United States Department of State

Washington, D.C.

Intergovernmental Preparatory Meeting
UN Commission on Sustainable Development – 19
Thematic Discussion: Chemicals
Intervention for March 1, Afternoon Session

Intervention Delivered by: **Federico San Martini**, Acting Division Chief, Chemicals and Air Pollution Division, Office of Environmental Policy, Bureau of Oceans, Environment and Science, U.S. Department of State

Thank you, Chair. I have prepared extended remarks for distribution from which I will highlight key points today.

We all know that the sound management of chemicals is essential to sustainable development. What are concrete, practical steps CSD participants can take to help ensure that chemicals are managed in a way that contributes to overall sustainable development? We have ideas that fall under four categories: risk management, transparency and public access to information, accident prevention, and chemicals and economic development. CSD-19 could take meaningful action in these areas by recognizing the important work of SAICM, encouraging participation in the many important partnerships on chemicals underway in SAICM, UNEP and other fora, and by reiterating the need for the continued exchange of best practices, data, and science.

Sound international chemicals management must begin with countries taking responsibility at the national level. It is imperative that governments take action to mitigate risks related to chemicals domestically to protect human health and the environment. The United States has a program for managing the risks posed by chemicals, with activities that include creating regulations,

conducting research, enhancing transparency and increasing public access to information about chemicals, and creating voluntary programs, where necessary and appropriate. The United States is taking or considering taking a range of actions on a number of high priority chemicals. These actions include developing rules, reporting, conducting alternatives assessments, and actions to ban or limit uses.

In green chemistry, chemical products and processes are designed to reduce or eliminate the use or generation of hazardous substances across the life cycle of a product. We have collaborated internationally on green chemistry through a variety of fora and we look forward to continuing such collaboration. We also support the UN Food and Agricultural Organization's efforts to reduce chemicals use through integrated pest management (IPM). The United States engages in a broad portfolio of IPM programs and we encourage other countries to support integrated pest management and green chemistry efforts as well.

Access to information and transparency are vital to empowering citizens, governments, civil society, and the business community to understand chemical risk and take sound chemicals management actions. Pollutant Release and Transfer Registers (PRTRs) enable countries or regions to track and publish the quantities of toxic chemicals released into the environment or otherwise managed as waste. PRTRs can incentivize the prevention of releases and encourage more robust enforcement, enable citizens to make informed decisions on the potential risks posed by toxic chemical emissions in their communities, and empower them to take action to mitigate risks. For two decades, the United States has published its PRTR, the Toxics Release Inventory, which annually reports the quantities of nearly 650 toxic chemicals released by facilities or otherwise managed as waste. We welcome the opportunity to learn about experiences in other countries and to share what we have learned.

In addition to PRTRs, there are other tools that can be used to provide access to information about chemicals and their risks, such as the OECD's eChemPortal, WHO's tool for assessing chemical risks, and the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The United States has collaborated in the development of a number of databases and tools that are free to access. We have included descriptions of them in our handouts and we encourage you to find out how you can take advantage of this work.

An issue that is related to access to information about chemicals is informing the public of how to respond in the case of a chemical accident. When the public understands what measures to take in the case of an accident or an emergency, lives can be saved. CSD-19 participants might consider sharing tools and best practices on how to inform citizens of what to do in case of a chemical incident. Accident prevention is as important, however. While the United States does not have all the answers, we have lessons that we can share on accident prevention that we hope will be useful to you. Our independent agency – the Chemical Safety Board –investigates accidents and seeks to identify lessons in an effort to prevent future accidents. It also researches accidents in other countries, makes its reports freely available, and its website has safety videos that anyone can view. We hope that countries here take advantage of what we have learned and the many tools and databases that have been developed so that industrial chemical facilities can be operated more safely.

Finally, chemicals and waste management are inextricably linked to development issues. We encourage CSD-19 participants to integrate chemicals and waste management into multilateral and bilateral development assistance cooperation, including the integration of such objectives into relevant national documents that influence development assistance cooperation. CSD-19 can explore ways to assist countries to use a variety of freely-available tools, databases and

international frameworks, such as SAICM, to better incorporate chemicals and waste management into development aid requests. It is also important that donors and multilateral organizations promote the mainstreaming of sound chemicals and waste management strategies through their own development activities.

Thank you.

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Extended Remarks Upon
Which Intervention is Based

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The sound management of chemicals is essential if we are to achieve sustainable development, including the eradication of poverty and disease, the improvement of human health and the environment and the elevation and maintenance of the standard of living in countries at all levels of development. In general, the United States supports scientifically-based policies on chemicals that involve public participation and encourages other countries to support such policies. Specific actions that we call on the CSD parties to advance include supporting existing international work, promoting access to information in a transparent way that allows for public access, promoting accident prevention, and integrating chemicals and waste management into multilateral and bilateral development assistance cooperation. We believe CSD-19 could take meaningful action on international risk management by recognizing the important work of SAICM as an effective multi-national, multi-stakeholder forum for promoting the safe environmental management of chemicals, encouraging participation in the many important partnerships on chemicals underway in SAICM, UNEP and other fora, and by calling attention to the need for the continued exchange of best practices, data, and science between national chemical regulators.

Chemical Risk Management

The United States supports the Strategic Approach to International Chemicals Management (SAICM) as the multilateral, multi-sectoral, and multi-stakeholder forum to work toward the sound management of chemicals throughout their life-cycle and in conjunction with other international chemicals and waste instruments. SAICM's focus on specific emerging issues, such as perfluorinated chemicals (PFCs) and lead in paint, underscore how international partners can collaborate on risk management efforts. The United States supports and calls for wider participation and action with international efforts under SAICM , such as the UNEP and WHO Global Alliance to Eliminate Lead in Paint, as well as the effort to promote stewardship of long-chain perfluorinated chemicals.

Sound international chemicals management begins as a national issue, and it is imperative that governments take action to mitigate risks related to chemicals domestically. Our domestic efforts aim to ensure that commercial, agricultural and industrial chemicals manufactured, imported, or used in the United States do not pose unreasonable risks to human health or the environment. The United States has a program for managing the risks posed by chemicals, with activities that include creating regulations, conducting research, enhancing transparency and increasing public access to information about chemicals, and creating voluntary programs, where necessary and appropriate. The United States is taking or considering taking a range of actions on a number of high priority chemicals. These actions include developing include test rules, significant new use rules, new reporting requirements, conducting alternatives assessments, and actions to ban or limit uses. While our efforts have focused on many, varied chemicals, examples include lead, mercury, formaldehyde, polychlorinated biphenyls (PCBs), polybrominated diphenyl ethers (PBDEs) and long-chain perfluorinated chemicals.

The United States is also using several voluntary approaches to manage the risk presented by priority chemicals. Through green chemistry, the United States promotes chemical products and processes that are designed to reduce or eliminate the use or generation of hazardous substances across the life cycle of a chemical product. Over the years, the US Environmental Protection Agency (EPA) Green Chemistry Program has collaborated with a number of organizations and fora to further green chemistry goals internationally. For example, we have worked with the Organization for Economic Co-operation and Development (OECD) Advisory Group on Risk Management, the G8 Ministers for Research (the Carnegie Group) who formed the International Green Chemistry Network (IGCN) for research training, International Union of Pure and Applied Chemistry (IUPAC) for Chemistry Applied to World Needs (CHEMRAWN), and the American Chemical Society's Green Chemistry Institute (GCI) to advance the implementation of green chemistry principles into all aspects of the chemical enterprise. More information about green chemistry can be found at www.epa.gov/gcc/.

Another voluntary approach is the Design for the Environment (DfE) program, a partnership of government agencies, industry, environmental groups, and academia to identify and evaluate the human-health and environmental concerns associated with traditional and alternative chemicals and processes, which encourages industry to move to safer alternatives. The United States welcomes international participation in U.S. EPA's alternatives assessment program under its DfE partnership. More information about the DfE partnership can be found at http://www.epa.gov/dfe.

We also support the UN Food and Agricultural Organization's efforts to reduce chemicals use through integrated pest management (IPM). In IPM, pesticides are used in combination with other crop management approaches to minimize the effects of pests and reduce the overall use of pesticides. FAO provides assistance in capacity building and policy reform, and facilitates

collaboration among ongoing national IPM programs. The United States engages in a broad portfolio of IPM programs guided by the National IPM Roadmap. We encourage other countries to support integrated pest management as well.

Transparency and Public Access to Information

Open access to information and transparency are important to enable government, civil society, and the business community to better understand chemical risk and to take actions toward the sound management of chemicals. Transparency and public access to information on chemicals and waste management can also be linked to improved information collection under domestic regulatory reform, efforts to combat illegal trade, improved enforcement of laws, as well as industry efforts on global product stewardship. In all of these cases, public access to information can be a valuable tool in making progress toward protecting human health and the environment.

One of the most notable tools that has helped increase transparency and access to information is the Pollutant Release and Transfer Register (PRTR), which enables countries or regions to track and make data publically available on the quantities of toxic chemicals released into the environment or otherwise managed as waste (e.g., quantities recycled, burned for energy recovery) from facilities. PRTRs provide vital information for the development of effective management strategies due to a wide range of reporting on the release of chemicals into the air, water, and land. PRTRs can also incentivize reduced releases by emitting facilities and can be used to encourage more robust enforcement. PRTRs enable citizens to make informed decisions on the potential risks posed by toxic chemical emissions in their communities, and are a key component to empower them to take action to mitigate such risks. For two decades the United States has published its PRTR, the Toxics Release Inventory (TRI), which annually reports the quantities of nearly 650 toxic chemicals released by facilities or otherwise managed as waste. Those two decades have allowed the United States to gain experience on what works well, to identify some challenges, and to learn valuable lessons. We welcome the opportunity to learn about experiences in other countries and to share what we have learned. Recently we worked with Chile as they developed their PRTR to share some of the lessons we learned, and we are working with Costa Rica, the Dominican Republic, and the United Nations Institute for Training and Research to create a strategy to develop PRTRs in those countries. We hope these kind of international interactions can continue, and the United States would welcome furthering the international efforts to share information on chemicals including through wider recognition and use of PRTRs and similar tools.

In addition to PRTRs, there are a number of tools that countries can use to provide the public access to information about chemicals and some of their potential risks. For example, the OECD has developed a tool to provide public information on chemical properties, including toxicity, through the eChemPortal, and WHO has developed a tool for assessing chemical risks. The Globally Harmonized System of Classification and Labelling of Chemicals (GHS) is another tool countries can use to increase transparency and public access to information.

The United States has developed a number of databases and tools that countries are free to access should they be helpful in providing information to their citizens on the risks posed by certain chemicals. Two examples of this are the Integrated Risk Information System (IRIS) and U.S. EPA's Computational Toxicology Research Program. IRIS is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to environmental contaminants. The information in IRIS is intended for those without extensive training in toxicology, but with some knowledge of health sciences. Given the high expense of testing the toxicity of chemicals, the U.S. EPA's Computational Toxicology Research Program is working with partners to change how chemicals are assessed for potential toxicity to humans and the environment. This may be helpful tool for countries that wish to rank chemicals based on risks. More information about these tools and programs can be found at: http://www.epa.gov/IRIS and http://www.epa.gov/ncct.

Accident Prevention

An issue that is related to access to information about chemicals is informing the public of how to respond in the case of a chemical accident. When the public understands what measures to take in the case of an accident or an emergency, lives can be saved. Our Emergency Planning and Community Right to Know Act is designed to do precisely this. CSD-19 participants might consider sharing tools and best practices on how to help inform the public of what to do in case of a chemical incident in their neighborhood. Preventing accidents from happening in the first place—or accident prevention—is at least as important as informing the public of what to do in case of an accident. While we may not have all of the answers, the United States has learned many lessons we can share on how accidents can be prevented. We have an independent agency – the Chemical Safety Board – that investigates such accidents and seeks to identify lessons so that future accidents can be prevented. The Chemical Safety Board also regularly learns from accidents that may have taken place in other countries. The Chemical Safety Board makes its reports freely available and its website has safety videos that anyone can view. We have been sharing some of the lessons we have learned through the OECD Programme on Chemical Accidents, the WHO's chemical incidents program and through trainings we have offered to a number of countries and organizations. We hope that countries here take advantage of what we have learned and the many tools and databases that have been developed so that industrial chemical facilities can be operated more safely.

Chemicals and Economic Development

Chemicals and waste management are inextricably linked to development issues. Misuse of chemicals can have broad negative impacts on public health, agriculture, and natural resources use. As a result, it can undermine gains toward the eradication of poverty. We encourage CSD-19 participants to integrate chemicals and waste management into multilateral and bilateral development assistance cooperation, including the integration of such objectives into relevant national documents that influence development assistance cooperation. CSD-19 can explore

ways to assist countries to use a variety of freely-available tools, databases and international frameworks, such as SAICM, to better incorporate chemicals and waste management into development aid requests. The cross-cutting nature of the chemicals and waste agenda should be highlighted and connected with the issues of poverty reduction, improved public and environmental health, agriculture, and climate change to encourage a more integrated approach to development assistance. For example, chemical control regulations should be integrated into border- and custom-control frameworks to prohibit illegal transport of chemicals. Increasing the understanding of the interlinkages between chemicals management, and poverty and health sectors will serve to increase the visibility of this issue and raise the priority of sound management of chemicals in development plans. It is also important that donors and multilateral organizations promote the mainstreaming of sound chemicals and waste management strategies through their own development activities. An integrated approach both at the aid-recipient and the donor-level would help ensure its practical implementation on the ground and to help achieve the sound management of chemicals and sustainable development.

Establishing Pollutant Release & Transfer Registries (PRTRs)

PRTRs are publically accessible databases that contain data and information pertaining to quantities of toxic chemicals released to the environment or managed as waste (e.g., recycled, burned for energy recovery) by facilities. The primary purpose of PRTRs are to inform the public of releases and other waste management activities of toxic chemicals in their communities and enable citizens to make informed decisions regarding the consequences of such activities to human health and the environment. Another major use of PRTR data and information is to assess pollution prevention activities by industry sectors. PRTR databases represent very powerful tools to assess achievements in pollution prevention by facilities, especially when used in combination with other data, such as production volume data.

The number of PRTRs has grown considerably in the past 15 years. To date, the environmental authorities of at least 30 countries throughout the world have established their own PRTRs. The United States' PRTR is the Toxics Release Inventory, which is maintained by the U.S. Environmental Protection Agency (EPA). Many more PRTRs are expected to be established within the next few years. One example of how countries work together to strengthen the use of PRTRs can be found in the Dominican Republic and Central America.

The Central American countries, in conjunction with the Dominican Republic, decided to develop PRTRs, but wished to take advantage of the lessons learned by others countries. Therefore, they signed a cooperative agreement in 2008 under the *Dominican Republic - Central American – United States Free Trade Agreement (CAFTA-DR)* with the United Nations Institute for Training and Research (UNITAR) and the United States to help develop a strategy for the development of PRTRs. Ultimately, the cooperative agreement aims to help develop a regional PRTR system, composed of the PRTRs in each Central American country and in the Dominican Republic. This regional PRTR system would be similar conceptually to the North American Commission for Environmental Cooperation's (CEC) PRTR Program (composed of PRTR programs in U.S., Canada and Mexico).

To date, the Dominican Republic and Costa Rica, with help from UNITAR and the U.S. EPA, have planned and conducted PRTR-infrastructure assessments to determine the feasibility of establishing PRTRs in their respective countries. These 10-month infrastructure assessments started in late 2008, and ended in October 2009. Infrastructure assessments in other Central American countries also took place and were supported by the Comisión Centroamericana de Ambiente y Desarrollo (CCAD) and the U.S. Agency for International Development (USAID). In addition, a document was developed to identify activities and chemicals that would be reported to an initial regional PRTR pilot, as well as other regional PRTR key features (such as reporting methods). More information about this project, plus the final version of the document, is available at: http://www.unitar.org/cwm/saicm/other-projects.

Global Alliance to Eliminate Lead Paints

Background

In 2002, the World Summit on Sustainable Development (WSSD) committed to take actions to protect human health from exposure to lead.

The International Conference on Chemicals Management at its second session (ICCM-2) established the Global Alliance to Eliminate Lead in Paints (GAELP) to promote the phase-out of the use of lead in paint. This goal is an important contribution to the implementation of paragraph 57 of the Plan of Implementation of the WSSD and to the Strategic Approach to International Chemicals Management.

ICCM-2 requested that the United Nations Environment Programme (UNEP) and the World Health Organization (WHO), within their respective mandates and available resources, serve as the secretariat of the GAELP.

Global Alliance Activities

The first meeting of the GAELP was held at the UNEP headquarters in Geneva, from 26 to 28 May 2010. At the meeting, the GAELP framework was presented and focal area leads were identified.

On September 20, 2010, the first GAELP Advisory was conducted. At the meeting the finalization of work plans and the framework were discussed. Also, a sub work group was formed to finalize the working definition of lead in paints.

On December 8, 2010, EPA, UNEP, WHO and other partners from the GAELP met in Washington, D. C. to discuss a working definition of lead in paints for use in GAELP activities. All partners agreed to a definition as well as the outline for a supporting informational document. The information document will review the definition as well as describe existing lead regulations, data sampling results, case studies, and additional background information. The GAELP Advisory group met on January 5, 2011 and agreed on the definition from the December 8 meeting.

The next GAELP Advisory Group meeting will be a face-to-face meeting and is scheduled for March 9-11, 2011 in Washington, D. C. The following will be conducted at the meeting:

1. Formalization of operational arrangements for the work of the GAELP.
2. Update on the work of the GAELP to eliminate lead paint (e. g. Global Alliance Workplan - Activity report, Draft brochure on what is "Lead Paint", Initial survey of activities – baseline report).
3. Development of a 2011-2013 GAELP workplan.
4. Preparations for Open-ended Working Group of the International Conference on Chemicals Management.
5. Outreach and future GAELP meetings.

The U.S. Chemical Safety Board (CSB) is an independent federal agency that investigates the root causes of major chemical accidents. Our mission is to help prevent similar accidents in the future. We were authorized under the Clean Air Act Amendments of 1990, and we opened our doors in 1998.

The CSB is headed by a five-member board of chemical safety experts who are appointed by the president and confirmed by the U.S. Senate to serve five-year terms. The CSB is a scientific agency that operates independently from regulatory bodies such as the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA). The CSB does not issue fines or citations, affix blame or apportion responsibility for accidents, or promulgate new regulations.

The Board employs a staff of approximately 40 people, of whom about half are professional accident investigators. Our investigators have a wide variety of backgrounds including chemical and mechanical engineering, chemistry, law, and human factors safety. Each year, the CSB selects eight to ten major chemical accidents in the U.S. and conducts thorough root-cause investigations.

CSB investigations typically take six to 18 months to complete. In the course of an investigation, the CSB gathers testimony from a broad array of witnesses, such as plant workers, managers, emergency responders, and members of the public. We also collect, examine, and test chemical samples, equipment, and other physical evidence. Accident sites are carefully studied and documented. In some cases, where there is community interest, the CSB conducts a community meeting while the investigation is still ongoing. The purpose of a community meeting is to release and discuss preliminary findings and gather testimony from members of the public, workers, and local officials.

At the end of the investigation, a formal written report is drafted and presented to the CSB Board members for approval. Board members discuss, review, amend, and ultimately vote on adoption of the report. CSB investigation reports are public documents, and they are available online at www.CSB.gov. The reports do not assign blame or identify specific individuals. The reports consider all the factors that lead to major accidents, such as inadequate process design, training, maintenance, or engineering controls as well as gaps in regulations or oversight.

Each full-length report includes specific safety recommendations that are addressed to companies, trade organizations, labor groups, or other government agencies. Recommendations are developed based upon the specific root causes that are identified in the report. The purpose of the recommendations is to do everything possible to make sure that similar accidents do not occur in the future.

Once safety recommendations are issued, CSB staff work with companies, agencies, and other recipients to explain and promote the rapid adoption of the recommended actions. Staff members track each recommendation to completion and report their conclusions to the CSB Board members, who must then vote whether to designate the safety recommendation as successfully closed. The status of all safety recommendations is available from CSB.gov.

The CSB works throughout the country and overseas to publicize the causes of accidents and to promote greater safety in the chemical process industries. Board members appear in the news media, deliver speeches, meet with industry leaders, and regularly brief other government officials and Congressional representatives. The

CSB also develops and distributes short products such as safety bulletins, safety videos, investigation digests, and articles describing the causes of chemical accidents and measures to prevent them. These safety products are widely used in industry.

The CSB has developed a video program to disseminate the board's findings, recommendations, and lessons learned among a multitude of stakeholders. Safety videos have been a tool for achieving more widespread awareness of the causes of chemical accidents and the measures that can prevent them. CSB safety videos contain short, computer-animated depictions of events and can be viewed or downloaded over the Internet or obtained free of charge by filling out a web-based request form at www.safetyvideos.gov. The videos are also available through file sharing sites like YouTube and Apple iTunes. Safety videos have been used worldwide to facilitate improvements in training, engineering and process design and help to prevent multiple tragic and costly workplace accidents. The CSB's videos have reached not only the traditional audiences in the oil and chemical industries but also hospitals, national parks, nuclear power plants, schools and universities, fire departments, and many other organizations.

Some of the CSB's major safety accomplishments of the past few years include:

- Recommending that New York City overhaul its 87-year-old fire code to better protect against chemical hazards, based on the CSB's investigation of a building explosion in Manhattan. The city is now working to implement a new model code.

- Recommending that BP plc, one of the world's largest corporations, convene an independent panel of experts to review corporate safety culture and oversight at its five North American refineries, following an explosion at the BP Texas City refinery that killed 15 workers. The independent panel, chaired by former U.S. Secretary of State James A. Baker III, recently completed a 14-month examination of BP North America's corporate safety culture and oversight.

- Recommending that the states of Kentucky and North Carolina and federal OSHA establish stricter codes and more effective inspections for facilities that have combustible dust hazards, following two major explosions in 2003 that killed 13 workers and destroyed two manufacturing facilities.

For more information please visit our website, www.CSB.gov, or contact the CSB public affairs office at (202) 261-3601 or (202) 261-7630.