chemicals.

Invited Other Perspectives:

Bob Diderich, Head of Division of The Organisation for Economic Cooperation and Development (OECD):

Bob stated that a CoC needs to provide information on elements for a functioning chemical management system for countries and can draw from existing tools such as the Inter-Organisation Programme for the Sound Management of Chemicals (IOMC toolbox).

Carol Theka, Department of Environmental Affairs, Malawi:

Carol agreed that the CoC should not be legally binding but will bring sanity to chemical management and help standardise it. It could be difficult in the aspect of legislation but having guidance will be very exciting for LMICs.

The discussion was concluded by David Kapindula who highlighted the many benefits of developing the CoC, especially for LMICs, as there is a lack of frameworks on which countries can develop legislation. He stated that the CoC will enhance best practices, lead to developing guidelines, and provide clear roles and responsibilities for all stakeholders. David added that moving forward there needs to be a mandate to develop the CoC, a working group, an outline, and an appeal to all stakeholders to support the CoC development.

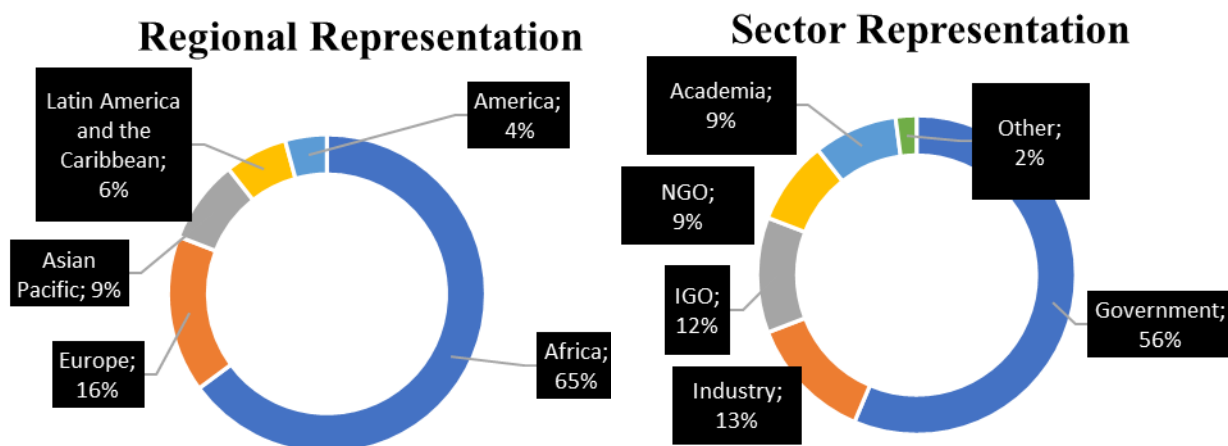
ATTENDANCE BREAKDOWN

ATTENDEES: 94

Female – 47%

Male – 53%

IGO* = Intergovernmental Organisations
NGO* = Non-governmental Organisations



INTERACTIVE DISCUSSION

Disclaimer: The information in this digest represents the opinions of members participating from different stakeholder groups expressed during the discussion. The views expressed in this document do not necessarily represent the opinion or the stated policy of the Swedish Chemicals Agency (KemI) or DEH UCT, nor does citing trade names or commercial processes constitute endorsement.

Throughout the discussion, informal polls were conducted to help encourage discussion among the participants. They do not provide any representative data but rather provide a snapshot of participants' views.

POLL 1: What should the title of the new CoC be?

The titles proposed reflected back to the focus area of the International CoC on Chemical and Waste Management. Of all the titles proposed, the title: “Code of Conduct on Chemicals and Waste Management ”, was selected by most respondents, n=4.

- Code of Conduct for Chemicals and Waste Management
- Code of Conduct on Chemicals and Waste Management
- International Code of Conduct for Chemicals and Waste Management
- Code of Conduct for Chemicals and Waste Management
- The Code of Conduct on Chemicals and Waste Management for Low- and Middle-Income Countries

POLL 2: What is your understanding of the purpose of an International CoC of Conduct?

An International CoC can act as a standard of practice used for the management of chemicals and waste for stakeholders involved by:

- A Standard of Practice**
- Addressing any gaps and any loopholes that may arise in the practice of chemical and waste management.
 - Harmonising the approach to managing chemicals and waste.
 - Enhancing coordination between chemical and waste practitioners.
 - Providing an overall framework that serves to guide relevant stakeholders on best practices for managing an issue throughout its lifecycle.
 - Promoting safe handling/management of chemicals and waste.
 - Ensure control of the production, use, and management of chemicals as there is frequent transboundary movement of chemicals.
 - Directing the way chemical risk needs to be managed and forming a base on how to develop a legal framework, especially in LMICs.
 - Reduce the cost of inaction on chemical and waste management and promote human and environmental health.

The CoC will act as a complement to national legislation by:

- A Complement to National Legislation**
- Being used within national legislation.
 - Helping authorities and institutions responsible for chemical management and environmental protection to develop sound national chemical management policies, regulations, and legislation.
 - Preventing human rights abuses by private security providers, protecting individuals and communities from abuses, and ensuring that remedies are available.
 - Guiding countries with uniform legislation for the use of pesticides.
 - Preventing environmental and health risks and it can be used in countries who have no legal frameworks or regulations to manage chemicals

POLL 3: How would an International CoC of Conduct on Chemicals and Waste Management support or hinder the work of your sector? Explain, and list the sector.

Government

The CoC will support the government sector in the following aspects:

- Explaining the guiding principles on the management of chemicals and waste and indicating aspects where regulation is needed.

- Supporting the Ministry of Health, especially the Environmental Health Department to develop standards of practice on chemical management including the management of risks emanating from exposure to chemicals and waste pollutants that affect the population.
- Being used for training of stakeholders.
- It will be used in supporting the development of guidelines and legislation on medical waste management.

IGO

- The CoC will act as a guideline for international organisations such as the Environmental Protection Agency (EPA) to develop checklists to monitor chemical and waste management.

NGO

- The CoC on chemical and waste can cover all chemicals taking an example from the International CoC on Chemical and Waste Management for the floral sector which covered all chemicals included in the process.

Intervention from panellist: The ICC will be specific to flower farming and is therefore well contained and manageable. The proposed CoC will address many different sectors. It should also not override existing CoCs that are effective and well known

Private

- The CoC needs to address best practices like developing country chemical inventories and a gap in Africa's Chemical and Waste Management.

Poll 4: What are the main areas that should be addressed in a CoC (e.g., the names of articles)?

The CoC should address aspects of regulations from other countries as chemicals are not always used in the countries, they are manufactured in. A CoC should consider all the aspects related to the lifecycle of chemicals from production to distribution and disposal of waste

Q&A

Q: What is the extent of influence that the CoC can have on countries that did not obey/implement the CoC properly?

A: The CoC is a voluntary framework that provides guiding principles. It is not a legally binding instrument and a country can choose to model its laws or not on that CoC. There is hope that the CoC will provide a basic framework for developing countries to model their legislation.

Q: How will the new CoC relate to the existing CoCs, like the one for pesticides?

A: If there is an existing well-functioning CoC, the new CoC should not override it and the new one should refer to the existing one. The FAO\WHO CoC is a good example of this. The existing CoC should continue and not stop with the development of the new CoC.

Q: With the evidence of harm to people and the environment from chemicals, how is a CoC made legally binding?

A: The purpose of a CoC is that it is not binding. If a country wants a binding document, it must be incorporated into legislation where national legislation is more effective. A legally binding CoC is no longer a CoC, it is a convention and takes much longer, but everything included in it must be negotiated. It takes away the value of a CoC which is flexible, broad, inclusive, and not binding but a good guideline that can be used as a framework by all stakeholders to pressure each other and implement it effectively. The CoCs are effective because they are specific and answer a specific topic. A broad CoC can conflict with the existing CoC especially when the owner of the CoC is different.

Q: Can the existing Responsible Care initiative be included in the CoC, or does it overlap with implementing the CoC on chemicals and waste management?

A: The Responsible Care initiative should not overlap the implementation of the CoC, it should complement it. The CoC is much broader and implies more stakeholders.

Q: How can a CoC be implemented if they are not legally binding? Is there something that can be done to compel countries to own these CoCs?

A: The principles of a CoC need to be legislated nationally. The same is true for legally binding instruments. The pesticides CoC is widely seen as a guiding framework for national pesticide legislation, but it is not obligatory. A CoC should be seen as a good guiding framework and then its stakeholders work to get it implemented effectively.

Q: The IOMC has developed a Toolbox (<https://iomctoolbox.org/>), to outline the key areas of chemicals management. Has the work of this group been looked at when considering the development of the CoC? Has anyone compared the pesticides section to the pesticides CoC to see how they align?

A: FAO and WHO who are the publishers of the Pesticides CoC are IOMC members and contributed to the development of the IOMC Toolbox. Indeed, the IOMC Toolbox is a collection of tools that have been developed by the IOMC member organizations. There is therefore complete alignment between the IOMC Toolbox and the Pesticides CoC.

Q: In the currently developed CoC on plastic, is plastic waste grouped as hazardous waste or not?

A: The "Voluntary Code of Conduct on the Sustainable Use of Plastics in Agriculture" will mostly likely not make recommendations on the classification of hazardous waste. It will make recommendations to reduce the hazards of plastic products throughout their use and end of life. The decision of a country on the classification of a waste as hazardous or not, should be based on an assessment of the specific risks that the waste poses in the national context. Care should be taken in this assessment because the classification as hazardous tends to increase the cost of its sound environmental management and limit the opportunities for circular approaches.

Q: Is UNEP (UN Environment Programme) also joining the International CoC for Pesticides Management?

A: Yes, and currently in discussions with the FAO and the World Health Organisation (WHO).

Q: Considering the scope of the field of chemicals and waste management, wouldn't it be better to have two separate CoCs?

It is important to first undertake a detailed needs assessment and gap analysis of the current chemicals and waste policy guidance. This would help identify the needs that could be fulfilled and whether a new code of conduct is the appropriate instrument. The assessment could also be the basis for a decision by IOMC to give the mandate for its development.

KEY RESOURCES

[Proposal for the development of an International Code of Conduct on Chemicals and Waste Management](#)
[International Code of Conduct on Pesticide Management](#)

Chemical Network: The Chemical Network is a non-partisan online forum established by the Division of Environmental Health (DEH) at the University of Cape Town's (UCT) School of Public Health. It was established as part of a knowledge management and sharing project supported by the Swedish Chemicals Authority (KemI).

This forum has been produced with financial assistance from Sweden, through the Swedish International Development Cooperation Agency (SIDA), which has been arranged by the Swedish Chemicals Agency (KemI). The views herein shall not be taken to reflect the official opinion of SIDA or the Swedish Chemicals Agency.

If you have any questions or require clarification on this initiative, please contact UCT at chemicallistserver@gmail.com If you are not already a member, join the Chemical Network at: <https://forms.office.com/r/Lk1tgAL6DF>